MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

Ordinance No. 1-2005

AN ORDINANCE OF THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY AMENDING THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY PARK ORDINANCE ESTABLISHING PARK RULES AND REGULATIONS AND PRESCRIBING THE PENALTY FOR VIOLATION THEREOF

The Mountains Recreation and Conservation Authority Does Ordain as follows:

Chapter 1. General Provisions

§ 1.0. Short Title. This ordinance shall be known and may be cited as the "Mountains Recreation and Conservation Authority Park Ordinance."

§ 1.1. Definitions. As used in this ordinance the following words have the meanings given below, unless the context indicates otherwise:

(a) "Authority" is the Mountains Recreation and Conservation Authority established by joint exercise of powers agreement between the Santa Monica Mountains Conservancy and the Conejo Recreation and Park District and the Rancho Simi Recreation and Park District.

(b) "Commercial use" is for-profit use by any person of any park or portion thereof, but does not include the charging of a fee by the Authority that is used to defray the cost of park operations and maintenance.

(c) "Executive Officer" is the Executive Director of the Santa Monica Mountains Conservancy serving ex officio as the Executive Officer of the Authority pursuant to Sec. 10.1 of the Mountains Recreation and Conservation Authority Joint Exercise of Powers Agreement.

(d) "Filming" means motion picture, video, or still photography, using any imaging media whatsoever, other than casual imaging by park visitors unrelated to commercial use.

(e) "Management authority" of land or facilities may be demonstrated by, but is not limited to, contracts, memoranda of understanding, cooperative agreements, requests for service, and governmental resolutions.

(f) "MRCA" is the acronym of Mountains Recreation and Conservation Authority.

(g) "Park" or "parklands" means any land, building, park improvement or roadway owned or subject to the MRCA's management authority.

(h) "Permit" is an entitlement for use issued by the Executive Officer or his authorized representative.

(I) "Person" includes any individual, firm, association, organization, partnership, limited liability company, business trust, corporation, or company.

(j) "Post" or "posted" is a sign displayed in a conspicuous place at the primary entrance to the park giving notice, in summary form, of the rules, regulations, and special conditions applicable to use of the parkland. Signs giving notice of special conditions of use may be erected where necessary. A full copy of this ordinance shall be available for inspection by members of the public at each office, ranger station, nature center, or visitor's center maintained by the Authority.

(k) "Uniformed Public Officer" is a civilian MRCA employee who has been authorized by the Executive Officer to enforce the provisions of this Ordinance.

§ 1.2. Purpose. (a) The Mountains Recreation and Conservation Authority employs park rangers who are peace officers pursuant to Penal Code Sec. 830.31(b) to protect the parks and other property of the Authority and preserve the peace therein. MRCA rangers enforce state law, local ordinances, and conditions of use pursuant to Public Resources Code Sections 33211.5 and 33211.6 for properties owned or subject to the management of the Santa Monica Mountains Conservancy pursuant to reciprocal management agreement(s) with the Conservancy. The MRCA also employs uniformed public officers pursuant to Public Resources Sec. 5786.17(c)) who are authorized to enforce the provisions of this Ordinance on lands owned or managed by the MRCA. In order to avoid confusion to the public and to ensure uniformity of management, where such a management agreement applies, this ordinance shall be applicable to property of the Santa Monica Mountains Conservancy. This Ordinance may be enforced by any duly authorized California Peace Officer, or by a National Park Service Law Enforcement Ranger as authorized by California law.

(b) Outside the Santa Monica Mountains Zone and Rim of the Valley Trail Corridor, rangers of the Authority must rely exclusively on state law and local ordinances that in many instances do not provide sufficient protection for park visitors or the natural resources of parklands belonging to the MRCA. The Authority finds that the adoption of the provisions of this ordinance will provide additional enforcement authority needed to provide effective management of parklands.

Chapter 2. Management of MRCA Parklands

§ 2.0. Delegation of Management Authority. The Executive Officer of the Authority is delegated management of the parklands owned or managed by the authority, and to that

end he may cause to be posted special conditions of use applicable to such property and suited to the unique conditions of each park.

§ 2.1. Posted Conditions of Use. In addition to the general provisions as established in Chapter 3 of this Ordinance, no person shall violate the posted special conditions of use as established by the Executive Officer.

§ 2.2. Emergency closures. The Executive Officer or his designee may close any parkland of the Authority by posting a notice of closure thereon where there is substantial risk of injury or loss of life caused by natural hazards or other emergency conditions. Any property so closed shall be reopened as soon as there is no longer a substantial danger of injury or loss of life. No person shall violate any posted notice of closure.

§ 2.3. Rain closures. The Executive Officer may designate certain areas subject to an automatic 48 hour rain closure when such areas are prone to extensive damage following rainstorms. Such parks will display a special posting giving notice to the public.

Chapter 3. General Rules and Regulations

§ 3.0. General. This Chapter establishes general rules and regulations applicable to parklands of the Authority; such rules and regulations shall be posted in each park.

§ 3.1. Park hours. Parks are closed from sunset to sunrise unless different hours are otherwise posted. No person shall be present in or remain in or upon parkland during hours that the property is closed.

§ 3.2. Smoking and fires. No person shall smoke any substance nor light or maintain any fire of any kind; provided, however, that the Executive Officer or his designee may issue campfire permits and other special use permits for activities that might otherwise contravene this section if he finds that adequate precautions will be taken by the permitee.

§ 3.3. Alcohol. No person shall possess any alcoholic beverage, except pursuant to a permit issued by the Executive Officer or his designee.

§ 3.4. Littering and dumping. No person shall litter or leave any trash, garbage or refuse of any kind, nor shall any person dump any earth, rocks, construction debris, cut vegetation, furniture, rubbish, or discarded materials of any kind on such parkland.

§ 3.5. Injury to property. No person not having a permit from the Executive Officer shall injure, deface, destroy, collect, harvest, or in any way alter the existing condition of any parkland or the property thereon. The Executive Officer or his designee may issue permits for the limited taking or collecting of specimens for educational or scientific purposes or the alteration of property for management purposes; any person acting pursuant to such a permit, except contractors or employees of the Authority, shall have an original signed copy of the permit on his or her person at all times, and shall display such permit upon the request of any employee of the Authority or the Santa Monica Mountains Conservancy, or any peace officer.

§ 3.6. Wildlife. No person shall hunt, fish, or take wildlife, except that the Executive Officer may designate and post fishing areas specifically developed for that purpose. Taking of wildlife shall have the same meaning as defined in the California Fish and Game Code. Feeding of wildlife is prohibited.

§ 3.7. Weapons. No person shall possess a firearm, bow and arrow(s), or any air or spring powered device capable of firing a projectile, including, but not limited to, any paint ball gun, BB gun or pellet gun.

§ 3.8. Fireworks. No person shall use or possess any fireworks except by permit signed by the Executive Officer or his designee.

§ 3.9. Dogs. (a) The Authority finds that based on its own management experience and that of other park agencies it is in the public interest to strictly regulate the presence of dogs so as to provide for the comfort and safety of park visitors, protect against pollution, and minimize adverse impact on native wildlife.

(b) No person shall permit a dog to be out of his or her immediate control. For the purposes of this section, "immediate control" means that degree of control that would prevent any uninvited contact between the dog and any person. The fact that a dog may be on leash does not excuse the obligation to exercise immediate control over such animal.

(c) Except as provided in this section, no person shall have any dog off-leash, nor shall the owner or person in possession of any dog fail to clean up after such animal or allow the excrement thereof to remain. Every person in possession of any dog must visibly carry the means to pick up and dispose of dog excrement at all times. The Executive Officer or his designee may prohibit all dogs from entering any area of a park by posting a dog closure, and no person shall bring or permit a dog to enter such a closed area.

(d) Where conditions permit, the Executive Officer may post an area where dogs may be present off-leash so long as the owner or person in possession of the dog (1) exercises that degree of control that enables such person to recall the dog on command, and (2) has a leash on his person at all times so as to be able to restrain the dog if necessary.

(e) No person may be in possession of more than three dogs, either on or off leash, at any time.

§ 3.10. Bicycle and motorized travel. *(a)* No person shall operate a bicycle on a trail or other area that has been posted against such use. No person shall operate a bicycle in an unsafe manner. The maximum speed limit for bicycles shall be 15 miles per hour on any trail or otherwise permitted area.

(b) No person shall operate a motorcycle, all terrain vehicle, motorized bicycle, or motorized scooter anywhere other than on a paved roadway or parking lot.

§ 3.11. Camping. No person shall camp on any parkland except by permit issued by the Executive Officer or his designee. Camping areas shall be expressly designated and posted for that purpose. Any person or group camping in such a designated area shall have the original signed permit in their possession and shall display such permit at the request of any employee of the Authority or of the Santa Monica Mountains Conservancy, or any peace officer.

§ 3.12. Closed areas. No person shall enter into or remain upon any area that has been closed to public use.

§ 3.13. Commercial or filming use. No person shall use parkland for any commercial or filming use without a permit issued by the Executive Officer or his designee. Commercial or filming use may be permitted only when to do so would not damage or impair the natural features of any park, nor unreasonably interfere with public enjoyment of the area. Any person using MRCA parkland for commercial or filming purposes shall have the original signed permit in their possession and shall display such permit at the request of any employee of the Authority or of the Santa Monica Mountains Conservancy, or any peace officer. No person shall violate any term, condition, or limitation of any such permit. Commercial use includes paid service contractors including, but not limited to fitness instructors, dog walkers, and food vendors.

§ 3.14. Nudity and Disrobing. No person shall appear, bathe, sunbathe, walk, change clothes, or disrobe in such manner that his or her genitals are exposed to public view. This section shall not apply to persons under the age of 10 years, provided such children are sufficiently clothed to conform to accepted community standards.

§ 3.15. Disruptive conduct. No person shall wilfully disturb another person by loud and unreasonable noise, or any other activity which maliciously and wilfully disturbs the peace of another person.

§ 3.16. Powered hobby motors/rockets. No person shall operate any devise, model or vehicle not otherwise described in this Ordinance, which utilizes a combustive fuel motor or rocket motor.

Chapter 4. Vehicle Use

§ 4.0. Traffic control. No person shall drive any vehicle, as defined in the California Vehicle Code, upon any MRCA owned or managed parkland, roadway or parking areas except upon, and subject to, any posted traffic control signs and/or pavement markings. Traffic control signs include, but are not limited to, stop signs, speed limit signs, directional signs, turning signs, and signs limiting vehicle use on trails. Traffic control pavement markings include curb markings, limit lines, lane dividing lines and parking stall lines. The speed limit for vehicles operating on property owned or managed by the MRCA is 15 miles per hour, unless otherwise posted. Radar enforcement is authorized on roadways in which a traffic engineer has determined the safe maximum speed limit.

§ 4.1. Parking control. No person shall stop, park, or leave standing any vehicle upon any MRCA parkland except upon, and subject to, any posted parking regulation sign. Parking control signs include, but are not limited to, designated parking area, no parking, no stopping, and no unauthorized vehicle use signs.

Chapter 5. Penalty for Violations

§ 5.0. Misdemeanor violations. Violation of any provision of Chapter 2 (§§ 2.0 through and including § 2.3) and Chapter 3 (§§ 3.0 through and including § 3.16*)* of this Ordinance shall be a misdemeanor punishable by a maximum fine of one thousand dollars($1,000), or imprisonment in the county jail for six month*s*, or both such fine and imprisonment.

§ 5.1. Vehicular violations. Violation of any traffic control sign *or* traffic control pavement markings as provided in § 4.0 of this Ordinance is an infraction punishable by a maximum fine of one hundred dollars ($100).

§ 5.2. Parking violations. Violation of any parking or vehicle use sign as provided in § 4.1 of this Ordinance is subject to a civil penalty of not more than sixty five dollars *($65).*

§ 5.3. Reduction of misdemeanor to infraction. At the time a particular action is commenced for violation of any of any provision of Chapter 2 (§§ 2.0 through and including § 2.3) or Chapter 3 (§§ 3.0 through and including § 3.*16*) of this Ordinance, the judicial officer may, considering the recommendation of the people, reduce the charged offense from a misdemeanor to an infraction. Any person convicted of the offense after a reduction shall be punished by a fine of not more than one hundred dollars ($100).

Chapter 6. Administrative Remedies

§ 6.1. Administrative citations. (a) Authority. This section provides for the issuance of administrative citations. As an alternative to arrest and citation for a public offense, at the time of violation the Park Ranger may issue an administrative citation for any violation of this Ordinance in addition to any other civil legal remedies which may be pursued by the MRCA to address any violation of any of any provision of Chapter 2 (§§ 2.0 through and including § 2.*3*), Chapter 3 (§§ 3.0 through and including § 3.1*6*) or Chapter 4 (§§ 4.0) of this Ordinance. The use of the remedies and procedures of this section shall be at the sole discretion of the Park Ranger issuing the citation.

(b) Contents of administrative citation. Each administrative citation shall contain the following information: the date of the violation; the address or description of the location of the violation; the section or sections of this code violated and a description of the acts or omissions constituting the violation; the amount of the penalty for the code violation; a description of the penalty payment process, including a description of the time within which

and the place to which the penalty shall be paid; and the name of the citing enforcement officer. A notice of a right to a hearing, including the time within which the administrative citation may be contested, and how to request a hearing, will be provided at the time of citation.

§ 6.2. Administrative penalty. The amount of the administrative penalty for each violation of a section of this Ordinance shall be one hundred dollars ($100.00).

§ 6.3. Request for administrative citation hearing. Any recipient of an administrative citation may contest it before the hearing officer by requesting a hearing in writing and submitting the request and an advance deposit of the administrative penalty or a request for an advance deposit hardship waiver within thirty (30) calendar days from the date the administrative citation is served. Any person who requests a hearing to contest an administrative citation may request in writing an advance deposit hardship waiver, including the reasons for the request. The Executive Officer or his designee may issue an advance deposit hardship waiver if he or she is satisfied that the person is unable to deposit the full amount of the penalty in advance of the hearing. The Executive Officer or his designee shall issue a written determination of whether to issue the advance deposit hardship waiver. The written determination shall be final, subject only to judicial review as provided by law. If the Executive Officer or his designee determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the MRCA within ten (10) days of the date of that decision in order to secure the hearing.

§ 6.4. Hearing officer. The Executive Officer or his designee shall designate a hearing officer for administrative hearings who shall not be the citing enforcement officer. The employment, performance evaluation, compensation and/or benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of administrative penalties or the rulings upheld, revised or otherwise issued by the hearing officer.

§ 6.5. Service of citations, orders and notices. All citations, orders and notices required by this Chapter may be served either by personal delivery or certified mail, postage prepaid, return receipt requested, addressed to a location reasonably calculated to give notice to the alleged violator, and shall be deemed effective on the date of personal delivery or when delivery is attempted. If the certified mail receipt is returned unsigned, then service may instead be effected by first, class mail, postage prepaid, provided that the notice sent by regular mail is not returned by the postal service as undeliverable, and shall be deemed effective on the date three (3) days following, deposit in the mail.

§ 6.6. Hearing procedures. (a) Notice and time of hearing. Written notice of hearing shall be served on any person to whom the citation order was addressed and shall contain the date, time and place at which the hearing shall be conducted. The hearing shall be set for a date that is not less than fifteen (15) days from the date of the notice of hearing. The hearing must be held within sixty (60) days of the request of the hearing. The hearing officer may approve a continuance of the hearing to any date for good cause.

(b) Hearing procedure. At the hearing, the alleged violator shall have the opportunity to testify, present evidence, and to cross-examine witnesses concerning the administrative citation. The alleged violator may appear personally or through an attorney. Prehearing discovery is not authorized. Subpoena of witnesses and documents shall be permitted as authorized by law. The hearing officer may conduct the hearing informally, both as to rules of procedure and admission of evidence, he may consider and make findings in any manner which will provide a fair hearing, and may continue the hearing to obtain additional evidence. The administrative citation and any additional report submitted by the Park Ranger, shall constitute presumptive evidence of the respective facts contained in those documents.

(c) Hearing by written declaration. At the time a hearing is requested pursuant to § 6.3 the violator may elect to proceed by written declaration signed under penalty of perjury. The Executive Officer or designee shall prescribe the procedures to be followed when a hearing is conducted by written declaration.

(d) Failure to appear. The unexcused failure of any alleged violator to appear at the hearing after proper notice or, in the alternative, to present written or demonstrative evidence shall constitute an admission of the violation by the alleged violator and an exhaustion of administrative remedies that may bar judicial review.

§ 6.7. Administrative order. (a) Decision process. After considering all the testimony and evidence submitted at the hearing, the hearing officer shall issue a written administrative order, including findings regarding the existence of each violation and notice of the right to judicial review, at the hearing or within thirty (30) days following completion of the hearing. The alleged violator shall be served with a copy of the administrative order at the hearing or within ten (10) calendar days following its issuance. The administrative order shall be final upon service on the violator, subject only to judicial review as allowed by law.

(b) Penalty. If the hearing officer determines that the alleged violator committed the violation alleged by a preponderance of the evidence, the hearing officer shall assess the administrative penalty specified in § 6.2 and any administrative costs established pursuant to subdivision (c) of this section. In cases of extreme hardship or in the interest of justice the hearing officer may reduce the administrative penalty specified in § 6.2. The hearing officer shall set a date the penalty and any administrative costs shall be due and payable, which date shall ordinarily be thirty (30) days from date of service of the administrative order, unless for good cause the hearing officer extends such date. If the hearing officer finds that the administrative citation should not be sustained or that the amount of the administrative penalty should be reduced, the MRCA shall refund the amount within thirty (30) days of the order.

(c) Administrative costs. The hearing officer may impose administrative costs, including any and all costs incurred by the Authority in connection with the matter before the hearing officer, including, but not limited to, investigation, staffing costs incurred in

preparation for the hearing and for the hearing itself. In no case shall the cost of the hearing officer himself be included in any costs assessed against the violator.

§ 6.9. Judicial review. Any person subject to a decision of the hearing officer may obtain judicial review of the decision in the superior court pursuant to the provisions of California Government Code Section 53069.4.

§ 6.9. Failure to pay administrative penalties and costs. (a) Enforcement. Failure to pay the assessed administrative penalties and/or administrative costs specified in the administrative order may be enforced as a personal obligation of the violator, which shall remain in effect until all of the administrative penalties, interest and administrative costs are paid in full.

(b) Late payment charges. Late payment charges of ten percent (10%) per month, simple interest on the delinquent amount, shall accrue and are payable. If the delinquent amount has not been paid within sixty days of the date set for payment then a twenty five percent (25%) nonpayment penalty shall be added to the principal amount due, and thereafter interest shall accrue on the delinquent amount plus the nonpayment penalty.

Chair

AYES: Hayduk, Daniel, Lange, Berger

NOS: none

ABSTAIN: none

ABSENT: none

I HEREBY CERTIFY that the foregoing Ordinance was adopted at a special meeting of the Governing Board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, on the 11th day of May, 2005.

Date: 5-11-05

Executive Officer