MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

Ordinance No. 1-2005 (As Amended)
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 lands, buildings, park improvements, roadways or public open space 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, roadway, or public open space owned or subject to the Authority's management authority.
(h) "Permit" is an entitlement for use issued by the Executive Officer or the Executive Officer's designee.
(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.
(l) "Enforcement authority" means the authority to enforce any law, ordinance, rule, regulation or resolution duly adopted and noticed by any jurisdiction where the Authority has management authority or where otherwise authorized by law or by agreement, contract, memorandum of understanding, or request for service.

§ 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 Authority 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 Authority. 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 Authority. The Authority finds that the adoption of the provisions of this ordinance will provide additional enforcement authority needed to provide effective management of parklands.

§ 1.3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance.

§ 1.4. Applicability. 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.

§ 1.5. Claims. Pursuant to § 935 of the California Government Code, all claims against the Authority for money or damages not otherwise governed by the Tort Claims Act, (California Government Code § 900 et seq.), or by another state law shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with § 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended. All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor, or administrator. No claim may be filed on behalf of a class of

persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910. In accordance with California Government Code §§ 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the Authority board prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of this section. Any action brought against the Authority upon any claim or demand shall conform to the requirements of §§ 940 through 949 of the California Government Code. Any action brought against any employee of the Authority shall conform with the requirements of §§ 950 through 951 of the California Government Code.

Chapter 2. Management of MRCA Parklands

§ 2.0. Delegation of Management Authority. Except as otherwise stated, the Executive Officer of the Authority is delegated management of the parklands owned or managed by the authority, and to that end the Executive Officer or the Executive Officer's designee may cause to be posted special conditions of use applicable to such property and suited to the unique conditions of each park. Where the Authority provides contract services to an agency or owner of certain parks or parklands, the agency or owner retains all management authority not otherwise provided by such contract or agreement.

§ 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 the Executive Officer's 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.

§ 2.4. Ejection from facilities. The Executive Officer or the Executive Officer's designee has the authority to eject and expel from any park any person who violates any provision of this ordinance or is reasonably believed by the Authority representative to be violating this ordinance and where there is a reasonable likelihood that the act or acts resulting in the violation will continue. A person ejected or expelled from an Authority park or facility may be excluded from the park in lieu of being cited for violation of this Ordinance, but expulsion or ejectment will not preclude the person being cited or arrested for conduct in violation of this ordinance or other provisions of California law. No person being ejected or expelled pursuant to this section shall refuse or fail to leave as ordered, nor shall any person who

has been so ejected or expelled return to the same park during the calendar day in which that person was ejected or expelled.

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 the Executive Officer's 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 the Executive Officer's 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 encroach upon, injure, deface, destroy, collect, harvest, or in any way alter the existing condition of any parkland or the property thereon. The Executive Officer or the Executive Officer's 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 the Executive Officer's 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 the Executive Officer's 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, motorized bicycle, or motorized scooter anywhere other than on a paved roadway or parking lot. Except as authorized by the Executive Officer or the Executive Officer’s designee, no person shall operate any off-road vehicle, off-road motorcycle, or all terrain vehicle.

§ 3.11. Camping. No person shall camp on any parkland except by permit issued by the Executive Officer or the Executive Officer's 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 the Executive Officer's 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 willfully disturb another person by loud and unreasonable noise, or any other activity which maliciously and willfully disturbs the peace of another person.

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

§ 3.17. Flight. No person shall parachute into, fly an unlicensed aircraft, ultralight vehicle, helicopter, or hang glider over, or parasail or balloon at an altitude of less than 500 feet except by permit signed by the Executive Officer or the Executive Officer's designee

§ 3.18. Violations in specific jurisdictions. Any person who violates any law, ordinance, rule, regulation or resolution punishable as a misdemeanor or infraction, which has been duly adopted and noticed by any jurisdiction with authority over any public open space, park, parkland, forest, recreation area, scenic parkway, scenic highway, trail or roadway in which the Authority has enforcement authority, is guilty of a misdemeanor or an infraction, but shall not be punishable to any degree greater than allowable under the underlying provision. A list of such violations need not be posted. The citation will state this section number, the section of the underlying provision, and a short description of the violation. As an alternative to prosecution, violation of this section is punishable by administrative penalty pursuant to this Ordinance.

Chapter 4. Vehicle Use

§ 4.0. Traffic control. (a) 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, road closure signs, road hours of operation sign, commercial truck restrictions, 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 Authority 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.

(b) No currently registered owner of a motor vehicle shall allow or permit his or her vehicle to be operated in violation of §4.0(a).
(c) Imposition of liability under this section shall not be deemed a conviction as an operator and shall not be made part of the operating record upon whom such liability is imposed. No points authorized by the California Vehicle Code ("Point System for License Suspension") shall be assigned to the owner or driver of the vehicle for violation of § 4.0.

§ 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.

§ 4.2. Automated motor vehicle enforcement. (a) "Automated motor vehicle enforcement" is any photographic or video equipment linked to any violation detection system that synchronizes the taking of a photograph, video, or digital image with the occurrence of a violation of §4.0.
(b) "Currently registered vehicle owner" is the person identified by motor vehicle registration as the registered owner of the vehicle.
(c) "Citation" is the administrative citation and shall include the following:
(1) The name and address of the currently registered owner of the vehicle;
(2) The registration plate number of the motor vehicle involved in the violation;
(3) The violation charged;
(4) The time and location of the violation;
(5) The amount of the administrative penalty imposed and the date by which the administrative penalty should be paid;
(6) A sworn statement signed by the officer or employee of the Authority that based on inspection of the recorded images, the subject motor vehicle was being operated in violation of §4.0.

§ 4.2.1. Enforcement. (a) The only penalty for a violation of § 4.0 that is enforced by means of automated motor vehicle enforcement shall be by imposition of an administrative penalty pursuant to § 5.4, as authorized pursuant to Government Code § 53069.4.
(b) The only means of enforcement of § 4.0(b) shall be by shall be by imposition of an administrative penalty pursuant to § 5.4, as authorized pursuant to Government Code § 53069.4.

§ 4.2.2. Citation procedure. Park Rangers or other employees of the Authority may examine the photographic or video equipment recordings authorized under this Ordinance to determine whether an offense has occurred. If the Park Ranger or other employee of the Authority determines that an offense has occurred and the license plate number or other source of identification of the ownership of the offending vehicle can be established, the Ranger or employee may, within thirty (30) days of the offense, issue an administrative citation to the registered owner.

§ 4.2.3. Administrative appeal. (a) At an administrative appeal hearing, a copy of the citation alleging the violation along with a copy of the image that served as a basis of the

citation shall be prima facie evidence of the facts contained therein and shall be admissible in a proceeding alleging a violation under this section.
(b) If a prima facie case has been established, the hearing officer may consider the following affirmative defenses, as to which the registered owner identified in the citation will have the burden of proof:
(1). That the automated motor vehicle enforcement system was not operating properly at the time of the offense.
(2). That the license plate number or other source of identification of the vehicle cannot be determined.
(3). That the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred.
(4). That the vehicle was operated without the consent of the registered vehicle owner.
(5). That other extenuating circumstances were present during the incident which, in the interest of justice, requires dismissal.

Chapter 5. Penalty for Violations

§ 5.0. Misdemeanor violations. Unless otherwise specified, violation of any provision 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 months, or both such fine and imprisonment.

§ 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 seventy dollars ($70)

§ 5.3. Reduction of misdemeanor to infraction. A violation shall be reduced to an infraction if the prosecuting attorney files a complaint in the superior court specifying that the offense is an infraction or if the prosecuting attorney makes a motion to reduce a misdemeanor charge to an infraction prior to trial on the matter.. Any person convicted of the offense after a reduction shall be punished by: (1) a fine not exceeding one hundred dollars ($100) for a first violation; (2) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance within one year.
§ 5.4. Automated motor vehicle enforcement. Any violation of § 4.0 which is enforced by means of automated motor vehicle enforcement pursuant to § 4.2 shall be deemed a noncriminal violation for which no points authorized by the California Vehicle Code (“Point System for License Suspension”) shall be assigned to the owner or driver of the vehicle. The only penalty for a violation of § 4.0 that is enforced by means of automated motor vehicle enforcement shall be by imposition of an administrative penalty pursuant to § 5.4, as authorized pursuant to Government Code § 53069.4.

§ 5.5. Separate offense. Each person is guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued, or permitted by such person and shall be punished accordingly.

§ 5.6. Use of administrative remedies. As an alternative to any criminal prosecution, misdemeanor or infraction, the Authority may pursue administrative remedies pursuant to Chapter 6, as authorized pursuant to Government Code § 53069.4. Use of administrative remedies shall be at the sole discretion of the Authority and its authorized representatives. Payment of an administrative penalty shall not bar criminal enforcement proceedings for any continuation or repeated occurrence of any violation.

§ 5.7. Remedies cumulative. Except as expressly stated in this Ordinance, the remedies provided in this Ordinance are cumulative and are in addition to any other remedies and penalties available under this Ordinance and the laws of the State of California and the United States.

Chapter 6. Administrative Remedies

§ 6.1. Administrative citations. (a) Authority. This section provides for the issuance of administrative citations, as authorized pursuant to Government Code § 53069.4. As an alternative to arrest and citation for a public offense, a 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 Authority 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 § 3.18) or Chapter 4 (§§ 4.0 and §§ 4.2) 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.

§ 6.1.1 Administrative compliance orders. (a) Authority. This section provides for the issuance of administrative compliance orders, as authorized pursuant to Government Code § 53069.4. As an alternative to arrest and citation for a public offense, in addition to any other civil legal remedies, the Chief Ranger or any Park Ranger, or other employee designated by the Chief Ranger, may issue a written compliance order, providing a reasonable time for correction of not less than ten (10) days, for any violation of any of any provision of Chapter 2 (§§ 2.0 through and including § 2.3), Chapter 3 (§§ 3.0 through and including § 3.18) or Chapter 4 (§§ 4.0 and §§ 4.2) of this Ordinance.
(b) Contents of administrative compliance order. A compliance order issued pursuant to this section shall contain the following information: the date and location of the violation; the section of this code violated and a description of the violation; the action required to correct the violation; the time period after which administrative penalties will begin to accrue if

compliance with the order has not been achieved; and the amount of penalties that will begin to accrue.
(c) Compliance and failure to comply. If the Chief Ranger or the designated Park Ranger or employee determines that all violations have been corrected within the time specified in the compliance order or within any amended orders, he or she shall so advise each party to whom the compliance order was addressed. If full compliance is not achieved within the time specified in the compliance order or within any amended orders, the Chief Ranger or the designated Park Ranger or employee shall schedule a hearing before the hearing officer.
(d) Administrative order by hearing officer. If the hearing officer determines that a violation occurred which was not corrected within the time period specified in the compliance order, the hearing officer shall issue an administrative order which imposes any or all of the following: an order to correct code violations, including a schedule for correction, if appropriate; administrative penalties; and administrative costs as provided in § 6.7.
(e) Administrative penalties. The hearing officer may impose administrative penalties for each day during which a violation occurs after compliance was ordered. Administrative penalties assessed by the hearing officer shall be due by the date specified in the administrative order.

§ 6.2. Administrative penalty. The amount of the administrative penalty for each violation of a section of this Ordinance shall be one hundred twenty-five dollars ($125), except that for violations of §3.18, the administrative penalty may not exceed the adopted Uniform Bail schedule (base fine plus penalty assessment), or one hundred twenty-five dollars ($125), whichever is less. Each person is guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued, or permitted by such person and shall be punished accordingly. Failure to pay the assessed administrative penalties specified in the citation may be enforced as a personal obligation of the person responsible for payment.

§ 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 the Executive Officer's 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 the Executive Officer's 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 the Executive Officer's designee determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the Authority within ten (10) days of the date of that decision in order to secure the hearing.

§ 6.4. Hearing officer. The Executive Officer or the Executive Officer's 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 or compliance order 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 the Executive Officer's 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 or suspend 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 Authority 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 or herself 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 § 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: Hassenauer, Hayduk, Daniel, Lange

NOS: none

ABSTAIN: none

ABSENT: none

I HEREBY CERTIFY that the foregoing Ordinance was adopted at a regular meeting of the governing board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, on the 2nd day of September, 2009.

Date: 9/2/09

Executive Officer