

POSTED 6/26/74  
A.S. PER COUNTY COUNCIL  
INSTRUCTIONS

BEL MARIN KEYS COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 3

AN ORDINANCE OF THE BOARD OF DIRECTORS OF  
BEL MARIN KEYS COMMUNITY SERVICES DISTRICT  
ENFORCEMENT AND PRESCRIBING PENALTIES FOR  
VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE BEL MARIN  
KEYS COMMUNITY SERVICES DISTRICT AS FOLLOWS:

SECTION 1. DEFINITIONS: FOR PURPOSES OF THIS CHAPTER, THE  
FOLLOWING TERMS, PHRASES, WORDS, AND THEIR DERIVATIVES SHALL  
HAVE THE MEANING GIVEN HEREIN.

(A) "DISTRICT" SHALL MEAN THE BEL MARIN KEYS COMMUNITY  
SERVICES DISTRICT.

(B) "DISTRICT PROPERTIES" SHALL MEAN ANY AREA IN BEL MARIN  
KEYS COMMUNITY SERVICES DISTRICT AREA WHERE THE PRIMARY OBJECTIVE  
IS TO RETAIN THE AREA IN ITS NATURAL STATE.

(C) "PARK" IS A PARK, RESERVATION, PLAYGROUND, EACH RECREA-  
TION CENTER OR ANY OTHER AREA IN THE DISTRICT OWNED OR USED BY THE  
DISTRICT AND DEVOTED TO ACTIVE OR PASSIVE RECREATION.

(D) "PARK AND RECREATION COMMISSION" IS THAT COMMISSION  
CREATED BY BEL MARIN KEYS COMMUNITY SERVICES DISTRICT.

(E) "TRAILS"-- NARROW STRIPS OF LAND OWNED OR LEASED BY THE  
DISTRICT, THE PUBLIC OR SUBJECT TO AN EASEMENT OF THE DISTRICT OR  
PUBLIC AND USED FOR HIKING, RIDING OR BICYCLING.

(F) "VEHICLE" IS 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; PROVIDED, HOWEVER, THAT  
VEHICLES SHALL NOT BE CONSTRUED TO MEAN BABY CARRIAGES OR VEHICLES  
IN THE SERVICE OF THE DISTRICT.

(G) "VESSEL" IS ANY BOAT, RAFT OR WATERCRAFT, WHETHER MOTOR  
POWERED OR NOT.

SECTION 2. DESCRIPTION: FOR PURPOSES OF THE ORDINANCE, THOSE  
DISTRICT PROPERTIES COMING WITHIN THE DEFINITION OF SECTION 1, (B),  
ARE HEREBY DENOMINATED AS FOLLOWS:

MONTEGO PARK, HUDSON PARK, CARIBE PARK AND THE C.S.D  
COMMUNITY CENTER AND PLEASURE ISLAND.

SECTION 3. PARK PROPERTY: NO PERSON IN A PARK OR NATURE  
PRESERVE SHALL:

(a) WILLFULLY MARK, DEFACE, DISFIGURE, INJURE, TAMPER WITH OR  
DISPLACE OR REMOVE ANY PLAYGROUND EQUIPMENT, BUILDING, BRIDGE,  
TABLES, BENCHES, FIREPLACES, RAILING, PAVING MATERIAL, WATERLINES,  
OR OTHER PUBLIC UTILITIES, OR PARTS OR APPURTENANCES THEREOF, SIGNS,  
NOTICES OR PLACARDS, WHETHER TEMPORARY OR PERMANENT, MONUMENTS,  
STAKES, POSTS OR OTHER BOUNDARY MARKERS, OR OTHER STRUCTURES OR EQUIP-  
MENT, FACILITIES, OR PARK PROPERTY OR APPURTENANCES WHATSOEVER,  
EITHER REAL OR PERSONAL.

(b) REMOVE ANY TAN BARK, BARK, WHETHER SUBMERGED OR NOT, OR A  
ROCK, SOIL, STONES, TREES, SHRUBS OR PLANTS, DOWNED TIMBER OR OTHER  
WOOD OR MATERIALS, OR MAKE ANY EXCAVATION BY TOOL, EQUIPMENT, BLAST-  
ING OR OTHER MEANS OR AGENCY.

(c) DAMAGE, CUT, CARVE, TRANSPLANT OR REMOVE A TREE OR PLANT,  
OR INJURE THE BARK, OR PICK ANY FLOWERS OR SEEDS OF ANY TREE OR PLANT.  
NOR SHALL ANY PERSON ATTACHE ANY ROPE, WIRE OR OTHER CONTRIVANCE TO  
ANY TREE OR PLANT. A PERSON SHALL NOT DIG IN OR OTHERWISE DISTURB

GRASS AREAS, OR IN ANY OTHER WAY INJURE OR IMPAIR THE NATURAL BEAUTY OR USEFULNESS OF ANY AREA.

(d) HUNT, MOLEST, HARM, FRIGHTEN, KILL, TRAP, CHASE, TEASE, SHOOT OR THROW MISSILES AT ANY ANIMAL, REPTILE, OR BIRD, NOR SHALL HE REMOVE OR HAVE IN HIS POSSESSION THE YOUNG OF ANY WILD ANIMAL, OR THE EGGS OR NEST OR YOUNG OF ANY REPTILE OR BIRD. EXCEPTION TO THE FOREGOING IS MADE IN THAT SNAKES KNOWN TO BE DEADLY POISONOUS SUCH AS RATTLESNAKES MAY BE KILLED UPON SIGHT.

(e) FISH OR CLAM EXCEPT AS ALLOWED BY STATE LAW; PROVIDED, HOWEVER, THAT THE DISTRICT MAY DESIGNATE CERTAIN AREAS AS "NO FISHING" AREAS BY REGULATION AND ORDER SIGNS POSTED IN THE VICINITY, AND SAID POSTED AREAS MAY NOT BE FISHED IN OR CLAMMED.

(f) USE, CARRY OR POSSESS FIREARMS OF ANY DESCRIPTION, OR AIR RIFLES, SPRING GUNS, BOW AND ARROWS, SLINGS, BULLWHIPS, OR ANY OTHER FORMS OF WEAPONS POTENTIALLY INIMICAL TO WILD LIFE AND DANGEROUS TO HUMAN SAFETY, OR ANY INSTRUMENT THAT CAN BE LOADED WITH AND FIRE BLANK CARTRIDGES, AND ANY KIND OF TRAPPING DEVICE. SHOOTING INTO THE PARK AREAS FROM BEYOND PARK BOUNDARIES IS FORBIDDEN.

(g) THROW, DISCHARGE OR OTHERWISE PLACE OR CAUSE TO BE PLACED IN THE WATERS OF ANY FOUNTAIN, POND, LAKE, STREAM, BAY OR OTHER BODY OF WATER IN OR ADJACENT TO ANY PARK OR ANY TRIBUTARIES, STREAM, STORM SEWER OR ANY DRAIN FLOWING INTO SUCH WATERS, ANY SUBSTANCE, MATTER OR THING, LIQUID OR SOLID, WHICH WILL OR MAY RESULT IN THE POLLUTION OF SAID WATERS, OR IMPAIR THE NATURAL DRAINAGE OF SAID WATERS.

HAVE BROUGHT IN OR SHALL DUMP, DEPOSIT OR LEAVE ANY BOTTLES, BROKEN GLASS, ASHES, PAPER, BOXES, CANS, DIRT, RUBBISH, WASTE, GARBAGE, OR REFUSE OR OTHER TRASH. NO SUCH REFUSE OR TRASH WILL BE PLACED IN ANY WATERS IN OR CONTIGUOUS TO ANY PARK OR LEFT ANYWHERE ON THE GROUNDS THEREOF BUT SHALL BE PLACED IN THE PROPER RECEPTACLES WHERE THESE ARE PROVIDED. WHERE RECEPTACLES ARE NOT SO PROVIDED, ALL SUCH RUBBISH OR WASTE SHALL BE CARRIED AWAY FROM THE PARK BY THE PERSON RESPONSIBLE FOR ITS PRESENCE AND PROPERLY DISPOSED OF ELSEWHERE.

(h) BUILD, SET OR MAINTAIN ANY OPEN FIRE IN ANY PARK OR NATURE PRESERVE. FOR PURPOSES OF THIS SECTION, OPEN FIRES SHALL MEAN NOT ONLY OPEN FIRES BUILT OF WOOD OR OTHER INFLAMMABLE MATERIAL ON THE GROUND, BUT ALSO FIRES BUILT IN ANY AND ALL BRAZIER, PORTABLE OR OTHERWISE, USED FOR OR INTENDED TO BE USED FOR COOKING, LIGHTING OR HEATING PURPOSES, EXCEPT IN CERTAIN AREAS DESIGNATED BY SIGNS, IN COMPLIANCE WITH LOCAL FIRE DEPARTMENT REGULATIONS, SAID LOCAL FIRE DEPARTMENT HAVING JURISDICTION OVER SAID PARK.

(i) HAVE BEEN RESPONSIBLE FOR THE ENTRY OF ANY DOMESTIC ANIMAL INTO A NATURE PRESERVE. ALLOW A DOMESTIC ANIMAL TO RUN AT LARGE IN ANY PARK. NO DOMESTIC ANIMALS SHALL BE ALLOWED AT ANY TIME IN THE PARKS EXCEPT SEEING EYE DOGS FOR THE BLIND.

(k) NO HORSES SHALL BE PERMITTED TO ENTER WITHIN THE BOUNDARIES OF ANY DISTRICT PROPERTIES OR PARKS.

(l) SWIM, BATHE OR WADE IN ANY WATERS OR WATERWAYS IN OR ADJACENT TO ANY PARK, EXCEPT IN SUCH WATERS OR IN SUCH PLACES AS ARE PROVIDED THEREFOR, AND IN COMPLIANCE WITH SUCH REGULATIONS AS ARE HEREIN SET FORTH.

(m) DISTURB OR AID IN DISTURBING THE PEACE OF OTHERS BY VIOLENT, TUMULTUOUS, OFFENSIVE OR OBSTREPEROUS CONDUCT OR LANGUAGE.

(n) EXPOSE OR OFFER FOR SALE ANY ARTICLES OR THINGS, NOR SHALL SAID PERSON STATION OR PLACE ANY STAND, CART OR VEHICLE FOR THE TRANSPORTATION, SALE OR DISPLAY OF ANY SUCH ARTICLE OR THING. ANNOUNCE, ADVERTISE OR CALL THE PUBLIC ATTENTION IN ANY WAY TO ANY ARTICLE OR SERVICE FOR SALE OR HIRE. EXCEPTION IS HEREBY MADE AS TO ANY REGULARLY LICENCED CONCESSIONNAIRE ACTING BY AND UNDER THE AUTHORITY AND REGULATION OF THE DISTRICT.

(o) BROUGHT OR HAVE IN HIS POSSESSION, OR SET OFF OR OTHERWISE CAUSE TO EXPLODE OR DISCHARGE OR BURN, ANY FIRECRACKERS, TORPEDO, ROCKET OR OTHER FIREWORKS OR EXPLOSIVES OF INFLAMMABLE MATERIAL, OR DISCHARGE THEM OR THROW THEM INTO ANY SUCH AREA FROM LAND OR HIGHWAY ADJACENT THERETO. THE FOREGOING PROHIBITION SHALL BE INAPPLICABLE TO FIREWORKS DISPLAYS CONTROLLED BY THE DISTRICT AND/OR EMPLOYEES OF THE DISTRICT ACTING WITHIN THE SCOPE OF THEIR EMPLOYMENT.

(p) APPROPRIATE, EXCAVATE, INJURE, DESTROY OR REMOVE ANY HISTORIC OR PREHISTORIC RUIN OR MONUMENT, OR ANY OBJECT OF ANTIQUITY, WITHOUT THE PERMISSION OF THE DISTRICT.

(q) PARK COMMONLY KNOWN AS PARADISE ISLAND SHALL BE CLOSED TO ALL TRESPASSING CONTINUOUSLY FROM MARCH 1st THROUGH JUNE 15th OF EACH YEAR DURING WHICH TIME THE DUCK NESTING AND HATCHING PERIOD IS IN PROGRESS.

SECTION 4. VEHICULAR REGULATIONS: NO PERSON IN A PARK OR ON DISTRICT PROPERTY SHALL:

(a) RIDE OR DRIVE A CHEICLE WITHIN THE CONFINES OF SAID DISTRICT PARK OR PROPERTY WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE DISTRICT.

SECTION 5. GROUP ACTIVITIES: GROUP ACTIVITIES AND USE OF PARKS AND NATURE PRESERVES, INCLUDING DAY CAMPING, OVERNIGHT CAMPING, AND GROUP PICNICS AND OTHER PARK ACTIVITIES APPROPRIATE TO THE PARK AREA FOR WHICH THE PERMIT IS SOUGHT, ARE ALLOWED SUBJECT TO THE CONFORMITY WITH REGULATIONS ADOPTED BY THE DISTRICT.

SECTION 6. STRUCTURES: TEMPORARY OR PERMANENT STRUCTURES OR FACILITIES MAY NOT BE ERECTED IN ANY PARK OR NATURE PRESERVE WITHOUT OBTAINING A PERMIT THEREFOR FROM THE DISTRICT.

SECTION 7. NO PERSON SHALL ENTER ANY AREA POSTED CLOSED DUE TO WORK IN PROGRESS BY EMPLOYEES OF THE DISTRICT OR EMPLOYEES OF AN ENTITY CONTRACTING WITH THE DISTRICT, OR A DANGEROUS CONDITION, OR DUE TO POTENTIAL FIRE DANGER.

SECTION 8. ADMISSION CHARGES MAY BE LEVIED BY THE DISTRICT IN SUCH AMOUNTS AS MAY BE DEEMED PROPER IN ORDER TO GAIN ENTRANCE INTO ANY PARK OR NATURE PRESERVE.

SECTION 9. PERMITS REQUIRED TO BE OBTAINED FROM THE DISTRICT BY SECTION 5 AND 6 HEREOF SHALL BE ISSUED ONLY IN CONFORMITY WITH THE REGULATIONS ADOPTED BY THE DISTRICT AND SHALL BE ISSUED ONLY IF IN CONFORMITY WITH THE STANDARDS ADOPTED BY SAID DISTRICT.

SECTION 10. WITHIN SEVEN (7) DAYS AFTER RECEIPT OF AN APPLICATION, THE SECRETARY SHALL APPRAISE THE APPLICANT IN WRITING OF HIS REASONS FOR REFUSING, AND HE SHALL HAVE A RIGHT TO APPEAL IN WRITING WITHIN SEVEN (7) DAYS TO THE DISTRICT GOVERNING BOARD, WHICH SHALL CONSIDER THE APPLICATION UNDER THE STANDARDS SET FORTH IN THEIR REGULATIONS, AND SUSTAIN OR OVERRULE THE DISTRICT'S DECISION AT THE NEXT MEETING FOLLOWING THE NOTIFICATION OF APPEAL.

SECTION 11. A PERMITTEE SHALL BE BOUND BY ALL PARK RULES AND REGULATIONS AND ALL APPLICABLE ORDINANCES FULLY AS THOUGH THE SAME WERE INSERTED IN SAID PERMITS.

SECTION 12. THE PERSON OR PERSONS TO WHOM A PERMIT IS ISSUED SHALL BE LIABLE FOR ANY LOSS, DAMAGE OR INJURIES SUSTAINED BY ANY PERSON WHATSOEVER BY REASON OF THE NEGLIGENCE OF THE PERSON OR PERSONS TO WHOM SUCH PERMIT SHALL HAVE BEEN ISSUED.

SECTION 13. FEES MAY BE ADOPTED FOR SUCH PERMITS IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE DISTRICT.

SECTION 14. THE DISTRICT SHALL HAVE THE AUTHORITY TO REVOKE A PERMIT UPON A FINDING OF VIOLATION OF ANY RULE OR ORDINANCE OR UPON GOOD CAUSE SHOWN.

SECTION 15. ENFORCEMENT: DIRECTORS, OFFICERS, AND EMPLOYEES OF THE DISTRICT, AND ANY MEMBER OF A DULY CONSTITUTED LAW ENFORCEMENT AGENCY OF THE COUNTY OF MARIN OR THE STATE OF CALIFORNIA, SHALL HAVE THE AUTHORITY TO EJECT FROM ANY PARK OR NATURE PRESERVE ANY PERSON ACTING IN VIOLATION OF THIS ORDINANCE AND SHALL HAVE THE AUTHORITY TO SEIZE AND CONFISCATE ANY PROPERTY, THING OR DEVICE IN THE PARK, USED IN VIOLATION OF THIS ORDINANCE.

SECTION 16. SEVERABILITY: THE PROVISIONS OF THIS ORDINANCE ARE SEVERABLE AND IF ANY PROVISION, SENTENCE, CLAUSE, SECTION OR PART THEREOF IS HELD ILLEGAL, INVALID OR UNCONSTITUTIONAL OR INAPPLICABLE TO ANY PERSON OR CIRCUMSTANCES, SUCH ILLEGALITY, INVALIDITY, UNCONSTITUTIONALITY OR INAPPLICABILITY SHALL NOT AFFECT OR IMPAIR ANY OF THE REMAINING PROVISIONS, SENTENCES, CLAUSES, SECTIONS OR PARTS OF THE ORDINANCE OR THEIR APPLICATION TO OTHER PERSONS AND CIRCUMSTANCES.

SECTION 17. ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER SHALL BE DEEMED GUILTY OF A MISDEMEANOR, AND UPON CONVICTION THEREOF SHALL BE PUNISHED BY IMPRISONMENT IN THE COUNTY JAIL NOT EXCEEDING SIX MONTHS, OR BY A FINE OF NOT EXCEEDING FIVE HUNDRED DOLLARS (\$500.00) , OR BY BOTH SUCH IMPRISONMENT AND FINE.

SECTION 18. THIS ORDINANCE SHALL BE AND IS HEREBY DECLARED TO BE IN FULL FORCE AND EFFECT AS OF THIRTY (30) DAYS AFTER ITS PASSAGE AND SHALL BE PUBLISHED ONCE BEFORE THE EXPIRATION OF FIFTEEN(15) DAYS AFTER ITS PASSAGE, WITH THE NAMES OF THE BOARD OF DIRECTORS VOTING FOR AND AGAINST THE SAME IN THE INDEPENDENT-JOURNAL, A NEWSPAPER OF GENERAL CIRCULATION, PUBLISHED IN THE COUNTY OF MARIN

SECTION 19. PARKS AS DESCRIBED IN SECTION 2 HEREOF SHALL BE OPEN TO THE PUBLIC FROM SUN UP TO SUNSET DAILY AND SHALL BE CLOSED TO THE PUBLIC FROM SUNSET TO SUN UP SEVEN DAYS A WEEK. IT SHALL BE UNLAWFUL FOR ANY PERSON TO BE PRESENT IN THE PARK AFTER SUNSET OR BEFORE SUN UP WITHOUT PROPER AUTHORITY OF THE DISTRICT.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE BEL MARIN KEYS COMMUNITY SERVICES DISTRICT ON THE

13<sup>th</sup> DAY OF June 1974, BY THE FOLLOWING VOTE:

*Ayes - Majors, Aubel, Koster, Mleyer & Thall*  
*Nays - None*

*attest*

*Mrs. Jerry C. Taylor (Sect.)*