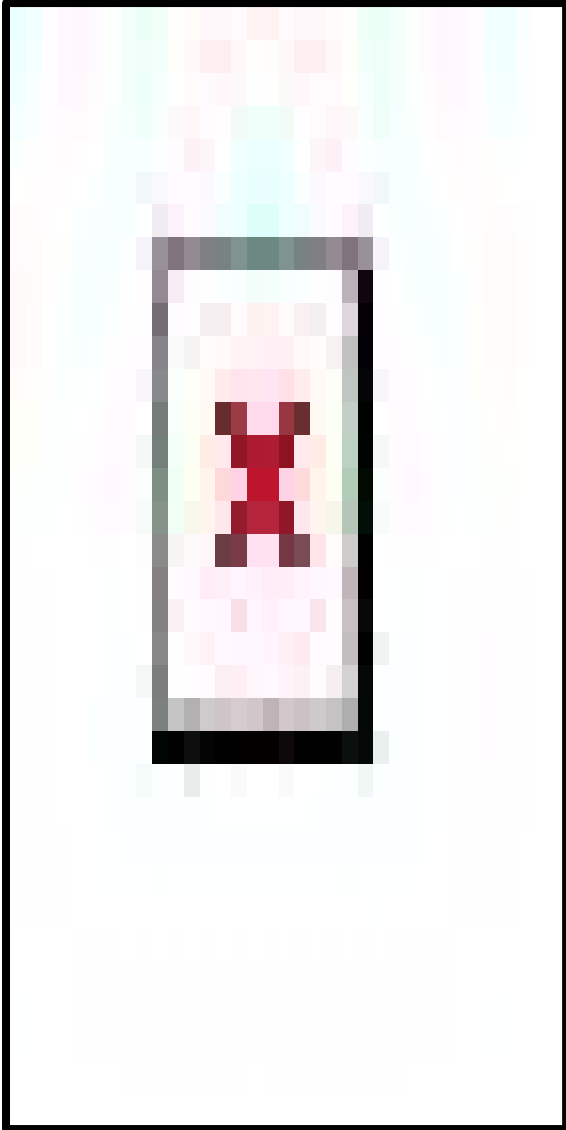


# East Bay Regional Park District



## ***ORDINANCE 38***

### ***Rules and Regulations***

Revised December 2022

**(M) = Misdemeanor**

**(T-2)**  
Dec

**(I) = Infraction**  
2022

## **ORDINANCE 38**

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**EAST BAY REGIONAL PARK DISTRICT**  
**ORDINANCE 38**

*BE IT ORDAINED by the Board of Directors of the East Bay Regional Park District:*

**CHAPTER I - DEFINITIONS**

- SECTION 100. GENERAL.** Unless the context otherwise requires, the definition hereinafter set forth shall govern the construction of this Ordinance.
- SECTION 101. DISTRICT DEFINED.** \_“District” means the East Bay Regional Park District, and includes all lands and waters owned, controlled, or managed by the East Bay Regional Park District, which shall hereinafter be referred to as “parklands.”
- SECTION 102. PERSON DEFINED.** “Person” means any natural person, firm, corporation, club, municipality, district or public agency, and all associations or combinations of person whenever acting for themselves or by any agent, servant or employee.
- SECTION 103. PERMISSION DEFINED.** Unless otherwise expressly provided, “permission” means written permission, granted by the General Manager of the East Bay Regional Park District or the General Manager’s designee.
- SECTION 104. BOARD DEFINED.** \_“Board” means the Board of Directors of the East Bay Regional Park District.
- SECTION 105. 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.
- SECTION 106. GENERAL MANAGER.** \_“General Manager” means the General Manager of the East Bay Regional Park District, or their designee (added 4/12, rev. 1/22).

## **CHAPTER II - REGULATIONS**

### **SECTION 200. GENERAL REGULATIONS.**

- 200.1 All persons entering upon District parkland shall abide by the rules and regulations of the District, 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 concessionaires or their employees engaged in and acting within the scope of their authorized duties and concession activities or to allied agency emergency personnel in the performance of their official duties. However, District employees and concessionaires and their employees shall abide by the laws of the State of California and all applicable county and/or municipal ordinances (rev. 4/12).
- 200.3 The General Manager may temporarily suspend or modify provisions of the Ordinance for public health or safety reasons. The General Manager shall notify the Board of Directors within 30 days of any actions taken pursuant to this section.
- 200.4 A police officer may remove all persons from a District campsite for violation of any state law, this Ordinance or campground rules (added 7/10).
- 200.5 Rules and Regulations. (added 12/06/22)
- a) The General Manager or their designee is authorized to issue temporary rules and regulations and take other such actions as are necessary to preserve parklands and public health and safety, protect sensitive habitat and threatened or endangered species, and to distribute parkland resources and facilities among competing uses including but not limited to the permitting or prohibition of certain activities or restriction of them to certain times and/or locations. Failure to obey any directive issued by the General Manager or their designee pursuant to this section shall be a violation of this Ordinance.(added 12/06/22)
  - b) Whenever any activity is specifically permitted, restricted, or prohibited in specified areas of any parklands, or whenever the use of specified areas is specifically permitted, restricted, or prohibited, the General Manager or their designee shall cause signs to be posted or permits to be issued notifying the public of such restrictions or prohibitions. In conjunction of the posting of rules and regulations issued pursuant to this Section, the District will publish the applicable rules and regulations at least once in a newspaper published within the District. Failure to obey the restrictions stated in any properly posted sign or in any permit shall be a violation of this Ordinance. (added 12/06/22)
  - c) The General Manager shall notify the Board of Directors within 60 days of any actions taken pursuant to this section. Any action taken pursuant to this authority by the General Manager to be brought before the full Board of Directors for review within six (6) months of its enactment. (added 12/06/22)

**SECTION 201. SPECIAL REGULATIONS.** Special regulations enacted for an area or a 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, 5559, and 5560 of the Public Resources Code of the State of California, and apply to all District parklands. A title, where used, does not limit the language of a section.

**SECTION 301. PENALTIES FOR VIOLATIONS OF ORDINANCE.** (added 10.04.22)

**301.1 Violations.** Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance shall be guilty of a misdemeanor or an infraction, as indicated by M and I, respectively, in the Table of Contents, pages (T-1) through (T-8). Additionally, any person who fails to comply with a term or condition imposed by any agreement, entitlement, permit, license or environmental document issued or approved by or on behalf of the District shall be guilty of a misdemeanor. Further, any person who violates any posted special conditions of use established by the General Manager or designee shall be guilty of a misdemeanor. In the event that a violation of this Ordinance is not listed in the Table of Contents, a person shall be guilty of a misdemeanor, unless the violation is made an infraction by this Ordinance. (added 10.04.22)

**301.2 Reduction of Misdemeanor to Infraction.** Any violation punishable as a misdemeanor may 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. (added 10.04.22)

**301.3 Jurisdiction of Prosecutions.** Any judge or Commissioner of a Superior Court within any judicial district lying wholly or in part within the District, shall have jurisdiction of all prosecutions under this article for violations of any Ordinance, rule, or regulations adopted by the Board of Directors. (added 10.04.22)

**301.4 Use of Administrative Remedies.** In addition to all other remedies available to the District, pursuant to Chapter 10, the District may pursue administrative enforcement remedies for both misdemeanor and infraction violations of this Ordinance, as authorized by Government Code § 53069.4, and nuisance abatement remedies, as authorized by Public Resources Code § 5558.5. Use of administrative and/or nuisance abatement remedies shall be at the sole discretion of the District and its authorized representatives. Payment of administrative penalties or administrative costs shall not bar criminal enforcement proceedings for any continuing or repeated occurrence of any violation. (added 10.04.22)



**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 paragraph, sentence, and clause thereof would have been adopted irrespective of such possible finding of invalidity or unconstitutionality and, to that end, the provisions of this Ordinance are hereby declared to be severable.

**SECTION 303. AMENDMENT OR 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.

**SECTION 304. FALSE INFORMATION TO A PEACE OFFICER.** No person shall give, either orally or in writing, information to a peace officer while in performance of his duties under the provisions of this Ordinance when such person knows that the information is false.

#### **CHAPTER IV - PARK USES - GENERAL**

##### **SECTION 400. CAMPING.**

400.1 No person shall maintain a camp within District parklands, except a camp may be maintained in designated areas if a valid permit therefore has been obtained from the District (rev. 7/10).

400.2 As defined in section 908.2, no person shall operate a generator or sound amplification device including radio, television, tape or record playing device, or speaker system in a campground, if such operation disturbs other campers.

400.3 No person shall exceed the following family campground restrictions.

- a) Maximum occupants per site – 8 (rev. 4/12).
- b) Maximum length of stay for each park - 15 consecutive days or 30 total days per year with 2-day minimum break following the first 15-day visit.

400.4 No person who is a juvenile shall camp in parklands except as follows:

- a) A juvenile who is accompanied by a parent or guardian.
- b) Repealed (4/16)
- c) A juvenile who is part of a group permitted to occupy parklands at night and who is supervised by at least one responsible adult over the age of 21 for each ten juveniles.
- d) The term juveniles as used herein shall be construed to mean any unmarried person under the age of 18 years.

400.5 All persons at a campsite may be removed if there is a violation of state law, this Ordinance or campground rules at the campsite. For 15 days following the

removal, the person removed may not reserve or occupy a campsite within the District. Persons removed are not eligible for refunds for unused camping, vehicle or other fees. It shall be unlawful to refuse to vacate a campground and leave District parklands when requested under this Section when the violation threatens public health or safety. (rev. 4/16, rev. 1/22)

- 400.6 Unless otherwise expressly provided, “camp,” “camping,” “campsite,” and “campground” include all types of camping, including traditional tent camping, RV camping, cabin camping, and camping at walk-in sites (added 3/19).

#### **SECTION 401. SWIMMING.**

- 401.1 General. No person shall swim, wade, or engage in any other water contact activity in any water areas of the District except in those areas designated by the Board of Directors. Swimming will be allowed pursuant to the rules and regulations established by the Board of Directors as set forth in the “East Bay Regional Park District Swimming Policies and Regulations,” as adopted and amended from time to time.
- 401.2 Definition. As used in this section, “water-contact activity” means any activity in which the body of a person comes into physical contact with water, including but not limited to swimming, wading, aqua-planing, paddle boarding, skin diving and water skiing. It does not include boating and fishing. Wading in shallow waters (below knee level), at one’s own risk, in streams or Bay waters shall not be considered a violation of this section, unless the stream or Bay waters are posted “no wading or swimming.”
- 401.3 Incontinent individuals are prohibited from water contact activities in non-chlorinated swimming areas.

#### **SECTION 402. DROWNING: FALSE REPORTS.** No person shall report, or cause to be reported, or in any other manner communicate to any lifeguard employed by the District, or any other employee of the District, any signal or account of a drowning, which such person knows to be false.

#### **SECTION 403. FIREARMS AND DANGEROUS WEAPONS.**

- 403.1 Restriction. Except as provided in subsection 403.2 of this Section, no person shall have in his/her possession within the District, nor shall any person fire or discharge, or cause to be fired or discharged, across, in, or into any portion of the District any gun or firearm, spear, bow and arrow, cross bow, sling shot, air or gas weapon, or any other dangerous weapon. Further, no person shall possess, discharge or use any other dangerous weapon, including practice swords, spears, nunchakus and throwing stars, regardless of intent.
- 403.2 Exception. The provisions of subsection 403.1 of this Section shall not apply to any of the following cases:
- a) The possession of unloaded firearms or dangerous weapons on public roads solely for the purpose of transporting such firearms or dangerous weapons, through District parklands.

- b) The possession of firearms or other dangerous weapons at a place of residence or business located within the District by a person in lawful possession of the residence or business.
- c) The discharge or firing of firearms in areas designated from time to time by the Board specifically for the purpose of rifle and/or pistol shooting, and to the transportation of such firearms, if unloaded, to and from such designated areas.
- d) The use of a bow and arrow, but not a cross bow, is permitted in areas designated from time to time by the Board specifically for the purpose of archery, but all bows must be unstrung during transportation to and from such designated areas.
- e) Legal possession or defensive discharge of a nonlethal aerosol spray made with oleoresin capsicum is not considered a violation of section 403.1. The spray's dispenser volume shall not exceed 2.5 ounces (added 7/14).

**SECTION 404. FIRES.** No person shall build, light or maintain any open outdoor fire on park property except in those facilities or areas provided and so designated for that purpose. Exceptions to this requirement must be obtained in writing from the District Fire Chief. No person shall leave a fire unattended on District parklands.

404.1 Personal Cooking Appliances. Personal appliances such as gas or propane camp stove, portable barbecue or hibachi may be used under the following conditions, except on beaches or anywhere posted as "No BBQ," (rev. 1/22):

- a) Placement in an area that will not scorch, burn or otherwise damage lawns or table tops.
- b) Placement in an area at least 30 feet from any flammable material such as grass, weeds, wood chips, brush or buildings.
- c) All burning fuel such as wood or charcoal is thoroughly extinguished before being disposed of in an existing fireplace, fire pit or barbecue grill. It is unlawful to dispose of coals in garbage cans or refuse bins.

404.2 Restriction. No person shall smoke or build fires of any kind in areas where prohibited and posted during declared fire season. Extreme conditions may cause the elimination of all open flames for any purpose, or the evacuation or closure of a park.

404.3 Smoke-Free Parks. Smoking is prohibited in the East Bay Regional Park District. "Smoking" means inhaling, exhaling, burning or carrying any lighted pipe, cigar, cigarette, weed, plant or other combustible organic or chemical substance, the smoke from which is specifically designed or intended to be inhaled or drawn into the nose or mouth. In addition "smoking" for the purpose of this Ordinance includes the use of any vapor device, of any product name or descriptor, which releases gases, particles or vapors into the air as a result of combustion, electrical ignition or vaporization intended to be drawn into the nose or mouth (excluding any United States Food and Drug Administration approved nebulized medication) (added 4/16, rev. 3/19).

**SECTION 405. NUDITY.** No person shall appear, swim, bathe, sunbathe, walk or be in any of the parks, lands, beaches, waters or any place owned, managed, controlled or

otherwise under the jurisdiction of the East Bay Regional Park District, in such a manner that the genitals, vulva, pubis, symphysis, pubic hair, buttocks, and cleft, perineum, anus, anal region, or pubic hair region of any person, or any portion of the breast at or below the upper edge of the areola thereof of any female person, is exposed to public view or is not covered by an opaque covering.

This subdivision shall not apply to children under the age of 5 years or breastfeeding mothers (rev. 3/19).

#### **SECTION 406. DEVICES.**

- a) Metal Detectors. No person shall use a metal detector or similar device on parklands, except as provided in a written permit granted by the General Manager of the District.
- b) Generators. No person shall use or possess a generator or similar device in day use areas of any parkland, except as provided in a written permit granted by the General Manager of the District.

#### **SECTION 407. UNACCEPTABLE CONDUCT.** No person shall continue to engage in any course of conduct in any Park after he or she is advised by a Public Safety Officer or other Park employee, agent or concessionaire having authority to regulate or manage the area, that such conduct unreasonably or unnecessarily interferes with or obstructs the lawful use and enjoyment of such facility or area by other persons, or impairs the ability of any Park District employee, agent or concessionaire to perform his or her authorized duties and activities.

#### **SECTION 408. ASSEMBLY.**

- 408.1 Exclusive Use of Parks or Facilities. The District's parks or facilities shall be made available for the exclusive use of person and groups for activities which are appropriate as defined in the District's Master Plan or specific Land Use Development Plan for the involved Regional Park, subject to the issuance of a permit by the Assistant General Manager, Operations and Interpretation. No use of any Regional parkland or facility for musical, theatrical or other entertainment, special event, or for pre-advertised assemblies may be made without the issuance of a permit therefore. (Group picnics, or other similar activities at established picnic areas, do not require a special event permit.) All applications for such use of any park or facility must be signed or co-signed by an adult, which adult shall agree to be responsible for said use. No use permit will be granted if, prior to the time the application was filed, the District has scheduled a District event or general public use at the same time and place as the activity proposed in the application.
- 408.2 Park or Facility Application. Any person applying for a park or facility permit hereunder shall file an application (in the form and time schedule established by the District) for such permit with the Assistant General Manager, Operations and Interpretation. The Assistant General Manager, Operations and Interpretation, in his/her sole discretion, may agree to shorten the filing period. However, if the agreed shortened filing period leaves insufficient time to follow

the procedures outlined for appeal to the General Manager or his/her designee, the applicant must agree to waive the right of appeal to the General Manager or his/her designee.

408.3 Denial or Cancellation of Permit. A permit shall be denied or canceled if the proposed use or activities:

- a) Cause injury or damage to park resources; or
- b) Be contrary to the purposes for which involved park areas were established, as defined above in Section 408.1, or unreasonably impair the atmosphere of peace and tranquility maintained in the park; or
- c) Unreasonably interfere with interpretive programs, visitor services or other District program activities, or with Public Safety or administrative activities of the District; or
- d) Substantially impair the operation of public use facilities or services of concessionaires or contractors; or
- e) Present a clear and present danger to the public health and safety; or
- f) Result in significant conflict with other existing uses; or
- g) Insurance or other permit conditions cannot be complied with by applicant.
- h) Affects the aesthetics of or alters the landscape of the parks.

408.4 Liability. All persons to whom an exclusive use or special event permit has been granted must agree in writing to indemnify and hold the District harmless for injury or damage in any way caused by the activity sponsored by the permittee, and said person shall be liable to the District for any and all injury to persons or damage to parks and facilities owned by the District which results from the activity of the permittee or is caused by any participant in said activity, and provide insurance coverage at levels set by the General Manager or his/her designee, sufficient to provide reasonable insurance coverage for such use or event.

408.5 Sales for Profit. No permit shall be issued by District staff authorizing the use of any park or facility unless it conforms to the Board's approved policy for administering special events as well as relevant sections of this Ordinance. Board approval is required for any sales occurring on Park District land. Events shall not be authorized for the purpose of private financial gain.

408.6 Right to Appeal. An applicant whose application has been denied or canceled or any person claiming to be adversely affected by the issuance of a permit may appeal the decision of the Assistant General Manager, Operations and Interpretation, to the General Manager or his/her designee. The General Manager or his/her designee shall hold a hearing within 30 days of the filing of said appeal at the office of the General Manager, at which time the individual filing the appeal may present any and all evidence, testimony, and information relevant to the application. The General Manager or his/her designee shall issue a final written decision within 7 business days after the close of the hearing either approving the permit or modifying permit conditions sufficiently to approve the permit, or upholding the denial or cancellation. The General Manager shall notify the Board of any changes in the permit required to approve the event.

**SECTION 409. MISCELLANEOUS REGULATED ACTIVITIES.** No person shall engage in any of the following activities within the District except in areas specifically designated and set aside from time to time by the Board for such activities.

- 409.1 Use or possess fireworks of any kind;
- 409.2 Drive, chip, or in any other manner play or practice golf, or hit golf balls;
- 409.3 Operate self-propelled (motor driven) Unmanned Aircraft System (UAS aka “drone”) model aircraft, boats, automobiles, or other model craft of any kind or description, or fly any UAS closer than 500 feet above District parklands, as defined by Federal Regulations; (rev. 4/16).
- 409.4 Operate missiles, rockets, or similar projectiles, or kites with a string length of more than 400 feet, or kites in any posted area, parking lot or roadway;
- 409.5 Hang glide, parasail or paraglide, parachute, rope swing; or launch or land a hot air balloon, except by permit.
- 409.6 Engage in any activity or operate any device recklessly or negligently so as to endanger the life, limb or property of any person.
- 409.7 Scuba dive in any lake or inland waters owned or operated by the District, except for classes conducted by the District or other instruction authorized by the District.
- 409.8 Bicycles and Personal Conveyances. For the purposes of this section, “Bicycle” is defined as any two or three-wheeled vehicle propelled by the use of human power. “Bicycle” includes “road bike,” “mountain bike,” “BMX bike,” and similar devices. A “personal conveyance” is defined as any unicycle, roller skate, roller blade, mountain skate, scooter, skateboard, mountain board, or other similar wheeled or non-wheeled device, which is operated by human power, is utilized to move a person or persons across any ground surface or surfaces.
  - a) It shall be unlawful to ride or operate any bicycle or personal conveyance at any place within the District: In a negligent, unsafe or reckless manner or in a way that endangers the life, limb or property of any person or in violation of the provisions of California Vehicle Code section 21201.
  - b) It shall be unlawful to ride or operate any bicycle or personal conveyance at any place within the District: At excessive speeds, especially when passing other trail users, or in areas with short sight distances, or in an irresponsible manner in violation of published trail etiquette or posted bicycle speed limits.
  - c) Bicycles and personal conveyances are permitted on paved roads, paved bike trails and multi-use trails. Personal conveyances are not permitted on unpaved trails or roads, or other unpaved surfaces. Bicycles and unicycles are permitted on unpaved roads, multi-use trails and fire roads over 8 ft. in width, unless otherwise posted.
  - d) Bicycles are not permitted on narrow hiking or riding trails, except those

areas specifically designated from time to time by the Board as allowed. Attachment "A" contains the current list of exceptions (rev. 7/10).

409.8 Bicycles and Personal Conveyances. (continued)

- e) Bicycles are not permitted to ride cross-country on regional parklands. All bicycle use is restricted to permitted trails only.
- f) Posted Area or Use Restrictions: Bicycles and personal conveyances are not permitted in any park or area pursuant to a resolution of closure or restriction adopted by the Board of Directors of the District. Attachment "A" contains the current list of area or use restrictions.
- g) Posting and Closure for Safety Reason: Park Supervisors, after consultation with the Chief of Park Operations, may temporarily close any road or bicycle trail for safety reasons. Such closures will be reviewed annually by the Board to determine whether or not the closure should be made permanent, or road or bicycle trail modifications made to allow reopening.
- h) Bicycle and Personal Conveyance Speed Limits: Bicycles and personal conveyances shall not be ridden at a speed exceeding 15 m.p.h. on any trail with a posted speed limit. Other power-driven mobility devices shall be operated at a speed not to exceed 10 m.p.h. (rev. 4/12).
- i) Bicycles and operators of personal conveyances must travel in a single file when passing others and in single file on the right side of the trail when in turns, blind corners, or when being passed.
- j) Required Equipment.
  - 1) Any bicycle operated during the hours of darkness on any District property shall be equipped with lighting as specified in California Vehicle Code Section 21201(d). Personal conveyances shall not be operated during the hours of darkness. For purposes of the subsection, hours of darkness shall be the same as defined in California Vehicle Code Section 280, to wit, '...any time from one-half hour after sunset to one-half hour before sunrise...'
  - 2) At a distance of not less than 50 feet when overtaking or approaching other trail users a verbal warning shall be called out or an audible device sounded by approaching bicyclists and operators of personal conveyances as required by the District's published rules of trail etiquette.
  - 3) A properly fitted and fastened helmet must be worn by any person under the age of 18 when operating a bicycle on District lands (added 4/12).
- k) Bicycles on all Regional Trails shall be required to stop at stop signs posted prior to the trail's intersection with roadways, driveways and other crossings. If there is no limit line, the closest edge of the intersection roadway or railroad crossing shall serve as the limit line.

409.9 Climbing on Bridges or Overcrossings. No person shall climb on or over any guardrails on District bridges or over crossings. No person shall hang or display from any District bridge or over-crossing any sign or banner unless approved by the District.

**Attachment “A”**  
**Specific Parks or Areas of Parks with Bicycle Restrictions \***  
(Revised 4/2016)

**Bicycles Not Permitted on Narrow Hiking/Riding Trails, except allowed as follows:**

Designated sections of Lafayette Ridge Trail and the Hayfield Trail in Briones	Section of Skyline National Recreation Trail between Sibley Staging and Old Tunnel Road within Sibley Regional Preserve	Heron Bay Trail and Swallow Bay Trail in Del Valle
Zeile Creek Trail in Garin	Bay Leaf Trail and the North Ridge Trail (between markers 34 & 37) in Pleasanton Ridge	Brandon Trail in Lake Chabot
Panorama Trail in Mission Peak	Clyma Trail in Morgan Territory	Briones Crest Trail (north of Deer Creek Trail) and the Blue Oak Shortcut Trail in Briones
Brushy Peak Loop Trail in Brushy Peak	Hulet Hornbeck Trail in Carquinez Shoreline	Edwards Loop, Wood Rat, Soaring Eagle, Warep, Two Peaks Trail, Goldfinch, Tree Frog Loop and Sugar City Trails in Crockett Hills
Vollmer Peak Trail in Tilden	Red Tail Trail in Anthony Chabot	MacDonald to Grass Valley, and Grass Valley from the aforementioned to Bort Meadow Group Camp
Towhee Trail in Anthony Chabot	Tassajara Ridge Trail	Ridgeline Trail in Pleasanton Ridge

**Bicycles are Only Permitted in the Following Areas of Redwood Regional Park:**

East Ridge and West Ridge Trail loop connected by Canyon and Bridle Trails	Trails west of West Ridge Trail, except Tate Trail, which is closed to bicycle use	Canyon floor from Redwood Gate entrance to Trails End on Stream Trail
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**Bicycles are Only Permitted in the Following Areas of Tilden Nature Study Area**

Blue Gum Loop Trail to Wildcat Trail	Nimitz Way Trail	
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**Bicycles/Personal Conveyances Only Permitted at Lake Temescal, as follows:**

Must observe posted 5 mph speeds	Must walk through designated swim areas when in operation	
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**Bicycles are Not Permitted in the Following Locations:**

Claremont Canyon Regional Preserve	Ohlone Trail from Mission Peak to Del Valle	Coyote Hills - Red Hill Trail, north of Nike Trail, Soaproot Trail from Dairy Glen north to Visitor Center, Muskrat Trail
Sibley Round Top Road from EBMUD Water Tank Road junction to top of Round Top Peak	Huckleberry Regional Preserve	Ardenwood – fenced core area
McLaughlin Eastshore State Park – interior trails of the Berkeley Meadow		

**\*Under Authority of Ordinance 38 Sections 409.8(d) and 409.8(f)**



## **SECTION 410. ALCOHOLIC BEVERAGES.**

410.1 Alcohol Restrictions. No person shall possess, sell, or consume any alcoholic beverage within any park or facility owned or operated by the East Bay Regional Park District, except that beer and wine may be possessed and consumed within District parklands, except as follows:

- a) No alcoholic beverage, including beer and wine, may be possessed, sold or consumed at swimming pools, bathing beaches, group campgrounds, or swim areas, with the exception of those reservable group campgrounds specifically designated by the General Manager, where alcohol is allowed by permit only; (rev. 4/12).
- b) No alcoholic beverages, including beer and wine, may be served, sold or consumed at any vehicular road or parking lot or within 50 feet of the edge of any such road or parking lot, or on any Regional Trail.
- b) No alcoholic beverage, including beer and wine, may be possessed, sold or consumed at the following (rev. 1/22):
  - i. Sunol Regional Wilderness
  - ii. Niles Staging Area of Alameda Creek Trail
  - iii. Martinez Regional Shoreline
  - iv. Miller / Knox Regional Shoreline
  - v. Contra Loma Regional Park
  - vi. Shadow Cliffs Regional Recreation Area, or
  - vii. Portions of parklands as restricted by resolution by the Board of Directors.

No alcoholic beverage, including beer and wine, may be possessed, sold or consumed at the following parks unless in a reservable group picnic area with an approved Beer and Wine permit (possession and use of alcohol in any reservable group picnic site is restricted to permit holders and members of their groups):

- viii. Robert W. Crown Memorial State Beach
  - ix. Don Castro Regional Recreation Area
  - x. Quarry Lakes Regional Recreation Area
- d) No person shall have in his or her possession, on his or her person, while on a roadway or in a parking facility or on a Regional Trail owned or operated by the District, any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents which have been partially removed.
- e) It is unlawful for any person to keep in the passenger compartment of a motor vehicle, when the vehicle is upon any lands, roadway or parking facility owned or operated by the District, any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents which have been partially removed.

- f) This section shall not apply to the living quarters of a house-car or camper when such vehicles are in an authorized camping area where alcohol is not prohibited.
- g) No person under the age of 21 years shall possess or consume any alcoholic beverage or within any park or facility owned or operated by the East Bay Regional Park District.
- h) Violation of this section is an infraction.

410.2 Exceptions to 410.1. The Board of Directors has granted a limited number of exceptions to 410.1 at only the following EBRPD facilities (rev. 1/22):

- a) Right to serve beer and wine
  - i. Little Hills
  - ii. Ardenwood
  - iii. Fern Cottage
  - iv. Kennedy Grove Regional Recreation Area
  - v. Brazilian Building\*
  - vi. Temescal Beach House\*
- b) Right to serve alcoholic beverages
  - i. Bridge Yard Building (Added 1/22)
  - ii. Redwood Canyon Golf Course
  - iii. Tilden Golf Course
- c) Right to sell alcoholic beverages for non-profit purposes at a limited number of events as regulated by the General Manager
  - i. Martinez Shoreline Pigeon and Sportsmen's Clubhouses
  - ii. Redwood Archers
  - iii. Briones Archers
  - iv. Martinez Horsemen
- d) Pursuant to a permit, license or agreement approved by the Board of Directors or permit approved by the General Manager

\* There will be an alcohol restriction for sorority and fraternity groups.

**SECTION 411. USER FEES - FAILURE TO PAY.** No person other than one acting under written permission from the District shall use, occupy, or otherwise remain in a building, structure, facility, parking area, picnic area, campsite, or other area within the District for which a fee is charged and a permit required unless that person has paid the required fee and possesses a valid permit.

**SECTION 412. REMOVAL OF SIGNS.** No person, including the person making the reservation, shall remove a "Reserved" sign from a picnic area, campsite or building which has been reserved. No person shall willfully occupy or hold a picnic area, campsite or building, which has been reserved unless authorized by the person who made the reservation.

**SECTION 413. NO RESERVATION TABLE POLICY.** On a day when reservations are not accepted or when no reservation has been made, picnic tables may only be reserved on a “one person-one-table” basis.

**SECTION 414. RESPONSIBILITY TO REPORT ACCIDENTS.** It is the responsibility of any party involved in an accident or incident (other than a motor vehicle or boating collision already covered under California Law), which results in injury to a person, domestic animal, including a dog or horse, or damage to property belonging to another to: 1) stop and offer assistance to the injured party; 2) provide the other involved party(ies) with their name and address. If injuries occur, involved parties must: 1) immediately report the incident to emergency responders (ranger, police, or fire staff); 2) remain at, or return to the scene and remain until responders arrive; and 3) provide the responders with their identification information. In cases of property damage only, where the property owner or agent is not present, the involved party must verbally report the incident and provide their identity to a Park Ranger or the District Public Safety Department within 24 hours. Failure of an involved party to comply with these responsibilities shall be unlawful and punishable as an infraction or misdemeanor (rev. 1/22).

**SECTION 417. POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.** No person shall possess drug paraphernalia, as defined in Section 11364 of the Health and Safety Code, within 1000 feet of a developed area within District lands. For the purposes of this section, developed area within District lands. For the purpose of this section, developed areas are defined as any public road, lawn or play field, deck, parking lot, picnic area, campground, group camp, concession area, equestrian center, archery facility, gun range, paved multi-use Regional Trail, beach, swim area, swimming pool or any other area specially designated from time to time by the Board as so restricted (added 7/14).

## **CHAPTER V - PARK USES, AQUATIC - BOATING**

**SECTION 500. GENERAL.** No person shall place a boat, personal water craft (jet ski), board sailing equipment, kayak, rubber raft or other vessel of any description in the water of reservoirs, lakes, streams, ponds, or other bodies of water owned, managed, or controlled by the District except in those areas so designated and as hereinafter provided.

### **SECTION 501. AREAS DESIGNATED FOR LAUNCHING OF PRIVATE BOATS.**

501.1 Private Boats. Only private boats not exceeding 25 feet in length and which are trailer launched or car-top transported may be launched within the District. This does not apply to rowing sculls. Boats may be launched only in designated areas.

501.2 Del Valle Reservoir. Both car-top transported and trailered boats may be

launched at Martin Luther King Regional Shoreline and Del Valle Reservoir without restriction as to size.

- 501.3 Restrictions. Private boat, kayaks, rubber rafts, personal water craft (jet skis) or other vessels of any description shall not be permitted on Chabot Reservoir (except that hand carried kayaks, canoes, and sculls may be permitted at Lake Chabot), Lake Anza, Lake Temescal, Jewel Lake, Don Castro, Cull Canyon, Garin (Jordan Pond), Hayward Shoreline ponds, Martinez Shoreline lagoon, Miller-Knox lagoon, Coyote Hills marsh water areas, Shadow Cliffs Arroyo Ponds (float tubes allowed) and Quarry Lakes (Willow Slough and Lago Los Osos). Motorized boats or jet skis are not allowed in any marked or posted sensitive marsh or wildlife area.
- 501.4 Board Sailing. Board sailing, including kite assisted board sailing is currently permitted only at Del Valle Lake, Shadow Cliffs, Contra Loma Lake, and at shoreline parklands using the water of San Francisco Bay. Use is restricted to one person per sailboard. Kite launching and landing at Crown Beach may only take place between the signs located at the Windsurf/Kitesurf building and South of the building (at Shellgate Road, about 500 yards) (rev. 4/16)
- 501.5 Personal Water Craft (Jet Skis). Personal water craft (jet skis) and hydrofoils shall be permitted only at Crown Shoreline, the waters of San Francisco Bay and Martin Luther King Regional Shoreline, excepting as otherwise posted and not at Martin Luther King Regional Shoreline during the period November 1 through March 31.

**SECTION 502. FEES AND PERMITS.** From time to time the Board of Directors will authorize the collection of various fees related to boating. These presently consist of but may not be restricted to the following:

- a) A fee for launching car-top or inflatable boats.
- b) A fee for launching trailered boats.
- c) A fee to acquire and possess an annual boating permit.

Such fees and privileges apply to Lake Del Valle, Shadow Cliffs, Contra Loma,

Quarry Lakes, and for canoes, sculls and kayaks at Lake Chabot. Free boat launching privileges currently exist only at launch ramps at applicable San Francisco Bay shoreline parks.

**SECTION 503. BOATING RULES AND REGULATIONS.**

- 503.1 Definition. "Boat" means any device in or upon which persons or property may be carried, over or beneath the surface of water.
- 503.2 Safety Requirements. Boats and the operators and passengers must meet and observe all applicable Coast Guard, State and Federal safety requirements, and any person who violates any such requirements may be arrested or issued a citation pursuant to the applicable Coast Guard, State or Federal law.

503.3 Operating Regulations. Boats and the operators and passengers must observe all applicable Coast Guard, Federal and State use and operations regulations, including, but not limited to Section 655 of the Harbors and Navigation Code which states:

Reckless or negligent operation; regulations; operation under influence of intoxicating liquor or drug; death or serious injury.

- a) No person shall use any boat, jet ski or vessel or manipulate any water skis, aquaplane, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person. The department shall adopt regulations for the use of boats or vessels, water skis, aquaplanes, or similar devices in a manner, which will minimize the danger to life, limb, or property consistent with reasonable use of the equipment for the purpose for which it was designed.
- b) No person shall operate any boat, jet ski or vessel or manipulate any water skis, aquaplane, or similar device while under the influence of intoxicating liquor, any drug, or the combined influence of intoxicating liquor and any drug.
- c) No person shall operate any boat, jet ski or vessel or manipulate any water skis, aquaplane, or similar device while under the influence of intoxicating liquor, any drug, or under the combined influence of intoxicating liquor and any drug, and while so operating, do any act forbidden by law, or neglect any duty imposed by law in the use of the boat, vessel, water skis, aquaplane, or similar device, which act or neglect proximately causes death or serious bodily injury to any person other than himself.

503.4 Time of Use. Private boats may only be operated or launched between the hours of sunrise and sunset or according to any posted hours of operation. For the purposes of this section, a boat that is on the water shall be considered to be in operation.

503.5 Special Use Area: Gasoline Motor. No gasoline motors of any kind shall be used to propel a private boat within the District except at areas expressly designated from time to time by the Board for use by gasoline motor equipped boats. Approved electric motors may be allowed.

503.6 Special Use Area: Del Valle Lake. Gasoline powered motor boats may be operated at Del Valle Lake under the following restrictions:

- a) That boat speed shall not exceed 10 mph at any time.
- b) That no towed devices will be used to carry a person or persons behind boat.
- c) That no pollution of District waters occurs from any manner whatsoever from leakage or spillage of gasoline or oil.

503.7 Special Use Area: Swimming Area. No person shall operate any boat within any designated swimming area or within 100 feet of the boundaries of a designated swimming area or within 100 feet of a swimmer. Except that in the open lake area of Del Valle Lake, boats may be operated, notwithstanding the

the

designation of the open lake area as a swimming area, unless otherwise posted (formerly as 503.10).

503.8 Special Use Area: Sail Boards. No person shall operate any windsurfing board or sail board within any designated swim area or swim area marked by buoys or roped off. However, except as otherwise designated by the Board and notwithstanding the provisions of subsection 503.7, sail boards and/or windsurf boards are allowed within 100 feet of the boundaries of a designated swim area subject to the following restrictions (rev. 4/16).

- a) Repealed 4/16
- b) No more than one person on a board at the same time.

503.9 Special Use Area: Limitation of number of boats. The District reserves the right to limit the maximum number of boats on lakes or water areas it owns or manages at any particular time to provide safe and reasonable boating opportunities and to avoid interference with other public uses of aquatic facilities.

503.10 Violation: Revocation of Boat Permit. The District may revoke the boat permit of any boat whose occupants violate any of the foregoing rules and regulations.

503.11 Unsafe Vessel. A public safety officer may order the operator of an unsafe vessel to remove such vessel to shore when unsafe conditions are observed or where continued operation of the vessel without on-the-spot corrections, would create immediate danger to life, limb, or property.

503.12 Special Use Area: San Leandro Bay. Vessels may be operated in the area of San Leandro Bay, south of the Arrowhead Marsh point, that is marked by buoys, under the following condition.

- a) Vessels shall not be operated in excess of 5 miles per hour.
- b) That no pollution of waters occurs from any manner whatsoever from leakage or spillage of gasoline or oil.
- c) Vessels may not be moored to docks at Martin Luther King Regional Shoreline for a period of time exceeding 60 minutes or between the hours of 10:00 p.m. and 5:00 a.m., except as authorized by the District (added 7/10).

503.13 Special Use Area: Contra Loma Reservoir. Small car top watercraft (including kayaks and canoes are allowed subject to the following restriction:

- a) Activities involving the use of small watercraft that result in deliberate immersion of the occupants is not allowed.

Windsurfing will be allowed at Contra Loma Reservoir subject to the following restrictions:

- a) Windsurfers must wear wetsuits which may include wetsuits that are short and do not have sleeves;
- b) Windsurfers must shower for a minimum of two minutes prior to windsurfing.

**503.14 Sanitation and Pollution Control – Vessel Removal.**

- a) It shall be illegal for any vessel to remain standing on any shoreline or in any waters owned and/or operated by the District for a period longer than 24 hours. Any vessel in violation of this ordinance may be issued a Notice to Remove by a police officer, which must include a date, not less than 10 days from the date of violation, by which the owner must remove the vessel from the District shoreline or waters (rev. 4/12).
- b) If the vessel owner does not remove the vessel or cause the vessel to be removed by the date listed on the Notice, the vessel may be removed and stored by the District at the direction of a police officer. All costs related to the removal and storage of the vessel are the responsibility of the owner.
- c) A vessel removed and stored by the District, in accordance with this section, may be disposed of in accordance with the provisions of Article 4 of Chapter 2 of Division 3 of the Harbors and navigation code.
- d) Wrecked and abandoned vessels are subject to disposal in accordance with the provisions of Chapter 3 of Division 3 of the Harbors and Navigation Code. Whenever a vessel is sunk in a waterway, the owner must mark the vessel immediately in accordance with state laws. A vessel that is not properly marked or a vessel where removal does not commence immediately and is not completed within 14 days, is subject to removal, storage and disposal in accordance with this section (added 7/10).

**503.15** Every person who anchors a vessel in waters owned and/or operated by the District or moors a vessel to a dock or fixed structure at or on District property, for a period of time exceeding 4 hours or between the hours of 10:00 p.m. and 5:00 a.m., is guilty of an infraction or misdemeanor (added 3/19, rev. 1/22).

**SECTION 504. LITTERING WATERS.** Any person who violates the littering laws of this State with respect to littering or dumping waste material in water or on shore may be

arrested or issued a citation pursuant to Penal Code Section 374e. Penal Code Section 374e states:

Every person who litters or causes to be littered, or dumps, or cause to be dumped, any waste matter into any bay, lagoon, channel, river, creek, slough, canal, lake or reservoir, or other stream or body of water, or upon a bay, beach or shore within 150 feet of the high water mark of any such water, is guilty of an infraction or misdemeanor (rev. 1/22).

Every person convicted of a violation of this section shall be punished by a mandatory fine of not less than twenty (\$20) nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1, 000) upon a second conviction, and by a mandatory fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) upon a third or subsequent conviction.

The court may, in addition to the fine imposed upon a second or subsequent conviction, require as a condition of probation, that any person convicted of a violation of this section, pick up litter at a time and place within the jurisdiction

of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third subsequent conviction.

**SECTION 505. BEACHES - GLASS CONTAINERS.** No person shall possess any glass container while in a parkland's swimming beach area. For purposes of this subsection, swimming beach area shall be defined as any sand portion of a beach area or any area within a fenced swim complex. Any violation of this section shall be an infraction.

**SECTION 506. FLOAT TUBES.**

506.1 Definition. A float tube is a neoprene covered float used with waders and foot fins for propulsion.

506.2 Operating Regulation

- a) Repealed.
- b) Only one person is allowed per float tube.
- c) Float tubers must use a Coast Guard approved Personal Flotation Device (PFD) at all times.
- d) Repealed.
- e) Float tubers need to pay the quagga mussel inspection fee where applicable. (rev. 1/22)
- f) Float tubers must abide by all other District and Department of Fish and Game Regulations.



## **CHAPTER VI - PARK USES - RIDING/HIKING TRAILS**

- SECTION 600. GENERAL.** No person shall ride, drive, lead, or keep any saddle horse, pony, mule, or other such animal at any swimming pool, bathing beach, nature area, golf course, picnic area, lawn or turf area, or any other area designated from time to time by the Board as so restricted.
- SECTION 601. SADDLE ANIMALS.** No person shall ride, drive, 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 saddle or pack animal to stand unattended or insecurely tied.
- SECTION 602. GATES.** All persons opening a gate shall close the same after passing through it.
- SECTION 603. TRESPASSES.** Any person who violates the trespass laws of this State may be arrested or issued a citation pursuant to Penal Code Section 602. Trespass violations set forth in Penal Code Section 602 include, but are not limited to:
- a) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, sign board, or other notice forbidding shooting on private property.
  - b) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of the land, the owner's agent or by the person in lawful possession.
  - c) Entering any lands under cultivation or enclosed by fence, belonging to or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering the lands without the written permission of the owner of the land, the owner's agent or of the person in lawful possession, and
    - 1) Refusing or failing to leave the lands immediately upon being requested by the owner of the land, or the owner's agent or by the person in lawful possession to leave the lands, or
    - 2) Tearing down, mutilating, or destroying any sign, sign board, or notice forbidding trespass or hunting on the lands, or
    - 3) Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into the lands, or
    - 4) Discharging any firearms.
  - d) Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, or (2) the owner, the owner's agent or other persons in lawful possession.

## **CHAPTER VII - PARK USES - COMMERCIAL REVENUE**

### **SECTION 700. SOLICITING.**

- 700.1 General. No person nor group of persons shall solicit, sell, hawk, or otherwise peddle or rent any goods, wares, merchandise, liquids or edibles for human consumption or services, except those concessionaires and groups so authorized in writing by the Board of Directors or the General Manager, and such written authority is in the possession of a representative of the group while soliciting. Educational institutions in Alameda and Contra Costa Counties may conduct field trips and classes for their students on District parklands. Park and recreation agencies in Alameda and Contra Costa Counties must receive written permission from the General Manager or his designee before conducting any fee-based classes for the general public on District property.
- 700.2 Commercial. No person, group of persons, nor any business or commercial entity shall solicit, sell, hawk, demonstrate products for sale or otherwise peddle or rent any goods, wares, merchandise, liquids or edibles for human consumption or services, or give any lessons, classes or instruction whether for profit or otherwise, except those concessionaires or groups so authorized by the Board of Directors or the General Manager by a concessionaire permit. For purposes of this section, soliciting and selling shall include the leafleting or distribution of advertisements or other promotional devices, the collection of any monies for the use of Park District property, or delivering any goods or services for a fee.
- 700.3 In Group Sales. Notwithstanding Section 700.1, groups who are using District property may sell, or raise funds for non-profit, charitable or political purposes in conjunction with a paid for permit reservation or District approved special event permit or a permit to use a reservable building with the restriction that all selling or soliciting be limited to members of their party. In no event may selling or soliciting be extended to the members of the general public using District parklands.

**SECTION 701. GRAZING.** No person shall permit cattle, sheep, goats, or any animal to graze on any lands of the District except with written permission of the Board.

**SECTION 702. COMMERCIAL FILMING.** No person shall operate a still, motion picture, video or other camera for commercial purposes on parklands except pursuant to a written permit from the General Manager authorizing such activity. Fees for the issuance of such a permit may be established from time to time by resolution of the Board of Directors. This section shall not apply to the commercial operation of cameras as part of bona fide reporting of news.

## **CHAPTER VIII - PARK FEATURES - PROTECTION**

### **SECTION 800. ANIMAL PROTECTION, HUNTING AND FISHING.**

- 800.1 General. No person shall hunt, molest, disturb, injure, trap, take, net, poison, harm, or kill any kind of wild animal whether living or dead, nor remove, destroy or in any manner disturb the natural habitat of any animal. No person shall

molest, disturb, harass, harm, remove or kill any farm animal or in any manner damage or destroy the corrals or pens that contain them, or release farm animals from their pens or corrals.

- 800.2 (a) Exception: Waterfowl. Hunting of waterfowl is governed by state Fish and Game laws in the waters of the San Francisco and San Pablo Bays. In order to protect the health, safety and welfare of all park users and park facilities, discharge of weapons on District owned or managed lands within 150 yards of a trail, levee, road or developed recreation area is prohibited (rev. 9/14).  
(b) Exception. Fishing. Subsection 800.1 of this section does not apply to the taking of fin fish (fin fish does not include crawfish or frogs) from any water area of the District, except within the boundaries of any designated swimming area or any other such restricted area as may be designated and posted by the Board, and such fishing shall be in accordance with the rules and regulations established by the Board, providing, however, that no person shall utilize a spear or arrow while fishing in the District (rev. 4/12).
- 800.3 License. Except as otherwise posted, a valid State of California fishing license and a valid District fishing permit shall be required for all persons over the age of 16 years. All State Fish and Game laws and regulations, which are applicable, shall apply (rev. 4/16).
- 800.4 Restriction Following Fish Plants. No person shall fish within the posted fish planting area for a two-hour period following a fish plant, or as otherwise posted.
- 800.5 No person shall fish within the boundaries of Quarry Lakes Regional Recreation Area using lead fishing weights whether designed for fresh water fishing or other fishing method.
- 800.7 No wet live bait, with the exception of worms and night crawlers, is allowed to be used while fishing in fresh water within the District.

## **SECTION 801. ANIMALS - PET RESTRICTIONS.**

- 801.1 Prohibited Areas. No dog, cat, or other animal, even if securely leashed, shall be permitted in the following areas:
- a) any swimming pool;
  - b) bathing beach;
  - c) designated nature study area, wetland or marsh area;
  - d) golf course;
  - e) where a conservation easement management plan or permit specifically prohibits them;
  - f) or any other area specifically designated from time to time by the Board as so restricted.
    - 1) Attachment "B" is the current list of Parks or Areas of Parks where dogs are currently prohibited.
    - 2) Service animals trained to assist disabled persons and whose presence is reasonably necessary are exempt from this section.

**Attachment “B”**  
**Specific Parks or Areas of Parks Where Dogs Are Prohibited \***

**Bathing Beaches or Swimming Pools**

Contra Loma Beach/Swim Area	Crown Beach/Swim Area	Cull Canyon Swim Lagoon /Beach
Del Valle Beaches/Swim Area	Don Castro Lagoon/Beach	Lake Anza Beach/Swim Area
Lake Temescal Beach/Swim Area	Miller Knox - Keller Beach	Shadow Cliffs Beach/Swim Area
Castle Rock Pool	Little Hills Pool	Roberts Pool
Quarry Lakes Beach/Swim Area	Camp Arroyo Pool	

**Wetlands, Marshes, or Designated Nature Study Areas**

Big Break Wetlands	Brooks Island	Browns Island
Briones – posted lagoons	Coyote Hills – all marsh areas	Crown – Crab Cove Reserve, Roemer Marsh and pond wetlands
Don Castro – Shady Canyon Pond	Hayward Shoreline – all marsh areas, Cogswell, and Oro Loma marshes	Huckleberry Preserve (except for Skyline National Trail)
Martinez Shoreline marshes	McLaughlin Eastshore State Park – Albany Plateau Burrowing Owl Project Waterbird – McNabey Marsh	McLaughlin Eastshore State Park – marsh restoration areas
MLK marshes – Doolittle Pond, Arrowhead, etc.	Oyster Bay wetlands and natural areas Middle Harbor Shoreline Park	Oyster Bay wetlands and natural areas
Pt. Pinole – all marsh areas Pt. Isabel – Hoffman Marsh	Tilden Botanical Garden and Nature Area Pt. Pinole – all marsh areas	Waterbird – McNabey Marsh Tilden Botanical Garden and Nature Area
All other marsh and wetland areas, whether named or not herein		

**Wildlife Protection Areas- for Listed Species at Risk**

Vasco Caves Preserve	Round Valley Regional Preserve	
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**Golf Courses, Public Buildings and Major Fishing Piers**

Tilden Golf Course	Redwood Canyon Golf Course	Antioch/Oakley Pier
Carquinez - Eckley Pier	Point Pinole Pier	All Food Concessions, Visitors Centers, Kiosks and all other Public Buildings

**Other Parks or Areas of Parks with Specific Reasons for Prohibiting Dogs**

Ardenwood Preserve	Redwood Stream Protection Area - as fenced or posted	All District tot lots and children's play structures
Las Trampas Stables	McLaughlin Eastshore State Park – Berkeley Meadow – Interior Trails	Meyer's Garden
Redwood Arena		

**District Lakes where Dog Swimming is Prohibited**

Lake Chabot	Lake Del Valle - Oak Point North to East Marina	Contra Loma Lake
Shadow Cliffs- Main Lake	Quarry Lake Lakes	Temescal Lake

**\* Under Authority of Ordinance 38 Section 801.1**

801.2 Leash Required Areas (Developed Areas). No person shall bring into, or permit any dog, cat, or animal, to enter any Developed Area or be within approximately 200 feet (or as posted to address trail conditions or conflicting uses) of any parking lot, trail head or staging area, unless such animal is securely leashed and under control of that person (rev. 4/12, 3/19).

- a) Developed Areas are defined as any public road open to vehicular traffic, lawn or play field, deck, parking lot, picnic area, campground, concession area, equestrian center, archery facility, gun range, paved multi-use trail, or any other area specifically designated from time to time by the Board as so restricted.
- b) Other Leash Required areas may be designated from time to time by the Board or the General Manager or his/her designee. Attachment "C" is the current list of areas of Parks where dogs are currently required to be on leash (rev. 7/10).
- c) Leash Required Areas designated by the General Manager or his/her designee shall be subject to Board approval within 60 days of the designation.
- d) The number of dogs shall not exceed three per person, except as permitted in 801.11.
- e) An animal is leashed within the meaning of this section when such animal is securely tied, or otherwise attached, to one end of a chain, rope, or other type of leash or restraining device, or such animal is otherwise physically restrained (excluding electronic collars).
- f) Such leashes or devices shall be no longer than six feet, the other end of which is either securely attached to a stationary object or retained in the possession of a person capable of exercising control.
- g) Extendable leashes are permissible providing they are not extended beyond 6 feet in leash-required areas.
- h) No dog, cat, or other animal may be left unattended (if not contained) at any parkland.
- i) At campgrounds, dogs, cats, or other animals must be attended and either leashed, or contained within a vehicle, tent or other type of physical confinement.

801.21 For the safety of both pets and grazing animals, no person shall bring any dog, or other animal, into an area where grazing animals are present unless such animal is securely leashed and under the owner's complete control (added 3/19).

**Attachment "C"**  
**Specific Parks or Areas of Parks Where Dogs Must Be On Leash \***  
(revised 7/14)

**All Developed Areas Listed in 801.2 (a)**

All (Board Designated) posted and paved Multi-Use Trails**	All Public Roads Open to Vehicular Traffic	All Lawns or Play Fields
All Decks or Patios	All Parking Lots or Staging Areas	All Picnic Areas
All Campgrounds	All Concession Areas and Facilities	All Equestrian Centers - unless posted for no dogs
All Archery Ranges	All Gun or Marksmanship Ranges	All posted Dog on Leash Areas

**On all Trails That Cross or Enter into Lands Owned by Others, Dog Owners are to Comply with the Other Agency's Rules and Regulations**

East Bay Municipal Utility District Lands	San Francisco Public Utility Lands	Mount Diablo State Park
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**Specific Trails that the Board has designated as Dog On Leash Required Areas**

California Riding and Hiking Trail - Crystal Ranch/ Galindo Creek riparian section	Posted Sections of the Bay Trail in or near wildlife sensitive areas	Stream & Bridal Trails in Redwood Park along the Stream
Sibley/Skyline National Trail – between Skyline staging and the northern property boundary with EBMUD	Designated sections of Alhambra Creek, Tavan, Diablo View and Orchard Trails in Briones Regional Park	Designated Sections of the Dunn and Serpentine Prairie Trails in Redwood Regional Park

**\* Under Authority of Ordinance 38 Section 801.2**

**\*\*CURRENT (Board Designated) PAVED MULTI-USE REGIONAL TRAILS**

Alameda Creek Regional Trail (South side)  
Big Break Regional Trail  
Briones to Las Trampas Regional Trail (Paved Sections)  
Briones to Mt. Diablo Regional Trail (Paved Sections)  
Contra Costa Canal Regional Trail  
Coyote Hills to Ardenwood Regional Trail (Paved and Sidewalk Sections)  
Coyote Hills Bay View Trail to S.F. Bay Wildlife Refuge  
Crown Shoreline Regional Trail  
Delta DeAnza Regional Trail  
Iron Horse Regional Trail  
Lafayette-Moraga Regional Trail  
Marsh Creek Regional Trail (Paved Section)  
M. L. King (San Leandro Bay) Shoreline Regional Trail  
Point Isabel to Miller Knox Regional Trail  
San Pablo Bay Regional Trail  
Shadow to Del Valle Regional Trail  
Skyline National Recreation Trail (Nimitz and other Paved Sections)  
Wildcat Creek Regional Trail

801.3 Leash Optional Areas (Undeveloped Areas). A dog may run at large under the control of its owner or handler within undeveloped areas of the District, provided, however, that the owner or handler shall have a leash for each dog in his/her possession and keep the dog under control at all times.

- a) This Leash Option provision does not apply in areas regulated under subsections 801.1 and 801.2 above.
- b) For the purpose of this subsection, a dog is considered under control when the owner or handler is aware of its conduct and when it returns to the owner or handler when called. The owner or handler may not be aware of the animal's conduct when it is out of sight.
- c) Dogs are presumed to not be under control when:
  - 1) They threaten, harass, chase or harm other animals or wildlife. This does not include play chase with other dogs.
  - 2) They display threatening behavior.
  - 3) They physically harm people directly or indirectly by their actions.
  - 4) They run at large in leash -required areas or enter dog -prohibited areas.
  - 5) They touch or jump on other park users who have not invited or engaged in interaction with the dog.
  - 6) They are not within sight of the owner or handler (added 4/12).
- d) The number of dogs shall not exceed three per person, except as permitted in 801.11

801.4 Responsibility to Report Dog Bites or other Injuries. It is the responsibility of the owner or handler of any dog that has bitten or otherwise caused physical injury to a person or animal to, if requested, provide the requestor with the biting dog's license number (if available), and the handler's name and address.

- a) Injury is defined as any bite, however slight the injury that breaks the flesh of a person or another dog or animal.
- b) If more serious injuries are involved and either party desires medical treatment or police assistance, the owner or handler must report the incident to park staff or emergency responders as soon as possible and provide the staff/responders with their identification and the dog's license and rabies shot status.
- c) If such injury requires immediate medical treatment, the owner or handler may leave the scene to seek medical treatment, but must notify the Public Safety Department of the incident and their identity within 24 hours.

801.5 Dog: Licenses and Tags. Any unaccompanied dog found with or without a license or identification tag, may be seized and impounded by members of the District's police force, or any other authorized District employee holding the animal for the police or animal control.

801.6 Dogs: (Seizure). Any dog found roaming unattended or in packs may be seized and impounded when found:

- a) Chasing cattle.
- b) Interfering with, bothering, or harassing park users.
- c) Chasing animals, or wildlife.

In the event that any such dog is found to create a danger to the life or limb of park users, other animals or wildlife, and cannot be seized or impounded, the dog as a last resort may be killed by a District police officer.

801.7 Dangerous Animals. No person shall bring into or permit any dangerous animal to enter or remain on District parklands or any part thereof. For purposes of this subsection, a dangerous animal is defined as any animal, which is declared a dangerous animal by a County or City, an exotic animal, or an animal which demonstrates any of the following behavior:

- a) An attack which requires a defensive action by any person to prevent bodily injury and/or property damage.
- b) An attack on another animal, domestic or wild, or livestock.
- c) An attack that results in an injury to a person.
- d) Any behavior that constitutes a physical threat of bodily harm to a person.

801.8 Pt. Isabel Exception. As an exception to the provisions in subsection 801.2, dogs, may be taken off leash at Pt. Isabel Regional Shoreline. Any person allowing their animal to be off leash must:

- a) Carry a leash for each dog in his/her possession.
- b) Keep their dog or other animal under voice control and within sight at all times;
- c) Clean up feces deposited by their dog or other animal and place feces in provided and marked containers or garbage cans;
- d) Immediately leash any dog or other animal showing aggressiveness toward people or other dogs or animals; and
- e) Prevent dogs or other animals from digging or damaging park resources.
- f) Keep dogs and other animals on-leash in parking lots and roadways (added 4/12).

801.9 Attack Dog Training. No person shall train dogs for attack or any other form of dog and human contact which simulates attack.

801.10 Removal of Dog Feces. Any person bringing a dog onto park property shall immediately remove the excrement deposited by such animal. Animal wastes must be placed in garbage cans or removed from the park.

801.11 Commercial and Non-Profit Dog Walkers. Any person who walks or exercises a dog or pet for a fee or who wants to walk more than three (3) personal pets must obtain and have in their possession a revocable annual permit from the General Manager or his/her designee to use designated District lands for this use. Such permits shall contain:

- a) Provisions that limit the number of dogs that can be walked either on or off leash at any one time. Two or more permit holders may not walk together if the combined number of dogs would exceed six (6) (rev. 4/16).
- b) The permit fee to be charged by the District.
- c) The areas and trails where dogs can be exercised under the permit.
- d) Appropriate insurance and hold harmless provisions.
- e) Any other conditions that the General Manager may find applicable.



801.12 Dog Digging. Any person bringing a dog(s) onto park property shall prevent the dog(s) from digging or damaging park resources.

801.13 South Park Drive Exception. As an exception to the provisions of subsection 801.2, dogs may be taken off leash on South Park Drive in Tilden Regional Park during the seasonal closure period (November 1 – April 1). Any person allowing their animal to be off leash must:

- a) Carry a leash for each dog in his/her possession;
- b) Keep their dog or other animal under voice control and within sight at all times;
- c) Clean up feces deposited by their dog or other animal and properly dispose of the feces;
- d) Immediately leash any dog or other animal showing aggressiveness toward people or other dogs and animals;
- e) Prevent dogs or animals from digging or damaging park resources; and
- f) Keep dogs and other animal on-leash in developed areas, such as picnic areas, staging areas and lawns

**SECTION 802. ABANDONED ANIMALS.** No person shall abandon a dog, cat, fish, fowl, or other animal within the District parklands. Any abandoned animals will be live-trapped and relocated, or turned over to Animal Control, or otherwise be removed in compliance with adopted Board policy.

**SECTION 803. FEEDING RESTRICTION.** For Feral (Domestic or Non-Native Animals), Wild Animals (including cats), and Farm Animals. No person shall feed farm animals when so posted, or feral or wild animals at any time on District parklands (rev. 1/22).

**SECTION 804. PLANTS.** No person shall damage, injure, collect or remove any plant or tree or portion thereof, whether living or dead, including but not limited to flowers, mushrooms, bushes, vines, grass, turf, cones and dead wood located on District parklands. In addition, any person who willfully or negligently cuts, destroys or mutilates vegetation shall be arrested or issued a citation pursuant to Penal Code Section 384a.

**SECTION 805. 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 parklands.

**SECTION 806. ARCHAEOLOGICAL FEATURES.** \_ No person shall damage, injure, collect or remove any object of paleontological, archaeological or historical interest or value located on District parklands. In addition, any person who willfully alters, damages, or defaces any object of archaeological or historical interest or value or enters a fenced and posted archaeological or historical site shall be arrested or issued a citation pursuant to Penal Code Section 622-1/2.

- SECTION 807. SPECIAL PERMISSION.** Special permission (Section 103) may be granted to remove, treat, disturb, or otherwise affect plants or animals or geological, historical, archaeological, or paleontological materials for research, interpretive, educational, or park operational purposes.
- SECTION 808. PROPERTY.** No person shall cut, carve, paint, mark, paste, or fasten on any tree, fence, wall, building, monument, or other property in the District, any bill, advertisement, directional or informational signs, or inscription whatsoever. No person shall affix, tie or fasten to any tree, shrub, fence or other property in the District a hammock or slack line (rev. 1/22).
- SECTION 809. EXIT SPIKES.** No person shall tamper with, insert objects into, or place objects on any exit spikes installed to prevent access to parklands.
- SECTION 810. SPECIAL PROTECTION AREAS.** No person shall ride or operate a bicycle or ride a horse within a posted Special Protection Area, except on designated trails. Special Protection Areas are designated by the Board to preserve cultural and/or natural resources (added 4/12).
- SECTION 811. ILLICIT DISCHARGES PROHIBITED.** No person shall cause or permit any illicit discharges into the Park District's Sanitary Sewer System including restrooms, laterals, pipelines, manhole, pump stations, RV dump sites and any associated infrastructure. Any unpermitted or unauthorized discharges into the Park District's sanitary sewer system, including but not limited to, stormwater, chemical dumping, unauthorized debris, fats, oils, grease and cut roots is prohibited and violations of this section shall be an infraction or misdemeanor and shall be punishable as provided by this Ordinance 38 and all applicable law (Added 11/20; rev. 1/22).

## **CHAPTER IX - PARKLANDS OPERATIONS - GENERAL**

### **SECTION 900. LITTERING.** (Penal Code Section 374)

#### 900.1 Definitions: Littering: Waste Matter.

- a) Littering means the willful and negligent throwing, dropping, placing, depositing, or sweeping, or causing any such act, of any waste matter on land or water in other than appropriate storage containers or areas designated for such purpose.
- b) Waste matter means discarded, used or leftover substance including, but not limited to, a lighted or non-lighted cigarette, cigar, match or any flaming or glowing material, or any garbage, trash, refuse, paper, container, packaging or construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

900.2 Littering or Dumping. No person shall litter or cause to be littered any District parkland, or cause to be dumped any waste matter in or upon any District parkland. It shall be unlawful to place, deposit, or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any District parkland without the prior written consent of the General Manager. Any person littering or dumping any waste material upon District parkland shall be arrested or issued a citation pursuant to Penal Code Sections 374.4 and 374.3.

900.3 Household or Industrial Materials. No person, firm, or business shall bring household or industrial garbage, trash or waste materials into any lands owned or operated by the District for the purpose of placing such materials into any trash can, dumpster, or receptacle provided by the District.

**SECTION 901. PARKING: PROHIBITED AREA.** In any prosecution involving a violation of this section, prima facie evidence shall be obtained by proof that the vehicle was parked in violation of such provision, together with proof that the defendant was at the time the registered owner of the vehicle. These provisions shall apply only when the following conditions are complied with:

- a) While the vehicle is illegally parked, a notice shall be securely attached to the vehicle stating the section of the Ordinance so violated, the approximate time, and the location and fixing a time and place for appearance by the registered owner.
- b) Any police officer who observes a violation of this section may attach said notice in any conspicuous place on said vehicle.

901.1 No person shall park a motor vehicle, except an authorized emergency vehicle or when in compliance with the directions of a peace officer, in any of the following places:

- a) In areas where prohibited by "No Parking" signs.
- b) On any fire trail.
- c) On any equestrian or hiking trail
- d) Blocking or obstructing any gate, entrance, or exit.

901.1 No person shall park a motor vehicle. (continued)

- e) On any lawn or grassy area.
- f) In any picnic area.
- g) On any beach.
- h) In such a manner as to take up more than one “marked” parking place in any authorized parking area.
- i) In any area where such vehicle blocks or obstructs the free flow of traffic.
- j) Within 15 feet of a fire hydrant.
- k) Adjacent to any curb painted red.
- l) Any parkland after curfew except pursuant to a valid parking permit.
- m) In a District parking lot where a fee is charged, a permit is issued as a receipt, and the permit or receipt is not displayed in a conspicuous place upon the vehicle as to be easily observed by a police officer.
- n) In a parking lot where a fee is charged and the fee is not paid.
- o) In a parking lot on regional parklands for the purpose of commute parking.
- p) In a parking lot on regional parklands for the purpose of advertising or attempting to sell a vehicle.
- q) At a campsite in a family campground where two other motor vehicles are parked (maximum number of vehicles = 2) or off of the paved pad at the site.
- r) In violation of posted parking restrictions or devices.
- s) Outside a marked parking space while in a paved parking lot.

**Removal.** Any vehicle parked or left standing in violation of this section may be removed in accordance with the California Vehicle Code.

901.2 Parking Time Limits. No person shall park a vehicle beyond posted parking time limits.

901.3 Parking Spaces - Disabled Person and Disabled Veterans.

- a) Certain parking stalls or spaces at District facilities shall be designated for the exclusive use of disabled persons’ vehicles that display a distinguishing license plate or placard issued pursuant to Section 22511.5 of the California Vehicle Code or the disabled veteran, as specified in Section 9105 of the California Vehicle Code.
- b) Removal. Any vehicle parked or left standing in violation of this section shall be removed from such properly posted disabled persons’ parking space in accordance with Section 22511.8 of the California Vehicle Code.

901.4 Vehicle Maintenance or Repair. No person shall perform any routine vehicle maintenance or repairs, other than emergency repairs of disabled vehicles, on any lands, roadways, or parking areas owned or operated by the District

**SECTION 902. OPERATION OF MOTOR VEHICLES; OFF-ROAD VEHICLES.**

902.1 General. Except as provided in section 902.3, no motor vehicle as defined in section 902.2 may be operated within District Parklands except on established paved roads which are open to the public (rev. 4/16).

902.2 Definition. A motor vehicle is any vehicle or device that is self-propelled by means of an internal combustion engine or electric motor, used to transport a person or property. Motor vehicles include, but are not limited to passenger cars, motorcycles, off-road vehicles, "dirt-bikes," all-terrain vehicles, motorized skateboards, "Go-peds," motorized scooters, self-balancing electric scooters aka "hover boards", "Segways," and similar vehicles (rev. 4/16).

902.3 Exceptions.

- a) This section shall not apply to authorized emergency vehicles.
- b) This section shall not apply to areas, roads, trails, or paths which may from time to time be set aside or posted by the Board for the use of specifically designated vehicles.
- c) This section shall not prohibit the use of gasoline or electrically driven golf carts upon golf courses within the District parklands.
- d) This section shall not apply to electric powered wheel chairs, electric scooters, or other power-driven mobility devices used in conformity with the District policy on use of other power-driven mobility devices, while being operated by a person with a medical condition or mobility disability, which impairs normal mobility (rev. 4/16).
- e) This section shall not apply to Class I or Class II electric bicycles on the following trails: Alameda Creek Trail (paved side only), Big Break Trail, Contra Costa Canal Trail, Delta De Anza Trail, George Miller Trail, Iron Horse Trail, Lafayette Moraga Trail, and Marsh Creek Trail (added 3/19).

**SECTION 903. SPEED LIMITS.** No person shall drive a vehicle within the District at a speed greater than is reasonable or prudent, having due regard for traffic on, and the surface and width of, the road, and in no event at a speed which endangers the safety of persons, property or wildlife, provided, however, that in no event shall a vehicle be driving at a speed greater than the posted speed limit for that area.

903.1 Excessive Acceleration. It shall be unlawful on any roadway or within any parking lot owned or operated by the District for the operator of any motor vehicle to so accelerate as to cause audible noise by tire friction on the pavement or graveled surface, or to cause the tires of the vehicle to leave friction marks upon the pavement except when such action is reasonably necessary to avoid a collision.

903.2 Motorcycles. It shall be unlawful for the operator of any two-wheel or three-wheel motorcycle to so accelerate as to cause the front wheel to lift from the surface of any roadway or parking lot owned or operated by the District except when such action is reasonably necessary to avoid a collision.

**SECTION 904. ABANDONED VEHICLES.**

904.1 72 Hours. No person shall permit a vehicle to be parked or left standing within the District for 72 or more consecutive hours except in camping areas pursuant to a valid parking permit.

904.2 Removal. Any vehicle parked or left standing in violation of this Section may be removed as provided in the Vehicle Code of the State of California.

- 904.3 Abandonment. Whenever a District Public Safety Officer has reasonable grounds to believe that a vehicle has been abandoned within the District, the vehicle may be removed as authorized by Vehicle Code Section 22669(a).

## **SECTION 905 AIRCRAFT FLIGHT.**

- 905.1 Height Restrictions. Flight in aircraft below the altitude of 500 feet is prohibited, as is any flight so conducted as to be eminently dangerous to persons or property lawfully within the District. The landing of an aircraft on the land or waters of the District without prior permission is unlawful except in the case of a forced landing. The owner, lessee or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing (Public Utilities Code, Section 21403(a)).
- 905.2 Practicing. No person shall practice, or attempt to practice, the landing, take-off or taxiing of an aircraft above or upon any lands or waters of the District.
- 905.3 Disturbing Wildlife. No person shall operate, or cause to be operated, any aircraft, which disturbs or causes harm to any of the flora or fauna of the District.

## **SECTION 906. CURFEW.** No person other than the house guests of the concessionaire-resident or an employee renting a house from the District, persons fishing in parks designated for nighttime fishing, or person possessing valid written permission to camp, shall enter upon or otherwise remain within the District for any purpose whatsoever between the hours specifically posted as curfew hours at the entrance to the particular District parkland, or where no hours are posted, between the hours of 10:00 p.m. to 5:00 a.m. Those persons possessing a valid permit shall be allowed to remain and use parklands and facilities as specified in their permit, after which time they shall leave the District without any appreciable delay.

- 906.1 Daytime Curfew. No minor under the age of 18 years, who is subject to compulsory full-time education or to compulsory continuation education shall enter or remain on District lands between the hours of 8 am and 2 pm on days and hours when the minor's school is in session. Exceptions:
- a) When the minor is accompanied by a parent, guardian or other adult having care or custody of the minor.
  - b) When the minor is coming or going directly to his or her place of employment or to and from a medical appointment.
  - c) When the minor has permission to leave for lunch or a school-related activity and has a valid, school-issued, off-campus permit.
  - d) When the minor is on an emergency errand directed by his or her parent or guardian or other adult person having care or custody of the minor.
  - e) When the minor is exempt by law from compulsory education or compulsory continuation education.
  - f) When the minor is authorized to be absent from his or her school under the provisions of California Education Code section 48205, or any applicable state or federal law (added 4/12).

**SECTION 907. PROHIBITED OR RESTRICTED AREA.** To insure the safety and health of persons, to avoid interference in development, construction, management, and operations to protect the lands of the District and its neighbors during high risk fire weather, or to provide for the security, safeguarding and preservation of persons and property in the District and portions thereof, the General Manager or his designee may from time to time upon such finding declare an area closed, entry prohibited, entry regulated, or limited to further entry, and specify the period therefore. If the order is to close an area, the order may exclude such reasonable categories of persons who may enter therein in the conduct of such proper activities or official duties as the General Manager may prescribe. If the order is to limit the number of person in an area, no person shall enter the area unless specifically authorized.

When by order a prohibited or limited area has been so declared, no person so prohibited shall enter therein, and all prohibited person 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 instructions of the authorized District employee.

**SECTION 908. DECLARATION OF NOISE POLICY.** It is hereby declared to be the policy of the District to prohibit unnecessary, excessive, annoying noises from all sources subject to its police power. At certain levels, noises are detrimental to the health and welfare of East Bay Regional Park District users, and it is in the public interest to systematically prescribe such noises.

908.1 Definitions.

- a) Sound Amplifying Equipment. "Sound amplifying equipment" shall mean any machine or device for the amplification of the human voice, music, or any other sound. "Sound amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound amplifying equipment," as used in this chapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.
- b) Sound Truck. "Sound truck" shall mean any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.
- c) Commercial Purpose. "Commercial Purpose" shall mean and include the use, operation or maintenance of any sound amplifying equipment for the purposes of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, advertising for, or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.

908.2 Radio, Television Sets, and Similar Devices.

- a) Peace and Quiet. It shall be unlawful for any person within the District to use or operate any radio receiving set, musical instrument, phonograph,

908.2 Radio, Television Sets, and Similar Devices. (continued)

television set, or other machine or device for producing or reproducing the sound in such a manner as to disturb the peace, quiet and comfort of East Bay Regional Park District users or any reasonable person of normal sensitivity in the area.

- b) Prima facie violation. The use of any of the devices or machines enumerated in Subsection 908.1(a) hereof, such that the sound produced there from is audible at a distance in excess of 50 feet, shall be deemed a prima facie violation of this chapter.
- c) Absolute prohibition. In addition to Subsection 908.1(a) and 908.1(b) of this section, and to insure adequate rest for District users, no person shall use or operate any of the devices mentioned in Subsection 908.1(a) and 908.1(b) within the sleeping quarters of campgrounds of the District between the hours of 10:00 p.m. and 7:00 a.m. daily.

908.3 Amplified Music.

- a) Registration Required. It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies acting within the scope of their official employment, to install use or operate within the District a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purpose of transmitting music to any persons or assemblages of persons within the District without filing a registration statement with and obtaining approval from the General Manager. Furthermore, such approval may be granted to operate such devices or equipment only within the designated amphitheater areas maintained by the District for such purposes, or other such similar areas as the Board may from time to time so designate.
- b) Registration Statements: Filing. Every user of equipment shall file a registration statement with the General Manager at least seven days prior to the date on which the sound-amplifying equipment is intended to be used, which statement shall contain the following information.
  - 1) The name, address, and telephone number of both the owner and user of the sound-amplifying equipment; (2) The maximum sound-producing power of the sound-amplifying equipment which shall include the wattage to be used and the approximate distance for which sound will be audible from the sound-amplifying equipment; (3) The license number if a sound truck is to be used; and (4) A general description of the sound-amplifying equipment which is to be used.

908.4 Registration Statement. Approval. The General Manager shall return to the applicant an approved certified copy of the registration statement unless the General Manager finds that any of the provisions in Subsection 908.2(a) of this section have not been complied with, or unless the designated amphitheater locations have been previously reserved for the requested date and/or hours.

908.5 Registration Statements. Disapproval. In the event the registration statement is disapproved, the Office of the General Manager shall endorse upon the statement the reason or reasons for disapproval and return it forthwith to the applicant.



908.6 Fees. No fee shall be required solely for issuance of the registration statement permitting of amplified sound; however, a fee in accordance with the fee schedule established by the General Manager may be charged for use of the amphitheater area or other area designated to be used.

908.7 Regulations. The use of sound-amplifying equipment shall be subject to the following regulations:

- a) The operation of sound-amplifying equipment shall only occur between the hours of 10:00 a.m. and 8:00 p.m. each day.
- b) The volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.
- c) Notwithstanding and in addition to the above, the users of sound equipment shall abide by any specific limitations noted upon the registration statement, and shall abide by the orders and directions of District Public Safety Officers in the operation of such sound-amplifying equipment.

908.8 General Noise Regulations.

- a) General. Notwithstanding any other provision of this Chapter, and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet within any area within the District or which causes discomfort or annoyance to any reasonable person of normal sensitiveness utilizing any facility of the District.
- b) Standards. The standards, which shall be considered in determining whether a violation of the provisions of this Section exists, shall include but not be limited to, the following;
  - 1) The level of the noise;
  - 2) The intensity of the noise;
  - 3) Whether the nature of the noise is usual or unusual;
  - 4) The level and intensity of the background noise, if any;
  - 5) The type of area within which the noise emanates;
  - 6) The intensity of human use of the area during the time at which the noise emanates;
  - 7) The time of the day or night the noise occurs;
  - 8) The duration of the noise; and
  - 9) Whether the noise is recurrent, intermittent, or constant.

## **CHAPTER 10 ENFORCEMENT** (added 10.04.22)

### **SECTION 1000. GENERAL** (added 10.04.22)

#### **1000.1 General** (added 10.04.22)

The enforcement remedies provided in this chapter shall be nonexclusive and are in addition to any other remedy available under applicable law to address violations of this Ordinance, abatement of nuisances, or violations of any permits or licenses granted by the District or under state or federal law. All remedies are cumulative. Each and every day of a violation constitutes a new and separate violation. (added 10.04.22)

#### **1000.2 Definitions** (added 10.04.22)

- a) "Citation" shall mean an administrative citation that is issued to a Responsible Person pursuant to this Chapter. (added 10.04.22)
- b) "Citee" shall mean a Responsible Person that has been issued a Citation. (added 10.04.22)
- c) "Authorized Officer" shall mean any sworn police officer employed by the District or other District personnel authorized by the General Manager to enforce this Chapter. (added 10.04.22)
- d) "Final Determination" shall mean either an issued citation that has not been timely appealed, or a citation that has been timely appealed and a written determination has been issued. (added 10.04.22)
- e) "Fine" shall mean the monetary sanction established by resolution of the Board that is imposed upon a citee by means of a citation. (added 10.04.22)
- f) "Hearing officer" shall include the District designee or authorized vendor assigned to consider all timely requests for an administrative hearing following issuance of a citation. (added 10.04.22)
- g) "Person" shall mean any individual, partnership, corporation, association or other organization, however formed. (added 10.04.22)
- h) "Responsible Person" shall mean any Person (as defined by this section) who allows, causes, creates, maintains, suffers, or permits a violation to exist or continue, by any act or the omission of any act or duty. (added 10.04.22)
- i) "Violation" shall mean an act, or omission of any act, or use or condition that constitutes an offense of any provision, restriction, or requirement of this Ordinance or any code adopted by reference herein, any ordinance of the District, any rule or regulation promulgated pursuant thereto, any condition of any permit, license, or other entitlement issued by the District, or any state law. (added 10.04.22)

### **SECTION 1001. ADMINISTRATIVE CITATION** (added 10.04.22)

1001.1 Authority. California Government Code section § 53069.4 authorizes local agencies to make any violation of any local ordinance subject to an administrative fine or penalty. The District is a local agency as defined by California Government Code section § 53069.4 and is adopting this Section

1001 pursuant to this authority as well as California Public Resources Code Section 5500, et seq. (added 10.04.22)

1001.2 Purpose. This section provides for the issuance of administrative citations for Violations as defined by Section 1000.2 of this Chapter and establishes procedures that govern the imposition, enforcement, collection, and administrative review of administrative citations and related penalties or fines issued for Violations. This section also encourages prompt abatement and deters future violations. (added 10.04.22)

1001.3 Issuance of Administrative Citations. (added 10.04.22)

- a) Whenever an Authorized Officer determines that a Violation has occurred, the Authorized Officer may issue an administrative citation on a District-approved form advising the Responsible Person of the Violation and imposing an administrative fine, as appropriate. In the case of continuing Violations that do not create an immediate danger to health or safety, citations shall provide for a reasonable period of time for the Responsible Person to correct or otherwise remedy the Violation prior to the imposition of administrative fines. (added 10.04.22)
- b) Each citation issued shall contain the following information: (added 10.04.22)
  - 1) Name and mailing address of the Responsible Person; (added 10.04.22)
  - 2) A description of the Violation(s), including the address or description of the location of the Violation(s), the date and approximate time of the commission of the Violation(s) or detection thereof by an Authorized Officer; (added 10.04.22)
  - 3) The relevant provision(s), section(s), or condition(s) of this Ordinance, state law, or any permit, license, or other entitlement issued by the District alleged to have been violated; (added 10.04.22)
  - 4) If applicable, the action(s) required to correct the Violation(s) and the period of time to correct a continuing Violation if required by this section, including any deadlines for commencing and completing such action(s); (added 10.04.22)
  - 5) Amount of the fine for each Violation, the procedure, deadline and place to pay any fines or penalties, any late penalty and/or interest charge(s) if not timely paid, and the procedure to appeal the citation; (added 10.04.22)
  - 6) Any other information deemed necessary by the General Manager or designee. (added 10.04.22)

1001.4 Failure to Comply with Corrective Order. Failure of a Citee to correct a violation within the time stated in any uncontested citation, or to comply with a correction order in any hearing officer decision that has been upheld, shall constitute a misdemeanor and a separate violation of this Ordinance 38. (added 10.04.22)

1001.5 Penalties. An administrative fine in an amount adopted by resolution of the District shall be imposed by means of an administrative citation issued by a District police officer or other authorized District personnel and shall be paid directly to the District. Payment of a fine shall not excuse a failure to correct a violation, nor shall it bar concurrent or further enforcement actions by the District. (added 10.04.22)

- a) The fine(s) imposed by this section shall be established by Board resolution. The Board may, by resolution, also establish escalating fines for repeat offenses of the same violation within 12 months of the initial administrative citation. Where a violation would otherwise be an infraction, the administrative fine may not exceed the maximum fine or penalty for infractions set forth in Government Code sections 25132 and 36900(b). (added 10.04.22)
- b) The fine shall be paid to the District within 30 days after the date of the Final Determination of the administrative citation. If, after a timely appeal hearing request pursuant to this section, it is determined that the administrative citation should be cancelled, the responsible person shall be notified and any administrative fine paid shall be refunded within 30 days. (added 10.04.22)
- c) Failure to pay an administrative fine by the due date shall result in the assessment of a late penalty. The late penalty shall be equal to 100 percent of the total fine owed. (added 10.04.22)
- d) Failure to pay an administrative fine within 30 days after the date of the Final Determination of the administrative citation, shall also result in the imposition of an interest charge at a rate established by resolution of the Board. Interest shall not accrue on a late penalty. The rate of interest may be modified from time to time by resolution of the Board. (added 10.04.22)
- e) Payment of an administrative fine shall not excuse or discharge a Citee from the duty to abate a violation, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a Violation. (added 10.04.22)
- f) Abatement of a Violation shall not excuse the obligation of a Citee to pay an administrative fine or any other charges, penalties, fees, or costs imposed as a result of the issuance of a citation. (added 10.04.22)
- g) Unpaid administrative fines and other charges, penalties, fees, or costs imposed in accordance with this section shall constitute a debt that may be collected in any manner allowed by law, including, but not limited to the filing of a civil action in court. (added 10.04.22)

1001.6 Administrative Citation Appeal. (added 10.04.22)

- a) A Citee may appeal the issuance of a citation received by filing a request for a hearing no later than 10 business days from the date of issuance of the citation. The appeal must be timely received by the Park District on a form approved by the General Manager and contain the following: (added 10.04.22)

- 1) A written description specifying in detail the basis for contesting the administrative citation, along with any evidentiary support for the appeal. (added 10.04.22)
  - 2) Payment of the administrative fine and the applicable Citation appeal fee, as set forth in the Park District's current fee schedule or a timely and complete request for a hardship waiver on a form approved by the General Manager. (added 10.04.22)
  - b) Failure to file an administrative citation appeal request in accordance with this section shall constitute a waiver of the responsible person's right to contest any matters set forth in the administrative citation, and the citation shall be deemed a Final Determination. (added 10.04.22)
  - c) Fines that are deposited with the District shall not accrue interest. Fines deposited shall be returned to the Citee if a citation is overturned or otherwise dismissed. (added 10.04.22)
  - d) The administrative citation hearing shall be conducted pursuant to section 1003 of this Chapter. (added 10.04.22)
- 1001.7 General Manager Authority. (added 10.04.22)
- a) The General Manager may adopt a procedure in which a Responsible Person who requests an administrative citation appeal to contest an administrative citation and who is financially unable to deposit the administrative fine may request a hardship waiver. (added 10.04.22)
  - b) The General Manager or designee may dismiss a citation at any time if a determination is made that it was issued in error, in which event any deposit of a fine shall be refunded. Notice of such action shall be given to the Citee in writing. (added 10.04.22)
  - c) The General Manager may adopt such rules and regulations necessary or convenient to implement the provisions of this chapter and applicable state law. (added 10.04.22)

## **SECTION 1002. NUISANCE ABATEMENT**

1002.1 Authority. California Government Code section 5558.5 authorizes the board of directors of a regional park district to declare that an encroachment onto park district lands constitutes a nuisance, establish nuisance abatement procedures and procedures to collect related administrative costs and penalties, including but not limited to a nuisance abatement lien, and provide for summary nuisance abatement. (added 10.04.22)

1002.2 Nuisance Declared. An unauthorized encroachment onto District parklands constitutes a nuisance and is a violation of this Ordinance, including, but not limited to: the unauthorized installation or placement of any improvements on Parklands such as fencing, furniture, structures, concrete, paving, water pipes, or unauthorized landscaping or planting; the placement of unauthorized vehicles, mobile homes or structures; alterations to land such as road grading and streambed or waterway alterations; and unauthorized dumping.

Maintenance of a nuisance shall include the creation, continuance, and/or permitting of a nuisance. Each day such nuisance is maintained shall constitute a separate violation. (added 10.04.22)

1002.3 Nuisance Abatement Remedies. Nuisances under this section may be abated by one or more of these nonexclusive remedies, in addition to all other remedies authorized by this ordinance or State law: (added 10.04.22)

- a) Administrative Citation. Administrative citations as set forth in section 1001 of this chapter. (added 10.04.22)
- b) Nuisance Abatement. Nuisance abatement and cost recovery as set forth in this section 1002. (added 10.04.22)
- c) Civil Action. A civil action to abate the nuisance in the name of the District for injunctive relief, damages, costs, penalties and attorney's fees. (added 10.04.22)

1002.4 Abatement Procedures. (added 10.04.22)

- a) Whenever an Authorized Officer determines that a Violation has occurred, the Authorized Officer may issue a Nuisance Abatement Citation on a District-approved form advising the Responsible Person of the Violation and the corrective steps necessary to abate the nuisance. (added 10.04.22)
- b) Each Nuisance Abatement Citation issued shall contain the following information:
  - 1) Name and mailing address of the Responsible Person; (added 10.04.22)
  - 2) A description of the Violation(s), including the address or description of the location of the Violation(s), the date and approximate time of the commission of the Violation(s) or detection thereof by an Authorized Officer; (added 10.04.22)
  - 3) The relevant provision(s), section(s), or condition(s) of this Ordinance, state law, or any permit, license, or other entitlement issued by the District alleged to have been violated; (added 10.04.22)
  - 4) If applicable, the action(s) required to correct the Violation(s) and the period of time to correct a continuing Violation if required by this section, including any deadlines for commencing and completing such action(s); (added 10.04.22)
  - 5) Amount of the fine for each Violation, the procedure, deadline and place to pay any fines or penalties, any late penalty and/or interest charge(s) if not timely paid, and the procedure to appeal the citation; and (added 10.04.22)
  - 6) Any other information deemed necessary by the General Manager or designee. (added 10.04.22)
- c) When a Nuisance Abatement Citation becomes final, because no timely appeal was filed pursuant to section 1001.6 or a hearing officer has issued a final order upholding a citation or notice after a timely appeal, District staff or the District's contractor may abate the nuisance. Abatement may include

the removal or demolition of private improvements and property. (added 10.04.22)

1002.5 Summary Nuisance Abatement. (added 10.04.22)

- a) If a nuisance creates an immediate threat to public health and safety such that irreparable harm is likely to occur with the standard abatement process, the General Manager or designee may authorize District staff or contractor to summarily abate a nuisance at the expense of the Responsible Person, without prior notice or hearing. (added 10.04.22)
- b) Summary abatement shall be limited to those actions necessary to eliminate the immediate threat to the public health and safety. (added 10.04.22)
- c) Notice of the summary abatement shall be provided to the Person as soon as practical. (added 10.04.22)
- d) The costs and expenses of a summary abatement shall be the responsibility of the Responsible Person, and if unpaid, made a lien on the property and shall be collected pursuant to the recovery of costs provisions in Section 1004 of this Chapter. (added 10.04.22)

**SECTION 1003 APPEAL HEARING PROCEDURES**(added 10.04.22)

1003.1 Applicability. The following procedures shall apply to appeal hearings conducted under this Chapter. (added 10.04.22)

1003.2 Administrative Appeal Hearing Procedures. (added 10.04.22)

- a) Scheduling the Hearing. Following receipt of a timely appeal, the District Clerk or designee shall schedule the administrative appeal hearing no sooner than 10 calendar days and not more than 60 calendar days from the date the appeal was filed, unless a later date is agreed to in writing by both the District and the appellant. (added 10.04.22)
- b) Notice of Hearing. Written notice of the date, time, and place of the hearing shall be given to the appellant at least 10 calendar days prior to the hearing date either by personal service or first-class mail. Service by mail shall be effective on the date of mailing. Failure of any interested party to receive this notice shall not affect the validity of any proceedings or actions taken under this Chapter. (added 10.04.22)
- c) Scope of Hearing. At the administrative appeal hearing, the hearing officer shall hear and consider all relevant evidence and argument. The hearing officer shall receive relevant testimony from the appellant, the enforcement official or his/her/their designees, and any witnesses and interested persons. (added 10.04.22)
- d) Hearing Procedures. Formal rules of evidence do not apply. A party may represent him/her/themselves or be represented by anyone of his/her/their choice. A party may bring an interpreter to the hearing at his/her/their sole expense. The District may, at its discretion, record the hearing by stenographer, audio recording, or video recording. The hearing officer

may question any person who presents evidence or who testifies at any hearing. (added 10.04.22)

- e) Appearances. An appellant's failure to appear or to submit a timely written declaration shall constitute a waiver of the right to appeal, and the action being appealed shall be deemed final. (added 10.04.22)
- f) Continuances. The hearing officer may continue the hearing from time to time in his/her/their discretion. (added 10.04.22)
- g) Decision. Within 30 days following the conclusion of the hearing, the hearing officer shall issue a written decision to uphold, modify, or overturn the citation or notice, as applicable, and shall state the reasons therefor. If the citation or notice is upheld and the violation has not been fully corrected as of the date of the hearing, the hearing officer shall order correction thereof in the decision and provide a deadline to complete said action(s). If the citation or notice is upheld and the Citee did not already deposit the fine, the hearing officer shall also order the payment of the fine (and other applicable fees, penalties and costs) within 20 calendar days of the decision. (added 10.04.22)
- h) Service of Decision. The appellant shall be served by first class mail with a copy of the hearing officer's written decision. The date the decision is deposited with the U.S. Postal Service shall constitute the date of service. The failure of an appellant to receive a properly served decision shall not invalidate the decision or service. (added 10.04.22)
- i) Judicial Review. In accordance with Government Code section § 53069.4(b), decisions of the hearing officer are appealable to the superior court within 20 days after the date of service of the written decision. Each decision shall contain a statement advising the appellant of this appeal right and applicable deadline. A Citee shall serve a copy of the court-filed notice of appeal on the District by personal service or first class mail within five calendar days after filing the original thereof with the superior court. The superior court is the sole reviewing authority. A hearing officer's decision is not appealable to the Board of Directors. (added 10.04.22)

#### **SECTION 1004. COST RECOVERY**(added 10.04.22)

1004.1 Recovery of Abatement Costs and Penalties. The District may collect nuisance abatement and related administrative costs and penalties. (added 10.04.22)

- a) Abatement Costs. Abatement costs are the actual costs incurred by the District to abate a nuisance and include all direct and indirect costs to the District resulting from the total abatement action, including but not limited to, investigation and inspection costs, administrative costs, staff time, attorneys' fees, and costs incurred for providing notice of recording a nuisance abatement lien. (added 10.04.22)
- b) Payment of Abatement Costs and Penalties. Where nuisance abatement by the District has occurred pursuant to this Chapter, the District shall submit a statement of abatement costs and penalties, if applicable, to the Responsible Person. The statement of costs and penalties shall include a



detailed description of all actual abatement costs and include a reasonable deadline for payment. (added 10.04.22)

1004.2 Nuisance Abatement Lien. If the abatement costs and penalties remain unpaid by the deadline given, the Board of Directors may direct a hearing to occur regarding the collection of abatement costs and penalties through a nuisance abatement lien against the parcel upon which the nuisance is located, created, caused, committed, or maintained, as set forth in this subsection 1004.2. (added 10.04.22)

- a) Nuisance Abatement Lien Hearing. Prior to the recording of a nuisance abatement lien, the Board of Directors shall direct the general manager or designee to conduct a hearing to allow the responsible party an opportunity to contest the lien. The administrative hearing shall be conducted pursuant to section 1003 of this chapter. If the hearing officer determines that the abatement costs and penalties have not been paid, the hearing officer may order the recordation of a nuisance abatement lien. (added 10.04.22)
- b) Notice of Nuisance Abatement Lien Hearing. Notice shall be served in the same manner as a summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If after a diligent search, the party who owns, or is in possession of, the parcel upon which the nuisance is located, created, caused, committed, or maintained cannot be found, the notice may be served by posting a copy of the notice in a conspicuous place on the parcel for a period of 10 days and publication of the notice in a newspaper of general circulation published in the county in which the parcel is located pursuant to Government Code section 6062. (added 10.04.22)
- c) Recordation. Following notice and a hearing and an order to place a lien on the property, the nuisance abatement lien shall be recorded in the county recorder's office in the county in which the parcel is located and, from the date of recording shall have the force, effect, and priority of a judgement lien. (added 10.04.22)
- d) Contents of Lien. The nuisance abatement lien shall specify the amount of the lien, a statement that the lien is on behalf of the East Bay Regional Park District, the date of the abatement order, the street address, legal description, and assessor's parcel number of the parcel upon which the lien is imposed, and the name and address of the party who is record owner of the parcel upon which the nuisance is located. (added 10.04.22)
- e) Discharge, Release, or Satisfaction. If the nuisance abatement lien is discharged, released, or satisfied, notice of the discharge containing the information in subparagraph (f) above, shall be recorded by the District. The nuisance abatement lien discharge, release, or satisfaction shall be indexed in the grantor-grantee index. (added 10.04.22)

1004.3 Attorneys' Fees. The prevailing party in any civil action or administrative

proceeding to abate a nuisance shall be entitled to receive reasonable attorneys' fees. (added 10.04.22)

Ordinance 38 was first adopted 5/19/64 and subsequently amended on 6/8/66, 7/23/74, 10/18/77, 11/15/77, 1/3/78, 3/21/78, 7/18/78, 6/19/79, 10/16/79, 1/8/80, 5/20/80, 2/17/81, 7/7/81, 1/19/82, 2/2/82, 4/20/82, 4/17/84, 6/19/84, 11/3/87, 9/20/88, 11/1/88, 5/2/89, 3/6/90, 5/7/91, 5/19/92, 5/4/93, 5/3/94, 5/2/95, 10/3/95, 5/7/96, 7/15/97, 5/7/98, 9/19/00, 1/15/02, 9/3/02, 9/2/03, 6/16/04, 5/17/05, 9/5/06, 8/14/07, 7/15/08, 8/11/09, 7/20/10, 4/17/12, 7/15/14, 4/19/16, 3/19/19, 1/11/22, 10/04/22, and 12/06/22.

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**EAST BAY REGIONAL PARK DISTRICT**  
**ORDINANCE 38**

**SECTION 106. GENERAL MANAGER.** “General Manager” means the General Manager of the East Bay Regional Park District, or **their** designee (added 4/12, **rev. 1/22**).

**CHAPTER II - REGULATIONS**

**SECTION 200. GENERAL REGULATIONS.**

200.5 Rules and Regulations. (added 12/06/22)

- a) The General Manager or their designee is authorized to issue temporary rules and regulations and take other such actions as are necessary to preserve park/lands and public health and safety. protect sensitive habitat and threatened or endangered species, and to distribute parkland resources and facilities among competing uses. including but not limited to the permitting or prohibition of certain activities or restriction of them to certain times and/or locations. Failure to obey any directive issued by the General Manager or their designee pursuant to this section shall be a violation of this Ordinance. (added 12/06/22)
- b) Whenever any activity is specifically permitted, restricted, or prohibited in specified areas of any parklands, or whenever the use of specified areas is specifically permitted, restricted, or prohibited, the General Manager or their designee shall cause signs to be posted or permits to be issued notifying the public of such restrictions or prohibitions. In conjunction of the posting of rules and regulations issued pursuant to this Section, the District will publish the applicable rules and regulations at least once in a newspaper published within the District. Failure to obey the restrictions stated in any properly posted sign or in any permit shall be a violation of this Ordinance. (added 12/06/22)
- c) The General Manager shall notify the Board of Directors within 60 days of any actions taken pursuant to this section. Any action taken pursuant to this authority by the General Manager to be brought before the full Board of Directors for review within six (6) months of its enactment. (added 12/06/22)

**CHAPTER III - GENERAL RULES**

**SECTION 301. PENALTIES FOR VIOLATIONS OF ORDINANCE.**

- 301.1 Violations. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance shall be guilty of a misdemeanor or an infraction, as indicated by M and I, respectively, in the Table of Contents, pages (T-1) through (T-8). Additionally, any person who fails to comply with a term or condition imposed by any agreement, entitlement,

permit, license or environmental document issued or approved by or on behalf of the District shall be guilty of a misdemeanor. Further, any person who violates any posted special conditions of use established by the General Manager or designee shall be guilty of a misdemeanor. In the event that a violation of this Ordinance is not listed in the Table of Contents, a person shall be guilty of a misdemeanor, unless the violation is made an infraction by this Ordinance. (rev 10/04/22)

301.2 Reduction of Misdemeanor to Infraction. Any violation punishable as a misdemeanor may 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. (rev 10/04/22)

301.3 Jurisdiction of Prosecutions. Any judge or Commissioner of a Superior Court within any judicial district lying wholly or in part within the District, shall have jurisdiction of all prosecutions under this article for violations of any Ordinance, rule, or regulations adopted by the Board of Directors. (rev 10/04/22)

301.4 Use of Administrative Remedies. In addition to all other remedies available to the District, pursuant to Chapter 10, the District may pursue administrative enforcement remedies for both misdemeanor and infraction violations of this Ordinance, as authorized by Government Code § 53069.4, and nuisance abatement remedies, as authorized by Public Resources Code § 5558.5. Use of administrative and/or nuisance abatement remedies shall be at the sole discretion of the District and its authorized representatives. Payment of administrative penalties or administrative costs shall not bar criminal enforcement proceedings for any continuing or repeated occurrence of any violation. (rev 10/04/22)

#### **SECTION 400. CAMPING.**

400.5 All persons at a campsite may be removed if there is a violation of state law, this Ordinance or campground rules at the campsite. For 15 days following the removal, the person removed may not reserve or occupy a campsite within the District. Persons removed are not eligible for refunds for unused camping, vehicle or other fees. It shall be unlawful to refuse to vacate a campground and leave District parklands when requested under this Section **when the violation threatens public health or safety.** (rev. 4/16, rev. 1/22)

#### **SECTION 404. FIRES.**

404.1 Personal Cooking Appliances. Personal appliances such as gas or propane camp stove, portable barbecue or hibachi may be used under the following conditions, **except on beaches or anywhere posted as "No BBQ,"** (rev. 1/22):

#### **SECTION 410. ALCOHOLIC BEVERAGES.**

410.1 Alcohol Restrictions. No person shall possess, sell, or consume any alcoholic beverage within any park or facility owned or operated by the East Bay Regional Park District, except that beer and wine may be possessed and



consumed within District parklands, except as follows:

- c) No alcoholic beverage, including beer and wine, may be possessed, sold or consumed at the following (rev. 1/22):
  - i. Sunol Regional Wilderness
  - ii. Niles Staging Area of Alameda Creek Trail
  - iii. Martinez Regional Shoreline
  - iv. Miller / Knox Regional Shoreline
  - v. Contra Loma Regional Park
  - vi. Shadow Cliffs Regional Recreation Area, or
  - vii. Portions of parklands as restricted by resolution by the Board of Directors.

No alcoholic beverage, including beer and wine, may be possessed, sold or consumed at the following parks unless in a reservable group picnic area with an approved Beer and Wine permit (possession and use of alcohol in any reservable group picnic site is restricted to permit holders and members of their groups):

- viii. Robert W. Crown Memorial State Beach
- ix. Don Castro Regional Recreation Area
- x. Quarry Lakes Regional Recreation Area

410.2 Exceptions to 410.1. The Board of Directors has granted a limited number of exceptions to 410.1 at only the following EBRPD facilities (rev. 1/22):

- a) Right to serve beer and wine
  - i. Little Hills
  - ii. Ardenwood
  - iii. Fern Cottage
  - iv. Kennedy Grove Regional Recreation Area
  - v. Brazilian Building\*
  - vi. Temescal Beach House\*
- b) Right to serve alcoholic beverages
  - i. Bridge Yard Building (Added 1/22)
  - ii. Redwood Canyon Golf Course
  - iii. Tilden Golf Course
- c) Right to sell alcoholic beverages for non-profit purposes at a limited number of events as regulated by the General Manager
  - i. Martinez Shoreline Pigeon and Sportsmen's Clubhouses
  - ii. Redwood Archers
  - iii. Briones Archers
  - iv. Martinez Horsemen
- d) Pursuant to a permit, license or agreement approved by the Board of Directors or permit approved by the General Manager

**SECTION 414. RESPONSIBILITY TO REPORT ACCIDENTS.** It is the responsibility of any party involved in an accident or incident (other than a motor vehicle or boating

collision already covered under California Law), which results in injury to a person, domestic animal, including a dog or horse, or damage to property belonging to another to: 1) stop and offer assistance to the injured party; 2) provide the other involved party(ies) with their name and address. If injuries occur, involved parties must: 1) immediately report the incident to emergency responders (ranger, police, or fire staff); 2) remain at, or return to the scene and remain until responders arrive; and 3) provide the responders with their identification information. In cases of property damage only, where the property owner or agent is not present, the involved party must verbally report the incident and provide their identity to a Park Ranger or the District Public Safety Department within 24 hours. Failure of an involved party to comply with these responsibilities shall be unlawful and punishable as **an infraction or misdemeanor (rev. 1/22)**.

#### **SECTION 503. BOATING RULES AND REGULATIONS.**

503.15 Every person who anchors a vessel in waters owned and/or operated by the District or moors a vessel to a dock or fixed structure at or on District property, for a period of time exceeding 4 hours or between the hours of 10:00 p.m. and 5:00 a.m., is guilty of **an infraction or misdemeanor (added 3/19, rev. 1/22)**.

#### **SECTION 504. LITTERING WATERS.**

Every person who litters or causes to be littered, or dumps, or cause to be dumped, any waste matter into any bay, lagoon, channel, river, creek, slough, canal, lake or reservoir, or other stream or body of water, or upon a bay, beach or shore within 150 feet of the high water mark of any such water, is guilty of **an infraction or misdemeanor (rev. 1/22)**.

#### **SECTION 506. FLOAT TUBES.**

506.2 Operating Regulation

e) **Float tubers need to pay the quagga mussel inspection fee where applicable. (rev. 1/22)**

**SECTION 803. FEEDING RESTRICTION.** For Feral (Domestic or Non-Native Animals), Wild Animals **(including cats)**, and Farm Animals. No person shall feed farm animals when so posted, or feral or wild animals at any time on District parklands **(rev. 1/22)**.

**SECTION 808. PROPERTY.** No person shall cut, carve, paint, mark, paste, or fasten on any tree, fence, wall, building, monument, or other property in the District, any bill, advertisement, directional or informational signs, or inscription whatsoever. **No person shall affix, tie or fasten to any tree, shrub, fence or other property in the District a hammock or slack line (rev. 1/22)**.

**SECTION 811. ILLICIT DISCHARGES PROHIBITED.** No person shall cause or permit any illicit discharges into the Park District's Sanitary Sewer System including restrooms, laterals, pipelines, manhole, pump stations, RV dump sites and any associated infrastructure. Any unpermitted or unauthorized discharges into the

Park District's sanitary sewer system, including but not limited to, stormwater, chemical dumping, unauthorized debris, fats, oils, grease and cut roots is prohibited and violations of this section shall be **an infraction or** misdemeanor and shall be punishable as provided by this Ordinance 38 and all applicable law (Added 11/20; **rev. 1/22**).

- b) On any fire trail.
- c) On any equestrian or hiking trail
- d) Blocking or obstructing any gate, entrance, or exit.

## **CHAPTER 10 ENFORCEMENT** (added 10.04.22)

### **SECTION 1000. GENERAL** (added 10.04.22)

#### **1000.1 General.** (added 10.04.22)

The enforcement remedies provided in this chapter shall be nonexclusive and are in addition to any other remedy available under applicable law to address violations of this Ordinance, abatement of nuisances, or violations of any permits or licenses granted by the District or under state or federal law. All remedies are cumulative. Each and every day of a violation constitutes a new and separate violation. (added 10/04/22)

#### **1000.2 Definitions.** (added 10/04/22)

- a) "Citation" shall mean an administrative citation that is issued to a Responsible Person pursuant to this Chapter. (added 10/04/22)
- b) "Citee" shall mean a Responsible Person that has been issued a Citation. (added 10/04/22)
- c) "Authorized Officer" shall mean any sworn police officer employed by the District or other District personnel authorized by the General Manager to enforce this Chapter. (added 10/04/22)
- d) "Final Determination" shall mean either an issued citation that has not been timely appealed, or a citation that has been timely appealed and a written determination has been issued. (added 10/04/22)
- e) "Fine" shall mean the monetary sanction established by resolution of the Board that is imposed upon a citee by means of a citation. (added 10/04/22)
- f) "Hearing officer" shall include the District designee or authorized vendor assigned to consider all timely requests for an administrative hearing following issuance of a citation. (added 10/04/22)
- g) "Person" shall mean any individual, partnership, corporation, association or other organization, however formed. (added 10/04/22)
- h) "Responsible Person" shall mean any Person (as defined by this section) who allows, causes, creates, maintains, suffers, or permits a violation to exist or continue, by any act or the omission of any act or duty. (added 10/04/22)
- i) "Violation" shall mean an act, or omission of any act, or use or condition that constitutes an offense of any provision, restriction, or requirement of

this Ordinance or any code adopted by reference herein, any ordinance of the District, any rule or regulation promulgated pursuant thereto, any condition of any permit, license, or other entitlement issued by the District, or any state law. (added 10/04/22)

**SECTION 1001. ADMINISTRATIVE CITATION** (added 10/04/22)

1001.1 Authority. California Government Code section § 53069.4 authorizes local agencies to make any violation of any local ordinance subject to an administrative fine or penalty. The District is a local agency as defined by California Government Code section § 53069.4 and is adopting this Section 1001 pursuant to this authority as well as California Public Resources Code Section 5500, et seq. (added 10/04/22)

1001.2 Purpose. This section provides for the issuance of administrative citations for Violations as defined by Section 1000.2 of this Chapter and establishes procedures that govern the imposition, enforcement, collection, and administrative review of administrative citations and related penalties or fines issued for Violations. This section also encourages prompt abatement and deters future violations. (added 10/04/22)

1001.3 Issuance of Administrative Citations. (added 10/04/22)

- a) Whenever an Authorized Officer determines that a Violation has occurred, the Authorized Officer may issue an administrative citation on a District-approved form advising the Responsible Person of the Violation and imposing an administrative fine, as appropriate. In the case of continuing Violations that do not create an immediate danger to health or safety, citations shall provide for a reasonable period of time for the Responsible Person to correct or otherwise remedy the Violation prior to the imposition of administrative fines. (added 10/04/22)
- b) Each citation issued shall contain the following information: (added 10/04/22)
  - 1) Name and mailing address of the Responsible Person; (added 10/04/22)
  - 2) A description of the Violation(s), including the address or description of the location of the Violation(s), the date and approximate time of the commission of the Violation(s) or detection thereof by an Authorized Officer; (added 10/04/22)
  - 3) The relevant provision(s), section(s), or condition(s) of this Ordinance, state law, or any permit, license, or other entitlement issued by the District alleged to have been violated; (added 10/04/22)
  - 4) If applicable, the action(s) required to correct the Violation(s) and the period of time to correct a continuing Violation if required by this section,

including any deadlines for commencing and completing such action(s);  
(added 10/04/22)

- 5) Amount of the fine for each Violation, the procedure, deadline and place to pay any fines or penalties, any late penalty and/or interest charge(s) if not timely paid, and the procedure to appeal the citation; (added 10/04/22)
- 6) Any other information deemed necessary by the General Manager or designee. (added 10/04/22)

1001.4 Failure to Comply with Corrective Order. Failure of a Citee to correct a violation within the time stated in any uncontested citation, or to comply with a correction order in any hearing officer decision that has been upheld, shall constitute a misdemeanor and a separate violation of this Ordinance 38. (added 10/04/22)

1001.5 Penalties. An administrative fine in an amount adopted by resolution of the District shall be imposed by means of an administrative citation issued by a District police officer or other authorized District personnel and shall be paid directly to the District. Payment of a fine shall not excuse a failure to correct a violation, nor shall it bar concurrent or further enforcement actions by the District. (added 10/04/22)

- a) The fine(s) imposed by this section shall be established by Board resolution. The Board may, by resolution, also establish escalating fines for repeat offenses of the same violation within 12 months of the initial administrative citation. Where a violation would otherwise be an infraction, the administrative fine may not exceed the maximum fine or penalty for infractions set forth in Government Code sections § 25132 and § 36900(b). (added 10/04/22)
- b) The fine shall be paid to the District within 30 days after the date of the Final Determination of the administrative citation. If, after a timely appeal hearing request pursuant to this section, it is determined that the administrative citation should be cancelled, the responsible person shall be notified and any administrative fine paid shall be refunded within 30 days. (added 10/04/22)
- c) Failure to pay an administrative fine by the due date shall result in the assessment of a late penalty. The late penalty shall be equal to 100 percent of the total fine owed. (added 10/04/22)
- d) Failure to pay an administrative fine within 30 days after the date of the Final Determination of the administrative citation, shall also result in the imposition of an interest charge at a rate established by resolution of the Board. Interest shall not accrue on a late penalty. The rate of interest may be modified from time to time by resolution of the Board. (added 10/04/22)
- e) Payment of an administrative fine shall not excuse or discharge a Citee from the duty to abate a violation, nor from any other responsibility or legal

consequences for a continuation or repeated occurrence(s) of a Violation. (added 10/04/22)

- f) Abatement of a Violation shall not excuse the obligation of a Citee to pay an administrative fine or any other charges, penalties, fees, or costs imposed as a result of the issuance of a citation. (added 10/04/22)
- g) Unpaid administrative fines and other charges, penalties, fees, or costs imposed in accordance with this section shall constitute a debt that may be collected in any manner allowed by law, including, but not limited to the filing of a civil action in court. (added 10/04/22)

**1001.6 Administrative Citation Appeal.** (added 10/04/22)

- a) A Citee may appeal the issuance of a citation received by filing a request for a hearing no later than 10 business days from the date of issuance of the citation. The appeal must be timely received by the Park District on a form approved by the General Manager and contain the following: (added 10/04/22)
  - 1) A written description specifying in detail the basis for contesting the administrative citation, along with any evidentiary support for the appeal. (added 10/04/22)
  - 2) Payment of the administrative fine and the applicable Citation appeal fee, as set forth in the Park District's current fee schedule or a timely and complete request for a hardship waiver on a form approved by the General Manager. (added 10/04/22)
- b) Failure to file an administrative citation appeal request in accordance with this section shall constitute a waiver of the responsible person's right to contest any matters set forth in the administrative citation, and the citation shall be deemed a Final Determination. (added 10/04/22)
- c) Fines that are deposited with the District shall not accrue interest. Fines deposited shall be returned to the Citee if a citation is overturned or otherwise dismissed. (added 10/04/22)
- d) The administrative citation hearing shall be conducted pursuant to section 1003 of this Chapter. (added 10/04/22)

**1001.7 General Manager Authority.** (added 10/04/22)

- a) The General Manager may adopt a procedure in which a Responsible Person who requests an administrative citation appeal to contest an administrative citation and who is financially unable to deposit the administrative fine may request a hardship waiver. (added 10/04/22)
- b) The General Manager or designee may dismiss a citation at any time if a determination is made that it was issued in error, in which event any deposit of a fine shall be refunded. Notice of such action shall be given to the Citee in writing. (added 10/04/22)

- c) The General Manager may adopt such rules and regulations necessary or convenient to implement the provisions of this chapter and applicable state law. (added 10/04/22)

## **SECTION 1002. NUISANCE ABATEMENT**

1002.1 Authority. California Government Code section § 5558.5 authorizes the board of directors of a regional park district to declare that an encroachment onto park district lands constitutes a nuisance, establish nuisance abatement procedures and procedures to collect related administrative costs and penalties, including but not limited to a nuisance abatement lien, and provide for summary nuisance abatement. (added 10/04/22)

1002.2 Nuisance Declared. An unauthorized encroachment onto District parklands constitutes a nuisance and is a violation of this Ordinance, including, but not limited to: the unauthorized installation or placement of any improvements on Parklands such as fencing, furniture, structures, concrete, paving, water pipes, or unauthorized landscaping or planting; the placement of unauthorized vehicles, mobile homes or structures; alterations to land such as road grading and streambed or waterway alterations; and unauthorized dumping. Maintenance of a nuisance shall include the creation, continuance, and/or permitting of a nuisance. Each day such nuisance is maintained shall constitute a separate violation. (added 10/04/22)

1002.3 Nuisance Abatement Remedies. Nuisances under this section may be abated by one or more of these nonexclusive remedies, in addition to all other remedies authorized by this ordinance or State law: (added 10/04/22)

- a) Administrative Citation. Administrative citations as set forth in section 1001 of this chapter. (added 10/04/22)
- b) Nuisance Abatement. Nuisance abatement and cost recovery as set forth in this section 1002. (added 10/04/22)
- c) Civil Action. A civil action to abate the nuisance in the name of the District for injunctive relief, damages, costs, penalties and attorney's fees. (added 10/04/22)

1002.4 Abatement Procedures. (added 10/04/22)

- a) Whenever an Authorized Officer determines that a Violation has occurred, the Authorized Officer may issue a Nuisance Abatement Citation on a District-approved form advising the Responsible Person of the Violation and the corrective steps necessary to abate the nuisance. (added 10/04/22)
- b) Each Nuisance Abatement Citation issued shall contain the following information:



- 1) Name and mailing address of the Responsible Person; (added 10/04/22)
  - 2) A description of the Violation(s), including the address or description of the location of the Violation(s), the date and approximate time of the commission of the Violation(s) or detection thereof by an Authorized Officer; (added 10/04/22)
  - 3) The relevant provision(s), section(s), or condition(s) of this Ordinance, state law, or any permit, license, or other entitlement issued by the District alleged to have been violated; (added 10/04/22)
  - 4) If applicable, the action(s) required to correct the Violation(s) and the period of time to correct a continuing Violation if required by this section, including any deadlines for commencing and completing such action(s); (added 10/04/22)
  - 5) Amount of the fine for each Violation, the procedure, deadline and place to pay any fines or penalties, any late penalty and/or interest charge(s) if not timely paid, and the procedure to appeal the citation; and (added 10/04/22)
  - 6) Any other information deemed necessary by the General Manager or designee. (added 10/04/22)
- c) When a Nuisance Abatement Citation becomes final, because no timely appeal was filed pursuant to section 1001.6 or a hearing officer has issued a final order upholding a citation or notice after a timely appeal, District staff or the District's contractor may abate the nuisance. Abatement may include the removal or demolition of private improvements and property. (added 10/04/22)

**1002.5 Summary Nuisance Abatement.** (added 10/04/22)

- a) If a nuisance creates an immediate threat to public health and safety such that irreparable harm is likely to occur with the standard abatement process, the General Manager or designee may authorize District staff or contractor to summarily abate a nuisance at the expense of the Responsible Person, without prior notice or hearing. (added 10/04/22)
- b) Summary abatement shall be limited to those actions necessary to eliminate the immediate threat to the public health and safety. (added 10/04/22)
- c) Notice of the summary abatement shall be provided to the Person as soon as practical. (added 10/04/22)
- d) The costs and expenses of a summary abatement shall be the responsibility of the Responsible Person, and if unpaid, made a lien on the property and shall be collected pursuant to the recovery of costs provisions in Section 1004 of this Chapter. (added 10/04/22)

**SECTION 1003 APPEAL HEARING PROCEDURES**(added 10/04/22)

1003.1 Applicability. The following procedures shall apply to appeal hearings



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conducted under this Chapter. (added 10/04/22)

1003.2 Administrative Appeal Hearing Procedures. (added 10/04/22)

- a) Scheduling the Hearing. Following receipt of a timely appeal, the District Clerk or designee shall schedule the administrative appeal hearing no sooner than 10 calendar days and not more than 60 calendar days from the date the appeal was filed, unless a later date is agreed to in writing by both the District and the appellant. (added 10/04/22)
- b) Notice of Hearing. Written notice of the date, time, and place of the hearing shall be given to the appellant at least 10 calendar days prior to the hearing date either by personal service or first-class mail. Service by mail shall be effective on the date of mailing. Failure of any interested party to receive this notice shall not affect the validity of any proceedings or actions taken under this Chapter. (added 10/04/22)
- c) Scope of Hearing. At the administrative appeal hearing, the hearing officer shall hear and consider all relevant evidence and argument. The hearing officer shall receive relevant testimony from the appellant, the enforcement official or his/her/their designees, and any witnesses and interested persons. (added 10/04/22)
- d) Hearing Procedures. Formal rules of evidence do not apply. A party may represent him/her/themselves or be represented by anyone of his/her/their choice. A party may bring an interpreter to the hearing at his/her/their sole expense. The District may, at its discretion, record the hearing by stenographer, audio recording, or video recording. The hearing officer may question any person who presents evidence or who testifies at any hearing. (added 10/04/22)
- e) Appearances. An appellant's failure to appear or to submit a timely written declaration shall constitute a waiver of the right to appeal, and the action being appealed shall be deemed final. (added 10/04/22)
- f) Continuances. The hearing officer may continue the hearing from time to time in his/her/their discretion. (added 10/04/22)
- g) Decision. Within 30 days following the conclusion of the hearing, the hearing officer shall issue a written decision to uphold, modify, or overturn the citation or notice, as applicable, and shall state the reasons therefor. If the citation or notice is upheld and the violation has not been fully corrected as of the date of the hearing, the hearing officer shall order correction thereof in the decision and provide a deadline to complete said action(s). If the citation or notice is upheld and the Citee did not already deposit the fine, the hearing officer shall also order the payment of the fine (and other applicable fees, penalties and costs) within 20 calendar days of the decision. (added 10/04/22)
- h) Service of Decision. The appellant shall be served by first class mail with a copy of the hearing officer's written decision. The date the decision is deposited with the U.S. Postal Service shall constitute the date of service.

The failure of an appellant to receive a properly served decision shall not invalidate the decision or service. (added 10/04/22)

- i) Judicial Review. In accordance with Government Code Section § 53069.4(b), decisions of the hearing officer are appealable to the superior court within 20 days after the date of service of the written decision. Each decision shall contain a statement advising the appellant of this appeal right and applicable deadline. A Citee shall serve a copy of the court-filed notice of appeal on the District by personal service or first class mail within five calendar days after filing the original thereof with the superior court. The superior court is the sole reviewing authority. A hearing officer's decision is not appealable to the Board of Directors. (added 10/04/22)

#### **SECTION 1004. COST RECOVERY**(added 10/04/22)

1004.1 Recovery of Abatement Costs and Penalties. The District may collect nuisance abatement and related administrative costs and penalties. (added 10/04/22)

- a) Abatement Costs. Abatement costs are the actual costs incurred by the District to abate a nuisance and include all direct and indirect costs to the District resulting from the total abatement action, including but not limited to, investigation and inspection costs, administrative costs, staff time, attorneys' fees, and costs incurred for providing notice of recording a nuisance abatement lien. (added 10/04/22)
- b) Payment of Abatement Costs and Penalties. Where nuisance abatement by the District has occurred pursuant to this Chapter, the District shall submit a statement of abatement costs and penalties, if applicable, to the Responsible Person. The statement of costs and penalties shall include a detailed description of all actual abatement costs and include a reasonable deadline for payment. (added 10/04/22)

1004.2 Nuisance Abatement Lien. If the abatement costs and penalties remain unpaid by the deadline given, the Board of Directors may direct a hearing to occur regarding the collection of abatement costs and penalties through a nuisance abatement lien against the parcel upon which the nuisance is located, created, caused, committed, or maintained, as set forth in this subsection 1004.2. (added 10/04/22)

- a) Nuisance Abatement Lien Hearing. Prior to the recording of a nuisance abatement lien, the Board of Directors shall direct the general manager or designee to conduct a hearing to allow the responsible party an opportunity to contest the lien. The administrative hearing shall be conducted pursuant to section 1003 of this chapter. If the hearing officer determines that the abatement costs and penalties have not been paid, the hearing officer may order the recordation of a nuisance abatement lien. (added 10/04/22)
- b) Notice of Nuisance Abatement Lien Hearing. Notice shall be served in the same manner as a summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the

Code of Civil Procedure. If after a diligent search, the party who owns, or is in possession of, the parcel upon which the nuisance is located, created, caused, committed, or maintained cannot be found, the notice may be served by posting a copy of the notice in a conspicuous place on the parcel for a period of 10 days and publication of the notice in a newspaper of general circulation published in the county in which the parcel is located pursuant to Government Code section § 6062. (added 10/04/22)

- c) Recordation. Following notice and a hearing and an order to place a lien on the property, the nuisance abatement lien shall be recorded in the county recorder's office in the county in which the parcel is located and, from the date of recording shall have the force, effect, and priority of a judgement lien. (added 10/04/22)
- d) Contents of Lien. The nuisance abatement lien shall specify the amount of the lien, a statement that the lien is on behalf of the East Bay Regional Park District, the date of the abatement order, the street address, legal description, and assessor's parcel number of the parcel upon which the lien is imposed, and the name and address of the party who is record owner of the parcel upon which the nuisance is located. (added 10/04/22)
- e) Discharge, Release, or Satisfaction. If the nuisance abatement lien is discharged, released, or satisfied, notice of the discharge containing the information in subparagraph (f) above, shall be recorded by the District. The nuisance abatement lien discharge, release, or satisfaction shall be indexed in the grantor-grantee index. (added 10/04/22)

1004.3 Attorneys' Fees. The prevailing party in any civil action or administrative proceeding to abate a nuisance shall be entitled to receive reasonable attorneys' fees. (added 10/04/22)

Ordinance 38 was first adopted 5/19/64 and subsequently amended on 6/8/66, 7/23/74, 10/18/77, 11/15/77, 1/3/78, 3/21/78, 7/18/78, 6/19/79, 10/16/79, 1/8/80, 5/20/80, 2/17/81, 7/7/81, 1/19/82, 2/2/82, 4/20/82, 4/17/84, 6/19/84, 11/3/87, 9/20/88, 11/1/88, 5/2/89, 3/6/90, 5/7/91, 5/19/92, 5/4/93, 5/3/94, 5/2/95, 10/3/95, 5/7/96, 7/15/97, 5/7/98, 9/19/00, 1/15/02, 9/3/02, 9/2/03, 6/16/04, 5/17/05, 9/5/06, 8/14/07, 7/15/08, 8/11/09, 7/20/10, 4/17/12, 7/15/14, 4/19/16, 3/19/19, 1/11/22, 10/04/22, and 12/06/22.