

**ORDINANCE NO. 3701**  
**AN ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS**  
**ADDING CHAPTER 15.02 TO THE MARIN COUNTY CODE TO MAKE THE VEHICLE CODE**  
**APPLICABLE TO IDENTIFIED NON-COUNTY MAINTAINED OR PRIVATE ROADS OPEN**  
**FOR PUBLIC USE, ADDING CHAPTER 15.60 AND AMENDING MARIN COUNTY CODE**  
**SECTIONS 15.33 AND 15.36 TO SET FORTH A SEPARATE PENALTIES CHAPTER FOR**  
**VEHICLE CODE VIOLATIONS FOR TITLE 15 PARKING VIOLATIONS**

The Board of Supervisors of the County of Marin hereby finds and declares the following:

**WHEREAS**, California Vehicle Code section 21107.5 authorizes the County of Marin, by ordinance or resolution, to find and declare that there are certain non-County maintained or privately owned and maintained roads within the county and are generally held open for public use for purposes of vehicular travel and said roads so connect with highways that the public cannot determine that such roads are not highways; and

**WHEREAS**, the County has determined that it is in the best interest of the public health and safety to designate certain non-County maintained or private roads open for public use as being subject to the provisions of the California Vehicle Code; and

**WHEREAS**, pursuant to California Vehicle Code section 21107.5(c), on December 4, 2018, a public hearing was conducted and concluded, following not less than ten days' prior written public notice to the owners of the roads set forth in this ordinance;

**WHEREAS**, the California Vehicle Code, Section 40203.5 provides that local government bodies shall establish a schedule of parking and late payment penalties with respect to notices of parking violations issued within the unincorporated areas of the County and the County has established such penalties through resolution; and

**WHEREAS**, for consistency and clarification the Marin County Board of Supervisors wishes to set forth vehicle code violations in a penalty section of Marin County Code, Title 15 unless otherwise specifically noted in the Chapter.

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN does hereby ordains as follows:

**SECTION: I. CHAPTER 15.02 IS ADDED TO THE MARIN COUNTY CODE TO READ AS FOLLOWS:**

**Chapter 15.02 - Certain Non-County Maintained or Privately Owned and Maintained Roads subject to Vehicle Code**

**Sections 15.02.010 - Findings.**

I. It is found and declared that the non-County maintained or privately owned and maintained roads set forth herein are within the County and are generally held open for use by the public for purposes of vehicular travel and that said roads so connect with highways that the public cannot determine that such roads are not highways.

II. Except as described in California Vehicle Code Section 21107.5, the provisions of the California Vehicle Code shall apply to the non-County maintained or privately owned and maintained roads set forth in the resolution of the Board of Supervisors, as amended from time to time.

III. The non-County maintained or privately owned and maintained roads shall remain as such and the County of Marin assumes no obligation of maintenance.

#### **Section 15.02.020 - Designated Roads.**

Roads designated pursuant to this Chapter include:

- |   |   |
|---|---|
| 1. Alder Road (portion that is non-County maintained) | 26. Marin Way   |
| 2. Altura Avenue                                      | 27. Miramonte Lane  |
| 3. Aspen Road   | 28. Mistle Road   |
| 4. Beaver Drive                                       | 29. Newport Road  |
| 5. Birch Road   | 30. Nymph Road  |
| 6. Canyon Avenue                                      | 31. Oak Road  |
| 7. Cedar Road   | 32. Ocean Parkway (portion that is non-County maintained) |
| 8. Cliff Road   | 33. Ocean Avenue  |
| 9. Crescente Avenue                                   | 34. Opal Road   |
| 10. Daffodil Road                                     | 35. Poplar Road   |
| 11. Dogwood Road                                      | 36. Pine Road   |
| 12. Evergreen Road                                    | 37. Purple Gate Road                                      |
| 13. Fern Road   | 38. Queen Road  |
| 14. Hawthorne Road                                    | 39. Rafael Avenue   |
| 15. Hillside Avenue                                   | 40. Rosewood Road   |
| 16. Iris Road   | 41. Spring Avenue   |
| 17. Ivy Road  | 42. Sycamore Road   |
| 18. Juniper Road                                      | 43. Tulip Road  |
| 19. Jute Road   | 44. Valline Lane  |
| 20. Kale Road   | 45. Vine Road   |
| 21. Larch Road  | 46. Walnut Road   |
| 22. Lauff Ranch Road                                  | 47. Yucca Road  |
| 23. Laurel Road                                       | 48. Zebra Road  |
| 24. Locust Road                                       |   |
| 25. Mann Drive  |   |

#### **Section 15.02.030 – Violations**

Any violation of this Chapter may be enforced either as an infraction or as a misdemeanor, or by any remedy available to the County under this Code, or under State law.

#### **Section 15.02.040 - Severability**

The provisions of this Chapter are declared to be severable. If any provision, clause, word, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter.

**SECTION: II. CHAPTER 15.60 IS HEREBY ADDED TO THE MARIN COUNTY CODE TO READ AS FOLLOWS:**

**Chapter 15.60 – PENALTIES**

**15.60.010 – Penalties**

With the exception of those chapters or sections within which a penalty is specified, the penalty for violation of any chapter or section within Marin County Code, Title 15 shall be an infraction, punishable by a fine established by resolution of the Board of Supervisors, as amended from time to time.

**SECTION: III. CHAPTERS 15.33 and 15.36 ARE HEREBY AMENDED AS FOLLOWS:**

Chapter 15.33 is hereby amended by amending Section 15.33.020 to repeal the existing Section and replace it in its entirety with the following:

**15.33.020 – Penalty for Interference**

It shall be unlawful for any person to willfully remove, obliterate or conceal any chalk mark or other distinguishing mark used in connection with the enforcement of parking regulations.

Chapter 15.36 is hereby amended by amending Section 15.36.030 to delete the second sentence in its entirety so that it now reads as follows:

**15.36.030 – Seventy-two-hour limit**

It shall be unlawful to park a vehicle on a street or highway within the unincorporated area of county for a period in excess of seventy-two consecutive hours.

**SECTION: IV. EFFECTIVE DATE AND PUBLICATION**

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage, and shall be published once before the expiration of fifteen (15) days after its passage, with the names of Supervisors voting for and against the same, in the *Marin Independent Journal*, the newspaper of general circulation published in the County of Marin.

**SECTION: V. SEVERABILITY**

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

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 4th day of December 2018, by the following vote:

AYES: SUPERVISORS Dennis Rodoni, Katie Rice, Judy Arnold, Kathrin Sears,  
Damon Connolly

NOES: NONE

ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

  
CLERK