

ORDINANCE NO. 22

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT ADOPTING RULES AND REGULATIONS GOVERNING PARKS

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT:

Section 1: Definitions.

- A. As used in this chapter, all words, phrases, and terms shall be interpreted in accordance with the definitions defined herein.
 - 1. "Park" means and includes all parks, riding and hiking trails, recreation areas, community centers, and any other property managed, controlled or owned, in whole or in part, by the Bethel Island Municipal Improvement District (BIMID), including structures located thereon which are used, operated, or maintained for recreational purposes whether passive or active.
 - 2. "District Manager" means the District Manager of the Bethel Island Municipal Improvement District or his or her designee.

Section 2: Hours of Operation.

- A. It is unlawful for any person to enter, remain, or loiter in or around any park, managed, controlled or owned by the Bethel Island Municipal Improvement District, between one-half (1/2) hour after sunset and one-half (1/2) before sunrise the next day without the express written consent of BIMID or the District Manager.

Section 3. Motor Vehicles within Parks.

- A. A person shall not operate a motor vehicle, which term shall include a trailer, motorcycle, motor bike, trail bike, motor scooter, go-cart or any other motor-driven conveyance, in any park except upon paved or improved roadways provided for that purpose or upon such paths or trails as designated by the District Manager.
- B. A person shall not operate, drive or ride a motor vehicle in a park at a speed of more than fifteen (15) miles per hour, unless a different speed limit has been duly designated and posted.
- C. No person shall stop or park a motor vehicle anywhere within a park except in areas designated for parking. Where lined parking spaces are provided, the operator of a motor vehicle shall park within those spaces. It is unlawful to park, across parking space lines or in a manner which obstructs a pedestrian crosswalk or walk-through. No person shall allow a motor vehicle to remain within the boundaries of a park after hours without the prior written consent of BIMID or the District Manager. It is unlawful for a driver of a motor vehicle to enter or exit a park on other than a road or path (and gate if any) provided for motorized entry or exit.
- D. No person shall engage in the washing, cleaning, polishing, repairing, renovating, changing of fluids, or painting of any motor vehicle within a park, unless duly authorized by BIMID or the District Manager.

Section 4: Animals

- A. A person shall not bring any animals other than dogs or cats into a park except as hereafter provided or as otherwise permitted by the District Manager.
- B. A person may bring up to two (2) dogs and/or cats to a park, not counting "service dogs", if such dogs or cats are kept on a leash or chain not to exceed six (6) feet in length and under immediate control of its owner or custodian.
- C. Each person in control of a dog or cat shall promptly remove and dispose of any and all, excrement left by such dog or cat, in a sanitary manner. Each person in control of a dog or cat shall be in possession of materials to remove excrement left by such dog or cat.

Section 5: Smoking

- A. Smoking is prohibited in all parks, including smoking of pipes, cigarettes, e-cigarettes and cigars, and including tobacco, marijuana and anything inhaled through an electronic cigarette or other vaping device.

Section 6: Alcohol Consumption

- A. The consumption of alcoholic beverages is prohibited in parks except as follows: no person shall consume any intoxicating liquor or dilutions of mixtures containing such intoxicating liquor in any park, without having first obtained any required permit(s) from the Alcohol and Beverage Commission and in any event, the prior written consent of BIMID or the District Manager.

Section 7: Illegal Substances

- A. All parks are drug-free zones pursuant to and within the meaning of Health and Safety Code Section 11380.5.

Section 8: Noise

- A. Excessive noise is prohibited in parks. No person shall willfully make or cause to be made or continue any disturbing, excessive or unnecessary noise which unreasonably disturbs the peace or quiet of persons present in the park or any neighbor or neighborhood or which causes undue discomfort or annoyance to a person of normal sensitivities.
- B. Any person who wishes to electronically amplify sound during normal park hours must first obtain written permission from the District Manager. This prohibition shall not include the use of small portable radios or mobile phones if such radios are operated at such a volume as not to disturb other persons present in the park.

Section 9: Litter

- A. No person shall throw, leave, place, deposit or dispose of any garbage, refuse, waste paper, bottles or cans in any place in a park other than in a garbage can or other trash receptacle.
- B. No person shall place any household garbage in any trash receptacle of the park.

Section 10: Public Conduct

- A. No person shall expectorate upon any walkway within the park.
- B. No person shall urinate or defecate within or surrounding the park.
- C. No person shall possess, discharge, or shoot any firearm, bow and arrow, slingshot, air gun, fireworks or other similar devices.

- D. No person shall start or maintain fires in parks other than in “on-site” barbeque pits or personal portable barbeques within designated picnic areas. No person shall fail to extinguish live coals or fires before leaving the picnic area.
- E. No person shall inhabit the park or erect any permanent or temporary structure, tent or similar shelter, or run any private or public service utility into, upon, or across a park, except with the prior written permission of the District Manager.
- F. No person shall enter any area, building or facility in a park, which is fenced, locked or enclosed or is posted with a “No Trespassing” sign.
- G. No person shall remove, cut, break, injure, disturb or deface any building, equipment, grounds or other facilities of any park.
- H. No person shall cut or remove any wood, turf, rock, tree, flower, shrub, sand or gravel from any park.

Section 11: Admission

- A. No person shall enter, be or remain in any park unless he or she complies with all of the regulations set forth herein and with all other applicable laws, ordinances, rules and regulations.
- B. Any violation of this ordinance is punishable as an infraction by a fine of \$250.00 for the first infraction, \$375.00 for the second infraction, \$500.00 for the third infraction. Each day in which a violation of this ordinance continues shall constitute a distinct and separate offense.

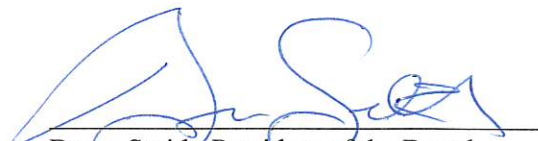
Section 12: Effective Date and Publication

- A. This Ordinance shall take effect (30) days after the date of its adoption and shall be posted for one week in three public places in Bethel Island Municipal Improvement District after adoption. A subsequent finding of the Board, entered in its minutes, that posting has been made is conclusive evidence that the posting has been properly made.


The forgoing Ordinance of the Board of Directors of the Bethel Island Municipal Improvement District was duly introduced on March 15, 2018 and adopted by the Board at its regular meeting on May 17, 2018 by the following vote:

AYES: Directors: Smith, Berzinas, Amrine, Simpson, Kirk
 NOES:
 ABSENT:
 ABSTAIN:

INTRODUCED: March 15, 2018
 ADOPTED: May 17, 2018
 EFFECTIVE: June 1, 2018


 Bruce Smith, President of the Board

ATTEST:


 Robert Amrine, Jr., Board Secretary