

AN ORDINANCE OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT, AMENDING CHAPTER 21, TO THE DISTRICT CODE, CONCERNING SECURITY SERVICE PROVIDED BY THE DISTRICT

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT, Rancho Murieta, Sacramento County, California, as follows:

SECTION ONE:

Section 7.00 is added to Chapter 21 of the District Code to read as follows:

Section 7.00 Restrictions on Activities Within the District, Enforcement Thereof by the District Security Service

7.01 Vehicle Restrictions. On all roads within the District, the following sections of the Vehicle Code shall be applicable and enforceable by the District:

- VC 12500 Driver unlicensed
- VC 12951a Driver's license not in possession
- VC 12951b Driver's license - refusal to display
- VC 14606a Permitting unlicensed person to drive
- VC 14607 Permitting unlicensed minor to drive (under 18)
- VC 21200.5 Riding while intoxicated
- VC 21201 Bicycle equipment
- VC 21208 Riding outside bicycle lane
- VC 21209 Vehicle in bicycle lane
- VC 21461 Obedience by driver of official traffic control
- VC 21650 Right side of roadway
- VC 21663 Driving on sidewalk
- VC 21700 Obstruction to driving
- VC 21708 Driving over fire hose
- VC 21712a Driver permitting unlawful riding
- VC 21712b Unlawful riding
- VC 21716 Speed limit - golf carts
- VC 21750 Overtake and pass to left
- VC 21800 Uncontrolled intersection
- VC 21806a Yield to emergency vehicle
- VC 21950 Right of way at crosswalks
- VC 21951 Vehicles stopped for pedestrians
- VC 21967 Skateboard on roadway
- VC 22100 Turning upon a highway
- VC 22350 Speed law
- VC 22352 Speed law in District

VC 22450	Stop sign
VC 22454	Vehicles passing school bus
VC 22500a	Parking in intersection
VC 22500b	Parking in crosswalk
VC 22500d	Parking within 15 ft of fire station
VC 22500e	Parking in front of driveway
VC 22500f	Parking on sidewalk
VC 22500.1	Parking in fire lane
VC 22507.8	Parking for disabled persons
VC 22514	Parking in front of fire hydrant
VC 23103	Reckless driving
VC 23109b	Exhibition of speed
VC 23110	Throwing substances at vehicles
VC 23111	Throwing substances on highways or adjoining areas
VC 23112b	Littering - rocks, dirt or garbage
VC 23127	Driving on trails and bike paths - posted
VC 23130	Vehicular noise limits
VC 23220	Drinking in vehicle while driving
VC 23222	Possession of open container while driving
VC 23224a	Alcoholic beverage in vehicle operated by minor
VC 24002	Vehicle not equipped or unsafe
VC 24004	Unlawful operation after notice by officer

7.02 Control of Animals

- (a) No owner of any animal, wild or domestic, shall permit or suffer the animal to do any of the following things:
- (1) Trespass upon public property or upon any private property without consent of the property owner; or
 - (2) Habitually make loud noise or act in such other manner as to constitute a public nuisance.
- (b) No owner of any animal, wild or domestic, shall permit or suffer the animal to run at large.
- (c) No person shall permit or suffer an animal to stray from private property owned by the owner or the person who has a right to control the animal, or from private property to which the animal owner or person who has a right to control the animal has a right of possession, unless the animal is restrained by a leash not exceeding 8 feet in length, except in the following situations:

- (1) When a dog is assisting a peace officer engaged in law enforcement duties;
- (2) When a dog is enrolled in and actually participating in a dog training or obedience class, exhibition or competition conducted by an organization on private or public property with the permission of the owner or operator of the ground or facility;
- (3) When a dog is assisting the owner or person in charge of livestock in the herding or control of such livestock; or
- (4) When a dog is accompanying or under the direction of a person engaged in hunting on land on which hunting is permitted.

7.03 Restrictions on Park Facilities.

- (a) Water Pollution. While within the boundaries of any park facility, no person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay, or other body of water or in any tributary, stream, or drain flowing into such waters, any substance, matter, or thing, liquid or solid, including, but without limitation to, particles or objects made of paper, metal, glass, garbage, rubbish, fuel, food matter, wood, fiber, and plastics.
- (b) Refuse. No person shall dump, deposit, or release any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or trash in or on any park facility, except that refuse which is incidental to the use of the facility may be deposited in the receptacles as provided therefor. For the purposes of this section, an incinerator, stove, fire ring, barbeque, or other device used to contain fires or for cooking is not a proper receptacle for refuse or other waste material.
- (c) Consumption of Alcoholic Beverages.
 - (1) No person shall possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the

contents of which has been partially removed, in any area designated as a nature trail or nature area or on or within any park or park facility which has been posted with signs prohibiting such possession.

- (2) It shall be unlawful for any person under twenty-one years of age to be in possession of an alcoholic beverage while such person is in or upon a park facility.
- (d) Fires. Without a permit issued by the District, no person shall ignite, maintain, or use any fire in any place within any park facility except in a barbeque cooker or other cooking device authorized by the District for that purpose.
- (e) Discharging in Park Unlawful. It is unlawful for any person to use, maintain, possess, fire or discharge any shotgun, rifle, pistol, revolver, air gun, slingshot, or any weapon of any kind or character whatsoever within the boundaries of any public park situated in the District or within a distance of three hundred feet of the boundaries of a park within the District.
- (f) Fireworks. No person shall possess or ignite in any manner any firecracker or fireworks, including any article for the making of a pyrotechnic display. Nothing contained in this section, however, shall prohibit any discharge or display of fireworks defined and classified as "safe and sane fireworks" in Section 12504 of the California Health and Safety Code at any public gathering or patriotic celebration provided a permit for such discharge or display has been obtained from the District.
- (g) Animals. No person shall:
 - (1) Hunt, molest, harm, provide a noxious substance to, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal within the boundaries of any park facility, nor remove nor have in his/her possession the young, eggs, or nest of any such creature;
 - (2) Abandon any animal, dead or alive, within any park facility;

- (3) Remove any animal not his/her own within any park facility; exception is made to the foregoing in that in proper season, fish may be fished and removed from areas designated for fishing by licensed persons, and boarded horses may be removed from a park facility upon proper notification to the District;
- (4) Bring into, maintain or allow in or upon any park facility any dog, cat, or other animal except a horse, unless such animal at all times is kept on a leash of sufficient strength and durability that it cannot be broken by the animal so leashed, and no longer than eight feet in length, and be under the full and complete physical control of its owner or custodian at all times, except that all dogs, cats or other animals shall be prohibited at all times in or upon any area, or within fifteen feet of such an area, designated as a nature study area, horse trail, or bicycle trail; provided, however, the District may designate areas and times within which persons may show, demonstrate, or train unleashed animals but under full control of their owners or custodians.

(h) Motorized Vehicles.

- (1) While within the boundaries of any park facility, no person shall drive or operate any automobile, motorcycle, motor scooter, trail bike, dune buggy, truck, or other motorized vehicle on roads or trails other than those designated for that purpose without a permit from the District.
- (2) While within the boundaries of any park facility, no person shall drive any automobile, motorcycle, motor scooter, truck or other motorized conveyance, except an authorized emergency vehicle, at a rate of speed exceeding twenty-five miles per hour, except as may be otherwise posted by the District, or in any case at speeds exceeding safe conditions as dictated by prevailing circumstances.
- (3) No person shall operate any automobile or other motorized vehicle within the

boundaries of any park facility unless such vehicle is currently licensed, except unlicensed vehicles may be operated in areas designated and posted for such use and in accordance with the rules established for such areas.

- (4) No person shall park any automobile or other motorized vehicle within any park facility except in areas specifically designated as parking areas. In no case shall any person park a motorized vehicle in a manner that presents a hazard to the public.
 - (5) No person shall park or otherwise allow automobiles and other conveyances to remain within the boundaries of any park facility during the hours the facility is closed without a permit from the District.
 - (6) No person shall abandon any motorized vehicle within the boundaries of a park facility.
 - (7) No person shall wash or repair any automobile or other motorized vehicle within the boundaries of any park facility.
 - (8) All motorized vehicles within the boundaries of any park facility shall be equipped with a properly installed muffler device which is in constant operation and which prevents excessive or unusual noise. No such muffler device or exhaust system shall be equipped with a cutout, bypass, or similar device.
- (i) Bicycle Trails and Bicycles. Within the boundaries of any park facility no person shall:
- (1) Operate any motorized vehicle, including, without limitation, motorcycles, trail bikes, or motorized bicycles upon any bicycle trail except at street, driveway or access road intersections for the purpose of crossing a bicycle trail, without a permit from the District;
 - (2) Use any portion of a bicycle trail while on roller skates or a skateboard, except that roller skating may be

allowed on portions of a bicycle trail designated for such use by the District and where signs allowing such use have been placed;

- (3) Hold any competitive event on any bicycle trail without a permit from the District;
 - (4) Ride a bicycle on any grassy area, path, or walkway designated for pedestrian use. A bicyclist shall be permitted to push a bicycle by hand over any such grassy area, path or walkway;
 - (5) Leave a bicycle in any place or position where other persons may trip over or be injured by it;
 - (6) Ride a bicycle on a designated off-street bicycle trail in excess of fifteen miles per hour, except for permitted competitive events; or in a manner which is unsafe or which may be injurious to the rider or other persons except for permitted competitive events.
- (j) Hours of Use. No person shall enter, remain in, or camp in or on any park facility during the hours or any part of the hours said facility is closed without a permit.

7.04 Use of Firearms.

- (a) Firearms, Air Guns, and Other Weapons. No person other than peace officers in the discharge of their duties shall use, fire, or discharge any firearm, air gun, spring gun, bow and arrow, slingshot, or any other weapon potentially dangerous to wildlife or human safety, except in areas, at times, and under conditions designated by the District for such use.
- (b) Discharging Near Highway or Residence. It is unlawful for any person to shoot, fire or discharge, or to cause or permit a firearm to be shot, fired, or discharged:
 - (1) Upon, along or across any public or private highway, road, street or way in the District;

(2) Within one hundred fifty yards of any dwelling, house or residence, or any other building, barn or other outbuilding used in connection therewith.

(c) Parent Responsibility. It is unlawful for any parent, guardian or other adult person, having the care and custody of a minor under the age of eighteen years to knowingly permit or allow such minor to violate any of the provisions of this section.

7.05 Unauthorized Use of Shopping Carts.

(a) Removal. No person shall remove any shopping cart, shopping basket or other similar device from the premises or parking area of any business establishment if such shopping cart, basket or device has permanently affixed to it a sign identifying it as belonging to such business establishment.

The provisions of this section shall not apply to removal by the owner or agent thereof or an employee of the business, or to removal by a customer of the business possessing the written consent of its owner, manager or authorized agent.

(b) Abandonment. No person shall abandon or leave any such shopping cart, shopping basket or other similar device which has been removed from the owner's premises upon any public street, alley, sidewalk, parkway or other public place, nor upon any private property except that of the owner of such cart, basket, or device.

(c) Possession. No person shall have in his or her possession any shopping cart, shopping basket or other similar device which has been removed from the owner's premises and which has permanently affixed to it a sign identifying it as belonging to a business establishment.

The provisions of this section shall not apply to possession by the owner or agent thereof or an employee of the business, nor to possession by a customer of the business possessing the written consent of its owner, manager or authorized agent.

(d) Use. No person shall use any shopping cart, shopping basket or other similar device for

any purpose other than that originally intended by such business without the owner's written consent.

7.06 Trespasses on Private Property.

(a) Trespasses on Private Property Prohibited.

- (1) No person shall remain upon any private property or business premises, after being notified by the owner or lessee or other person in charge thereof to remove therefrom.
- (2) No person, without permission, express or implied, of the owner or lessee or other person in charge of private property or business premises, shall enter upon such private property or business premises after having been notified by the owner or lessee or other person in charge thereof to keep off or keep away therefrom.

(b) Exceptions. Section 7.06 shall not apply in any of the following instances:

- (1) Where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of color, race, religion, creed, ancestry or national origin.
- (2) Where its application results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers.
- (3) Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities.
- (4) Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech such as (but not limited to) peaceful expressions of political or religious opinions, not involving offensive personal conduct.

- (c) Exception - Claim of Right. Section 7.06 shall not apply where the person who is upon another's private property or business premises is there under claim or color of legal right. This exception is applicable (but not limited) to the following types of situations involving disputes wherein the participants have available to them practical and effective civil remedies: marital and postmarital disputes; child custody or visitation disputes; disputes regarding title to or rights in real property; landlord-tenant disputes; disputes between members of the same family or between persons residing upon the property concerned up until the time of the dispute; employer-employee disputes; business-type disputes such as those between partners; debtor-creditor disputes; and instances wherein the person claims rights to be present pursuant to order, decree or process of a court.

7.07 Desecration of Cemeteries

- (a) Defacing Property. No person shall cut, chalk, mark or write upon, or in any manner whatever deface, break, mutilate, injure, destroy, or damage any vault, tombstone, gravestone, monument, stake, mark, or fence, post, rail, tank or wall within the boundaries of any cemetery located within the limits of the District.
- (b) Destruction of Plants - Molesting Birds. No person shall cut, break, pluck, remove or in any manner destroy or injure any tree, shrub, plant or flower, or destroy, injure or molest any bird, or any bird's nest or any bird's eggs within the boundaries of any cemetery located within the limits of the District.
- (c) Deposit of Rubbish. No person shall deposit rubbish, grass, shrub cuttings, or other material or substance in any of the roadways or driveways of any cemetery, without the written permission of the superintendent of the cemetery.
- (d) Loiter Defined - Prohibited. No person shall loiter in any cemetery or property used or held exclusively for the burial or other permanent deposit of the human dead.

The word "loiter" is herein used in the sense of idling time away with intent to

commit crime or mischief, or without a lawful errand.

7.08 Destruction of Road Signs. When a road or highway is closed to the public or in process of construction or maintenance, as provided herein, no person shall wilfully break down, remove, injure, or destroy any such barriers or obstructions, or tear down, remove or destroy such notices, or extinguish, remove, injure or destroy any such warning lights or lanterns, so erected, posted or placed by such board, its officers, appropriate employees, or its authorized contractor.

7.09 Destroying Monuments. No person shall wilfully injure, deface, break down, or remove any monument or stake placed, erected or used by the District, its officers, employees, or authorized contractor for the purpose of designating any point in the boundary or survey of any road or highway on or along any such road or highway, or as a part of such road or highway work.

7.10 Loitering. As used herein, the word "loiter" means entering and remaining on any premises, public or private, under such circumstances that a reasonable person would conclude that the person who has entered and remained on such premises: (i) does not have a purpose legitimately connected with the business or activity of the legal occupant of the premises; and (ii) does not have a bona fide intent to exercise a constitutional right.

7.11 Use of Bridges.

Prohibited Usage. It is unlawful for any person to:

- (a) Dive or jump from any bridge, including, but not limited to, the Yellow Bridge or No. 6 State Highway Bridge and Pacific Coast Aggregate (PCA) bridges, into public waters;
- (b) Throw or place in or about any public waters any object in such a way as to interfere with persons using those waters;
- (c) Erect any barrier or stationary object in any public waters, without the prior approval of the District and/or other appropriate local, state and federal regulatory agencies.

7.12 Curfew.

- (a) Hours. It is unlawful for any minor under the age of eighteen years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and eating places, vacant lots or any unsupervised place between the hours of ten p.m. and daylight immediately following; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parents, guardian or other adult person having the care and custody of the minor, or when the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the care and custody of the minor or when the minor is returning directly home from a meeting, entertainment, recreational activity or dance. Each violation of the provisions of this section shall constitute a separate offense.
- (b) Parent Responsibility. It is unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of eighteen years, to permit or allow such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and eating places, vacant lots, or any other unsupervised place between the hours of ten p.m. and daylight immediately following, contrary to the provisions hereof following, contrary to the provisions hereof. Each violation of the provisions of this section shall constitute a separate offense.

7.13-7.19 Reserved.

- 7.20 Enforcement. District security officers designated by the District who conform to the standards for peace officers of the Commission on Peace Officer Standards and training (CA Penal Code Sections 13500, et seq.), shall have the duty and authority to arrest persons for any violation of the provisions of Section 7.00, et seq., in accordance with Section 836.5 of the California Penal Code.
- 7.21 Penalty for Obstructing Security Officers. Every person who willfully resists, delays or obstructs a District security officer in the discharge or

attempt to discharge any duty of his or her office is punishable by a fine, not exceeding one thousand dollars (\$1,000) or by imprisonment in the County jail not exceeding one year, or by both such fine and imprisonment, in accordance with the provisions of Section 148 of the California Penal Code.

SECTION TWO:

To the extent and terms the provisions of this ordinance may be inconsistent or in conflict with the terms and provisions of any prior District ordinances, resolutions, rules, or regulations, the terms of this ordinance shall prevail and such inconsistent or conflicting terms and provisions of prior ordinances, resolutions, rules and regulations are hereby repealed.

SECTION THREE:

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, no other provision of this ordinance shall be affected thereby.

SECTION FOUR:

This Ordinance shall be in full force and effect thirty (30) days after adoption and shall be published not less than once in a newspaper of general circulation published in the District within ten days after adoption.

PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District, Rancho Murieta, County of Sacramento, State of California, on December 16, 1987, at a meeting of the Board by the following vote:

AYES: Directors Brandt, Wegner, Devlin, Simpson

NOES: Director Dudley

ABSENT AND ABSTAIN: None



President, Board of Directors

ATTEST:



Secretary, Board of Directors