TOWN OF SAN ANSELMO
Staff Report
September 16, 2014

For the Meeting of September 23, 2014

TO: Town Council

FROM: David P. Donery, Director of Community Services

SUBJECT: Resolution Regarding Park Rules and Parks Ordinance

RECOMMENDATIONS

A) That the Town Council approve the resolution adopting amended rules for public parks.

B) That the Council introduce and waive the first reading of an Ordinance Amending Title 11 Chapter 1 of the Municipal Code (Regulations for Parks and Playgrounds).

BACKGROUND

In 2003, the Town Council approved Resolution #3662 which updated the complete myriad of park rules and regulations. The resolution included dog-specific rules for each of the Town’s parks.

In August of 2010, prompted by complaints by local residents, the Town Council reviewed the dog-specific rules at Robson Park. The Council made changes to those rules and conducted a six-month trial of the rules. In January of 2011, again at the request of local residents, the Council reviewed the dog-related rules at Memorial Park, made changes, and conducted a six-month trial period.

In July of 2011, the Town Council reviewed the dog-related rules at both Robson and Memorial Parks and directed staff to return to a future meeting and that each park’s rules be reviewed separately. In October of 2011, the Town Council reviewed the rules, approved making the changes at Memorial Park permanent, and changed the rules at Robson Park to on-leash only. The rules have been in operation at both parks since 2011, though the Council did not take any formal action to adopt them as part of a resolution.

DISCUSSION

Rules

The attached draft resolution memorializes the 2011 changes regarding dog-specific rules at both Memorial and Robson Parks as follows:

A. At Robson Harrington Park dogs must be on a leash at all times.

B. At Memorial Park the following rules apply to dogs:
(1) **General.** Dogs are to be controlled by owners/keepers at all times so as to allow the safe use and enjoyment of others in the park. Dogs may not be tied to fences, trees, or other objects.

(2) **Picnic & Upper Lawn Areas.** Dogs must be fastened to and restrained by a chain or leash no more than six feet in length at all times within the picnic and upper lawn areas.
   
   a. Dogs may not enter the fenced children’s playground area.

(3) **Sports Fields.** Dogs may not be on sports fields during organized sports or group activities. At all other times, dogs must be fastened to and restrained by a chain or leash no more than six feet in length, except that dogs may be off-leash at the following times:
   
   a. Monday through Friday - Before 8:00 a.m.;
   b. Saturday and Sunday - before 9:00 a.m.;
   c. Daily - One hour before sunset.

The Resolution also includes a full list of all park rules so that there will be one source for those rules. These rules include those related to the Memorial Park Skate Plaza, which were adopted by the Town Council earlier this year. In addition the park rules have been modified to be consistent with the Town ordinance that calls for no smoking in parks.

**Enforcement**

In the fall of 2013, the Parks and Recreation Commission, in response to complaints from citizens made to several of the Commissioners, invited a representative from the Central Marin Police Authority (CMPA) to attend a meeting to discuss working together on enforcement of the rules governing parks in San Anselmo, specifically around enforcing the off-leash rules at both Memorial and Robson Parks.

As noted in the staff report presented by Captain Nick Valeri at the March 25th Town Council meeting, in January 2014, CMPA began a review of current Town ordinances regarding dogs off leash in public parks. The review included the three communities the Authority represents; the Towns of San Anselmo, Corte Madera and the City of Larkspur and focused on the following: complaints received, posted signage, applicable municipal code sections and the options available for any enforceable action.

In an effort to identify what enforcement options are available to CMPA if a violation of the rules and regulations regarding dogs off-leash is observed, a review of the current applicable ordinances was conducted. CMPA learned the Town of San Anselmo’s Municipal Code stipulates that failure to comply with park rules and regulations shall constitute a misdemeanor¹ (SAMC § 11-1.02). Because Municipal

¹ Misdemeanors are punishable by up to one year in jail and fines of up to $1,000 (Cal. Pen Code § 19). On the other hand, every violation determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars ($100) for a first violation; (2) a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance within one year (Cal. Gov. Code § 36900(b)).
Code section 11-1.02 permits enforcement only by misdemeanor, the punishment would be harsher than might be necessary for violations of park rules. Additionally, such enforcement is only available where the rules have been formally adopted by the Council, presumably as part of a resolution. Because the 2011 dog-specific park rules were not adopted by the Council as an amendment to Resolution #3662, CMPA is unable to effectively enforce the rules.

At their March 25th meeting, the Town Council instructed staff to come back to Council with a draft ordinance that would allow citations for infractions, rather than misdemeanors, for anyone violating the park rules related to dogs.

Staff has prepared the attached proposed Ordinance and Resolution to accomplish the Council’s goal. First, the Ordinance allows CMPA to enforce the park rules and regulations as infractions rather than misdemeanors, except in the case of repeated violations. Second, the Resolution includes a comprehensive list of park rules, including the amended dog-specific rules that have been in place since 2011. Adopting the Resolution will formalize the existing park rules so that CMPA is authorized to enforce violations of the rules as infractions.

Respectfully submitted,

David P. Donery
Director of Community Services
Town of San Anselmo

Attachment #1 – A Resolution of The Town Council of The Town Of San Anselmo Adopting Rules and Regulations for Town Parks.

Attachment #2 - Draft Ordinance amending Title 11 Chapter 1 (Regulations for Parks and Playgrounds)
RESOLUTION NO. ___

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO ADOPTING RULES AND REGULATIONS FOR TOWN PARKS

WHEREAS, Title 11, Chapter 1 of the Town of San Anselmo Municipal Code allows the Town Council to adopt rules and regulations to regulate the use and occupancy of public parks, playgrounds, tennis courts and public open space; and

WHEREAS, in October 2003, the Town Council of the Town of San Anselmo adopted Resolution 3662 to establish rules and regulations for all Parks, Open Space Parks, and Open Areas; and

WHEREAS, in 2011 the Town Council amended those rules without formally adopting a resolution ("2011 Dog Policies"); and

WHEREAS, the 2011 Dog Policies have been effective at meeting the Town Council’s goals of maintaining and fostering parks that are safe and enjoyable for all users; and

WHEREAS, in 2014 the Town of San Anselmo adopted Rules and Regulations governing use of the Memorial Park Skate Plaza, and

WHEREAS, the Council now desires to include the 2011 Dog Policies and Skate Park Plaza Rules and Regulations as part of a resolution that includes all park rules and regulations that will be enforceable under Title 11 of the Town of San Anselmo Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that Resolution 3662 is rescinded and the Park Rules and Regulations attached as Exhibit A are adopted in accordance with section 11-1.01 of the Town of San Anselmo Municipal Code.

THE FOREGOING Resolution was adopted at a regular meeting of the Town Council on the ___ day of _______, 2014 by the following vote:

AYES:
NOES:
ABSENT:

_________________________
Tom McInerney, Mayor

ATTEST:

_________________________
Barbara Chambers, Town Clerk
EXHIBIT A
Town of San Anselmo – Park Rules & Regulations

Rules and Regulations for All Parks
• No person may be in the park between ½ hour after sunset and ½ hour before sunrise.
• No commercial use.
• No amplified sounds.
• No unauthorized motorized vehicles.
• No vandalism.
• No riding of horses or other animals in the park.
• No littering or dumping of off-site debris.
• No person may drink beer, wine, or alcoholic beverages or have in their possession any receptacle containing any alcoholic beverage.
• Where permitted, dogs and other domestic animals must be fastened to a chain or leash no more than six feet in length and must be under the direct and immediate control of a responsible person.
• A dog’s owner/keeper must clean up their dog’s waste.
• Dogs are to be controlled by owners/keepers at all times so as to allow the safe use and enjoyment of others in the park. Dogs may not be tied to fences, trees, or other objects.

Dog Use Rules at Memorial Park:
• Picnic & Upper Lawn Areas. Dogs must be fastened to and restrained by a chain or leash no more than six feet in length at all times within the picnic and upper lawn areas.
• Playground. Dogs may not enter the fenced children’s playground area.
• Sports Fields. Dogs may not be on sports fields during organized sports or group activities. At all other times, dogs must be fastened to and restrained by a chain or leash no more than six feet in length, except that dogs may be off-leash at the following times:
  o Monday through Friday - Before 8:00 a.m.;
  o Saturday and Sunday - before 9:00 a.m.;
  o Daily - One hour before sunset.

Additional rules for Open Space Parks
• Dogs are to be controlled by owners/keepers at all times and are not allowed to enter signed environmentally sensitive or restricted areas or chase other dogs or wildlife.
• Professional dog walkers must obtain a permit from the Recreation Department before using Town Park property. No more than 3 dogs at a time are allowed off-leash on Town Park property.
• No smoking of tobacco or other substances is allowed within the boundaries of all parks at any time.
• No person shall operate any bicycle or similar vehicle on Town Park property.
except upon paved roads, fire protection roads, designated bicycle pathways or public roads not signed against such use. Furthermore, no person shall operate or possess any bicycle or similar vehicle elsewhere on Town Park property, including trails, unless signed specifically to permit such operation.

Additional rules for Urban Parks
- No group of twenty five or more persons may use the park without written permission from and payment of fee to the Recreation Department, 1000 Sir Francis Drake Blvd. 258-4640
- No golf or motorized airplanes

Millennium Playground Rules and Regulations
- For your playground enjoyment please obey the following safety rules, failure to do so may cause injury to yourself or to others.
- No person may be in the Park or playground between 1/2 hour after sunset and 1/2 hour before sunrise.
- Dogs are not allowed in the fenced playground areas.
- Do not tie dogs to fences or other objects.
- The playground is a smoke free zone. Smoking or disposal of tobacco products is not allowed in the playground or within 25 feet of the fenced playground area.
- No bicycles, skateboards, rollerblades, or scooters are allowed within the playground or on the walkway.
- All children must be supervised at all times.
- The Tot Lot is intended for children ages 2-5.
- The Main Play Area is intended for children ages 6-12.

Slides
- Slide feet first only.
- No crawling or walking up the slides.

Swings
- Hold on with both hands.
- Standing on swings may cause injury.
- Stop swinging before you get off
- Never swing or twist empty seat.
- Stand clear of moving swings to avoid contact and possible injury.

Caution
- The water at the Animal fountain wall is continuously recycled and is not suitable for drinking.
- Bare feet may cause injury
- Throwing sand, gravel, or any other objects within the play area may cause injury.
- Playing on this equipment when wet may cause injury.
• The sun can cause slides and other surfaces to become hot. Test surfaces before allowing children to play on equipment.
• Do not assist children onto equipment they cannot reach on their own.

**Courtecy**
• No pushing, running, or shoving
• No climbing on benches, fences or over handrails.
• Play safely and be courteous to others.
• Please use the waste and recycling containers provided.

All other Park rules and regulations apply.

**Lansdale Station Playground Rules and Regulations**
• Same as the Millennium Playground.

**Robson Harrington Park**
• Dogs must be on-leash at all times.

**Elders Garden Area**
• No smoking or disposal of tobacco products are allowed within 25 feet of the garden area.
• No climbing

**Skate Plaza Rules and Regulations**
• Use of the Skate Plaza is allowed from 9am to dusk/park close.
• This is an unsupervised park. It is recommended that youth 10 years of age and younger are accompanied by a parent or guardian.
• Parents or guardians, please supervise beginners.
• The Town of San Anselmo does not assume any liability for injury to participants or spectators involved in activities connected to skateboarding.
• No moving of skate plaza elements/components
• Skate plaza use during inclement weather is not recommended due to increased risk of injury.
• Skate respectfully, one skater on a ramp at a time
• No pushing, shoving, roughhousing, inappropriate language or loud music.
• Keep area clean. No unsolicited markings may be added to any surfaces or components within the plaza.
• No bikes on skate plaza element/components.
• Skating on park curbs, parking lot, and entrance sidewalk is prohibited.
• No special events or contests are allowed in the designated skate park area unless authorized by the Town.
• No drugs or alcohol allowed. No graffiti.
• The Town of San Anselmo reserves the right to remove anyone from the skate plaza for reasons of safety and fairness to other participants.
• Use of helmets, pads & safety gear is required at all times.
All other Park rules and regulations apply.

Additional Parks Rules & Regulations

**Fires:** No person shall build, light or maintain a fire of any nature on Town Park property, except in permanent fixed barbecues, camp stoves, or fireplaces established by the Town. The use of portable barbecues and camp stoves is prohibited except in designated areas. Barbecues and stoves shall be operated at all times in a manner which does not endanger facilities. In addition, hot coals must be disposed of in a designated manner.

**Fireworks:** No person shall possess, bring onto, set off or otherwise cause to explode on Town Park property any firecrackers, skyrockets or other fireworks or explosives, unless authorized by a law enforcement officer.

**Firearms, Traps and Weapons:** No person shall possess, use, carry, discharge, or cause to be discharged any gun, firearm or weapon while on Town Park property, including air or gas weapon, spring gun, spear, bow and arrow, crossbow, sling shot, animal trap, knife with blade over 5 inches long, explosive or any other form of weapon potentially dangerous to wildlife or human safety, unless authorized by law. No person shall discharge or cause to be discharged any firearm or weapon onto or across Town Park property from outside the boundary of such property, unless authorized by law.

**Parking and Vehicle Removal:** No person shall park, leave, abandon, possess or otherwise store any vehicle on Town Park property, except in locations designated for such use. No person shall park any vehicle on Town Park property during periods when parking areas are closed nor in the following locations:

a) Within the traveled portion of any road
b) On any service road or trail
c) In front of any gate
d) On any undisturbed or natural hillside
e) In areas designated for disabled or handicapped persons without appropriate authorization
f) In more than one parking space per vehicle
g) Within posted "no parking" areas
h) In any manner obstructing the free flow of traffic.

Except in designated overnight parking areas, no person shall park any vehicle for more than 24 consecutive hours. Any enforcement officer mentioned in California Vehicle Code section 22651 is authorized to remove any vehicle parked in violation of this section California Vehicle Code. Except as otherwise provided in these regulations, the provisions of the California Vehicle Code shall be applicable to the operation of vehicles on Town Park property.

**Dogs and Other Animals:** No person shall do any of the following on Town Park property:
a) Allow any dog or other domestic animal to enter signed environmentally sensitive or restricted areas;
b) Allow any dog or other domestic animal to interfere with, bother or disturb others using Town Park property;
c) Allow any dog or other domestic animal to hunt, pursue or harass other animals or wildlife;
d) Bring or keep a noisy, vicious or dangerous dog or other animal
e) Tie or hitch any dog or domestic animal to a tree or plant
f) Bring or keep a dog 4 months of age or more without proof that the dog has a valid rabies inoculation or a valid license
g) Leave a dog or other animal in an unattended vehicle without adequate ventilation, or in such manner as to subject the animal to extreme temperatures which adversely affect the animals health or welfare;
h) Fail to promptly remove from Town Park property any dog or other domestic animal after being ordered by department personnel to do so.
i) Dogs and other animals, other than dogs and animals which assist disabled or handicapped persons, are not permitted in Town buildings.

**Horses and Saddle Animals:** Horses and saddle animals are not permitted on Town Park property, except in areas designated otherwise. When permitted, horses and saddle animals must remain on trails, service roads and other areas not signed against such use. No person shall do any of the following on lands managed by the department:

a) Ride, drive, lead or keep any horse or saddle animal at such speed or in such manner which may endanger the safety of others, other animals or the protection of environmental resources.
b) Allow any horse or saddle animal to stand unattended or insecurely tied.
c) Tie or hitch any horse or saddle animal to a tree or plant.

**Animals at Large:** No person shall do any of the following on Town property:

a) Permit any cattle, sheep, goat, horse, dog, cat or other animal to graze to run at large;
b) Abandon a dog, cat, fish, fowl or other animal on Town property.
c) Any domestic animal found at large on Town property may be turned over to the County pound keeper for disposition as outlined in the Marin County Code.

Any person violating any rule or regulation included in this resolution shall be punishable under section 11-1.02 of the Town Municipal Code.
TOWN OF SAN ANSELMO ORDINANCE NO. __
AN ORDINANCE OF THE PEOPLE OF THE TOWN OF SAN ANSELMO AMENDING
TITLE 11 CHAPTER 1 (REGULATIONS FOR PARKS AND PLAYGROUNDS)

WHEREAS, the Town of San Anselmo Municipal Code allows the Town Council to
adopt rules and regulations for public parks and playgrounds; and

WHEREAS, the Code further provides that failure to comply with such rules and
regulations shall constitute a misdemeanor; and

WHEREAS, the Town wishes to allow for enforcement of the park rules and
regulations as infractions rather than misdemeanors, except in the case of repeated
violations.

NOW THEREFORE, be it ordained that Title 11, Chapter 1 of the Town of San
Anselmo Municipal Code is amended to read as follows:

11-1.01 Council authorized to adopt rules.

The Council, by resolution, may adopt such rules and regulations as are necessary to
regulate the use and occupancy of public parks, playgrounds, tennis courts, and
public open space.

11-1.02 Compliance with rules.

No person shall occupy or use any public park, playground, tennis court, or public
open space, or any equipment located on such property, other than for the purpose
for which such property is dedicated and prepared to be used, in accordance with
the rules and regulations adopted by the Council for the use of such property.
Failure to comply with such rules and regulations shall constitute an infraction,
except that the fourth and any additional violations within one (1) year shall
constitute a misdemeanor.

11-1.03 Notices of rules.

The rules and regulations adopted by the Council pertinent to each such property
shall be posted at the main entrance thereof.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San
Anselmo Town Council on the ___ day of September and was adopted at a regular
meeting on the ___ day of ________ by the following vote:

AYES: Councilmembers: 
NOES: Councilmembers: 

ATTACHMENT #2
ABSENT: Councilmembers:

ATTEST:

____________________________
Barbara Chambers, Town Clerk

____________________________
Tom McInerney, Mayor