

ORDINANCE NO. .
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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AN ORDINANCE ADDING SECTION 3.69 TO THE SAN MATEO COUNTY CODE,
RESPECTING TUNITAS CREEK BEACH

- **3.69.010 - Violations, a misdemeanor.**

Any violation of any of the provisions of this Chapter 3.69, or any failure to comply with any of the mandatory requirements of this Chapter 3.69, shall be a misdemeanor.

- **3.69.020 - Exceptions.**

The provisions of this ordinance shall not apply to the following:

(a) the fee owners of the property described in Section 3.69.030(c), their tenants, invitees and guests; and

(b) employees of the San Mateo County Parks and Recreation Department or other public officials or San Mateo County concessionaires acting within the scope of their authorized duties or authorized concession activities. However, County employees, public officials and concessionaires and their employees shall abide by the laws of the State of California and all applicable County and/or municipal ordinances.

- **3.69.030 - Definitions.**

(a) Words used in this chapter shall have the meanings given them under Section 3.68.030 of this Code, unless separately defined herein.

(b) "Beach" shall mean the shore of the Pacific Ocean within the Tunitas Creek Beach property.

(c) "Tunitas Creek Beach" shall mean all that area situated in the unincorporated territory of the County of San Mateo, State of California, that is part of the Rancho San Gregorio west of Highway 1 at Tunitas Creek Road, historically known as Tunitas Creek Beach, and more particularly described as follows: All that certain area of land lying westerly of State Highway Route No. 1, from a northerly point due west of Postmile 21.3 to a southerly point due west of Postmile 20.2, and all hiking and riding trails thereto, and all portions of the Tunitas Creek riparian corridor within the State of California right-of-way for Highway 1.

- **3.69.040 - Camping regulations.**

No overnight camping shall be permitted at any time on Tunitas Creek Beach.

- **3.69.050 - Fires.**

No person shall light, build, use or maintain a fire at any time within Tunitas Creek Beach.

- **3.69.060 - General protective regulations.**

(a) Vegetative. No person shall willfully or negligently pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, burn, carry away, collect or gather any tree or plant or portion thereof, including but not limited to leaf mold, flowers, foliage, berries, fruit, grass, turf, humus, shrubs, cones, ferns, mushrooms and dead wood in Tunitas Creek Beach. Nothing in this section shall prevent the taking of any tree or plant or portion thereof, including but not limited to leaf mold, flowers, foliage, berries, fruit, grass, turf, humus, shrubs, cones, ferns, mushrooms and dead wood at Tunitas Creek Beach by scientific permit from the San Mateo County Parks and Recreation Department for the areas under its jurisdiction.

(b) Vandalism (Property). No person shall disturb, destroy, remove, deface or injure any property at Tunitas Creek Beach. No person shall cut, carve, paint, mark, paste, or fasten on any tree, fence, wall, building, monument or other property Tunitas Creek Beach, or hiking and riding trail thereto, any advertisement, sign or inscription.

(c) Littering. No person shall place or throw bottles, broken glass, crockery, ashes, waste paper, cans or any decaying or putrid matter or other rubbish at Tunitas Creek Beach, and no person shall import or deposit any rubbish into or at Tunitas Creek Beach or any hiking and riding trail thereto.. No person shall transport or dump any rock, rubble, dirt, sand, fill or other similar material into or at Tunitas Creek Beach except pursuant to a permit issued by the County of San Mateo.

(d) Reserves and Preserves. All geological and archeological features, plants and animals (dead or alive) are protected and any taking is prohibited except the taking of such plants and animals as are permitted by regulations specific to the area.

(e) Watershed Protection. No person shall contaminate in any way whatsoever any watershed or water supply at Tunitas Creek Beach, or shall deposit any urine or fecal material anywhere at Tunitas Creek Beach.

(f) Water Quality Protection. No person shall wash clothing or cooking utensils, bathe in, or in any other manner pollute the waters at Tunitas Creek Beach.

(g) Geological Features Protection. No person shall destroy, disturb, mutilate or remove earth, sand, gravel, oil, minerals, rocks, or features of caves, or lay, or set off any explosive material or cause to be done or assist in doing any of these things at Tunitas Creek Beach except by permit issued by the County of San Mateo.

(h) Protection of Historical Features. No person shall remove, injure, disfigure, deface or destroy any object of paleontological, archaeological, or historical interest or value at Tunitas Creek Beach or any hiking and riding trail thereto nor shall any person engage in any excavation for said objects without first receiving written permission from the Director, or his/her representatives.

(i) Domestic Animals. No dogs, cats, fowl or other domesticated animals shall be permitted to at any time to enter or go at large at Tunitas Creek Beach. Nothing in this section shall prohibit a guide dog under the control of a person with a vision or hearing impairment or "police dog" under the control of a peace officer from entering at Tunitas Creek Beach. No person shall release any captured wild animal at Tunitas Creek Beach except authorized public officials pursuant to their duties.

(j) Abandoned Animals. No person shall abandon a dog, cat, fowl or other animal at Tunitas Creek Beach.

(k) Wildlife. Tunitas Creek Beach is a sanctuary for wildlife. No person shall feed, approach, disturb, frighten, hunt, trap, capture, wound, kill, or disturb the natural habitat of, any wild bird, mammal, reptile, fish, amphibian or invertebrate at Tunitas Creek Beach. This prohibition shall not apply to the following:

(1) Action taken by public officials or their employees or agents, within the scope of their authorized duties, to protect the public health and safety.

(2) The taking of fish as permitted by State Fish and Game Regulations.

(3) The capturing and/or taking of wildlife for scientific research purposes when done with a permit issued by the County of San Mateo.

(l) Firearms and Dangerous Weapons. No person shall have in the person's possession at Tunitas Creek Beach, and no person shall fire or discharge, or cause to be fired or discharged, across, in, or into any portion of Tunitas Creek Beach, any gun or firearm, spear, bow and arrow, cross bow, slingshot, air or gas weapon or any other dangerous weapon.

(m) Loitering After Closing Time. No person shall remain at Tunitas Creek Beach after the posted closing time.

(n) Alcoholic Beverages. No person shall possess or consume any form of alcoholic beverages at Tunitas Creek Beach.

(o) Private Operations. It shall be unlawful for any person to solicit, sell or peddle any liquids or edibles for human consumption or to distribute circulars or to hawk, peddle or vend any goods, wares or merchandise of any kind at Tunitas Creek Beach, except upon specific concession or permit issued by the County of San Mateo.

(p) Commercial Filming. No person shall operate a still, motion picture, video or other camera for commercial purposes at Tunitas Creek Beach, except pursuant to a valid written permit from the County authorizing such activity. This section shall not apply to the commercial operation of cameras as part of the bona fide reporting of news.

(q) Closed Areas. No person shall enter any road, trail or area at Tunitas Creek Beach that is posted as closed or restricted without permission from the County Parks and Recreation Director.

- **3.69.070 - Motor vehicles.**

No person shall operate any motor vehicle at Tunitas Creek Beach except upon established paved roads or other established paved areas specifically designated and maintained for normal ingress,

egress, and parking. This section shall not apply to any emergency or County vehicle, physically handicapped persons operating wheelchairs or similar devices, or to any person acting in compliance with the directions of a Park Ranger or Peace Officer.

- **3.69.080 - Parking.**

No person shall park any motor vehicle at Tunitas Creek Beach, except upon areas designated by the County for parking. No person shall park a motor vehicle, except an authorized emergency vehicle, or when in compliance with the directions of a Peace Officer or Park Ranger, in any of the following places:

- (a) In areas where prohibited by "NO PARKING" signs.
- (b) On any fire trail, road or access.
- (c) On any equestrian or hiking trail. Blocking or obstructing any gate, entrance or exit.
- (d) On any beach.
- (e) In such a manner as to take up more than one "Marked" space in any authorized parking area.
- (f) In any area where such vehicle blocks or obstructs the free flow of traffic. Within 15 feet of a fire hydrant.
- (g) Adjacent to any curb painted red.

- **3.69.090 - Operation of bicycles; violation.**

(a) No person shall operate a bicycle at Tunitas Creek Beach.

(b) Notwithstanding section 3.69.010 of this Ordinance Code, a violation of the provisions of this section shall be an infraction. Any person to whom a citation is issued for a violation of this section 3.69.090 shall be subject to a fine of Fifty Dollars (\$50) for a first violation within a period of one year; One Hundred Dollars (\$100) for a second violation within a period of one year; and Three Hundred Dollars (\$300) for each additional violation within a period of one year.

- **3.69.100 - Noise.**

(a) Declaration of Noise Policy. It is the County's policy to prohibit unnecessary, excessive, and annoying noises at Tunitas Creek Beach. At excessive levels, noises are detrimental to the health and welfare of persons using at Tunitas Creek Beach, and it is in the public interest to proscribe such noises.

(b) Sound Amplifying Equipment. It shall be unlawful for any person to operate any sound amplifying equipment as defined in section 3.68.030(k) at Tunitas Creek Beach.

(c) Peace and Quiet. It shall be unlawful for any person at Tunitas Creek Beach to use or operate any radio receiving set, musical instrument, machine or device for producing or reproducing sound or any device which produces noise in such a manner as to disturb the reasonable peace, quiet and comfort of persons using Tunitas Creek Beach.

- **3.69.110 - Dangerous activities.**

No person shall engage in any of the following activities at Tunitas Creek Beach or upon any hiking or riding trail thereto, and in no case shall any person engage in any activity or operate any device recklessly or negligently so as to endanger the life, limb or property of any person:

1. Use or possess fireworks of any kind.
2. Drive, chip, or in any other manner play or practice golf, or hit golf balls.
3. Operate self-propelled model airplanes, aircraft, helicopters, quadcopters, boats, automobiles, or other unmanned or model craft of any kind or description.
4. Throw, release, or discharge missiles, rockets, or similar projectiles.
5. Hang-glide or parachute.
6. Operate any gas or hot air balloon (other than a toy balloon).

- **3.69.120 - Beaches and swimming areas.**

No person shall launch any vessel with motor or capable of carrying a motor at Tunitas Creek Beach.

- **3.69.130 – Smoking prohibited.**

No person shall engage in smoking, as defined by Chapter 4.96 of this Code, at Tunitas Creek Beach.