

Attachment 1

**MARIN MUNICIPAL WATER DISTRICT
ORDINANCE NO. 467**

**AN ORDINANCE AMENDING TITLE 9 ENTITLED “REGULATIONS FOR USE OF
MARIN MUNICIPAL WATER DISTRICT LANDS” OF THE MARIN MUNICIPAL
WATER DISTRICT CODE ADDING AND AMENDING REGULATIONS ON USE OF
DISTRICT LANDS**

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL
WATER DISTRICT AS FOLLOWS:**

SECTION 1. Purpose: The purpose of this Ordinance is to allow the Marin Municipal Water District (District) Board of Directors to adopt new land use regulations as authorized by California Water Code section 71660. Specifically, the new land use regulations will address new technologies and further clarify restrictions on inappropriate activities on District lands.

SECTION 2. Section 9.02.002 of the Marin Municipal Water District Code is hereby amended to read as follows:

Section 9.02.002 Closed areas and use restrictions.

No person shall enter or remain in any area of district lands closed to the public, including but not limited to dams and spillways, nor use any area of district lands for an unauthorized purpose.

SECTION 3. Section 9.02.003 of the Marin Municipal Water District Code is hereby amended to read as follows:

Section 9.02.003 Care of property and facilities.

No person shall damage, deface, tamper with or remove any district property or facilities, including dams, spillways, buildings, signs, gates, fences, equipment, markers, structures, tables, benches, trash receptacles, barbeques, camp stoves, fireplaces, paving material, utility or water lines.

SECTION 4. Section 9.02.007 of the Marin Municipal Water District Code is hereby amended to read as follows:

Section 9.02.007 Boating and Related Activities.

No person shall place, use or operate any boat, watercraft or floatation device, including, but not limited to, any row boat, motor boat, sailboat, raft, kayak, canoe, surf board, boogie board or seaplane on or in any district reservoir, stream, dam, or spillway.

SECTION 5. Section 9.02.010 of the Marin Municipal Water District Code is hereby amended to read as follows:

Section 9.02.010. Games and other activities.

No person shall engage in games or other activities which interfere with others using district lands or which endanger any person, property, public safety or environmental or cultural resources. Non-permitted activities include but are not limited to:

- (1) Skateboarding, roller skating, in-line skating, mountain boarding, operation of any motorized or motor assisted skateboard or other similar type activity;
- (2) Operating a motor-driven model airplane, drone, boat, automobile or other model craft;
- (3) Throwing, releasing, or discharging missiles, rockets, stones or similar objects;
- (4) Hitting a golf ball;
- (5) Participating in baseball, softball or football;
- (6) Hang-gliding, parachuting or parasailing;
- (7) Metal detecting or the collection or disturbance of cultural or archeological artifacts and
- (8) Any activity or operation of any device in such fashion as to interfere with others using district lands or to endanger property, public safety or environmental or cultural resources.

Any equipment used in violation of this section may be impounded.

SECTION 6. A New Section 9.04.007 of the Marin Municipal Water District Code is hereby added to read as follows:

Section 9.04.007 Restrictions on Electric Bicycles Operated During Trial Period.

The following requirements shall apply to all electric bicycles operated on District-owned lands pursuant to an adopted pilot or trial program under Section 9.04.006 of this Code:

- (1) Only Class 1 electric bicycles, as defined by California Vehicle Code section 312.5 (a)(1), may be operated on watershed lands. All other classes of electric bicycles shall be prohibited on watershed lands.
- (2) As required by California Vehicle Code section 312.5 (c), all Class 1 electric bicycles operated on watershed lands, shall contain a permanently affixed label that identifies the classification number, top assisted speed, and motor wattage of the Class 1 electric bicycle in accordance with manufacturer labeling requirements and no person shall alter or tamper with this label in an effort to mislead or deceive District staff or other officials as to the electric bicycle classification.

(3) This Section 9.04.007 shall sunset on October 4, 2026.

SECTION 7. Findings. After considering all of the information, documents and testimony at a public meeting the Marin Municipal Water District Board of Directors, the Board finds as follows:

- a. Mt. Tamalpais and its adjacent watersheds support a rich array of plants and animals, panoramic vistas, and recreational opportunities that are treasured by residents and visitors alike. Since before the turn of the last century, Mt. Tamalpais has been a magnet for recreationists. The Marin Municipal Water District's Mt. Tamalpais watershed lands receive approximately 2 million visitors annually and are part of the Golden Gate Biosphere Reserve (UNESCO 2002). Watershed users include anglers, hikers, equestrians, nature viewers, runners, walkers, youth camps, cyclists and many more.
- b. Recreational uses on public lands managed by the Marin Municipal Water District (District) are governed by the Mt. Tamalpais Watershed Management Board Policy 7, Part 5 and District Code Title 9 Regulations for Use of Marin Municipal Water District Lands. The District has allowed conventional mountain bikes on natural surface fire roads (but not on narrow, single track trails) for many years as part of a road and trail system that also includes hiking, horseback riding, and other uses.
- c. The Board adopted the Watershed Recreation Management Planning Feasibility Study (Feasibility Study) at the April 16, 2024 Board of Directors Meeting. The Feasibility Study reviewed existing watershed recreational facilities, visitor use data, biological resources, stewardship and volunteer programs, and visitor management strategies.
- d. As part of the Watershed Feasibility Study, two pilot programs were identified as key Strategic Opportunities or next steps to collect data to help inform potential updates to visitor management policies and roads and trails management documents. One pilot program would evaluate trail sharing methods to assess bike access on a select number of single-track trails and another program would evaluate electric bicycle access on the watershed in the same manner as regular bicycles.
- e. On September 3, 2024, the Board of Directors adopted Ordinance No. 465, which made changes to the District's Code, Title 9, Chapter 9.04, to allow these two pilot programs to proceed in compliance with the District Code, and pursuant to which the District approved Resolution Nos. 8790 authorizing a watershed trail sharing pilot program and 8791 authorizing a watershed E-Bike Class I trial program.
- f. The further revisions to the District Code contained in this Ordinance are intended to impose additional restrictions on the electric bicycles that may be operated on District lands as part of the pilot programs. These additional restrictions will help promote safety by ensuring that only less powerful Class 1 electric bicycles are operated on District lands and will aid District staff in enforcing District Code and maintaining limitations on uses during the pilot program period, which become effective on October 3, 2024 and continue for a period of two years, or until October 4, 2026.
- g. Additionally, this Ordinance clarifies existing prohibitions to address technological advances (i.e., drones) and expressly identifies other unauthorized activities on District lands and spillways.

SECTION 8. Severability: If any section, subsection, sentence, clause, phrase, portion or part of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section shall not affect the validity of the remaining portions of this code. The Board of Directors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional and, to that end, declares the provisions of this ordinance severable from one another.

SECTION 9. Effective Date: This ordinance shall take effect 30 days following its adoption.

SECTION 10. Reservation of Powers: Nothing in this Ordinance shall prevent the District from exercising any of its powers under the California Water Code or other applicable law including but not limited to its power to adopt ordinances, resolutions, rules or regulations in response thereto.

PASSED AND ADOPTED this 1st day of October, 2024, by the following vote of the Board of Directors:

AYES:

NOES:

ABSENT:

Ranjiv Khush
President, Board of Directors

ATTEST:

Terrie Gillen
Board Secretary