

OLIVENHAIN MUNICIPAL WATER DISTRICT

Regulations for the Recreational Facilities Operated by the District, Including Elfin Forest Recreational Reserve

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Section 1: Declaration of Policy

The Water Code, State of California, Section 71660 et seq. empowers the District to construct, maintain, improve, and operate public recreation facilities pertinent to any water facilities operated or contracted to be operated by the District. The District may by Ordinance provide regulations binding upon all persons to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof. Violation of District regulations relating to vehicle speed limits, defacement of District property, the use, possession, or discharge of firearms, weapons, or fires, the creation of fire hazards, being under the influence of intoxicating beverages or drugs, or remaining on, or re-entering District premises after an authorized District officer or employee has specifically withdrawn consent for a person to utilize District facilities, is a misdemeanor. Violation of any other regulation of the District adopted pursuant to Municipal Water Code, State of California, Section 71660 et seq. is an infraction.

Section 2: Fee Schedule

Persons using District park or recreational facilities shall be required to pay the applicable fees in accordance with the EFRR Fee Schedule.

All fees described in this policy will be paid to Olivenhain Municipal Water District.

Race Events Fees

- A \$300 administration fee will be paid to OMWD prior to any approved race event.
- A \$5 per participant fee will be collected by the Race Organizer and paid to OMWD for any approved race event.

Interpretive Center Facility Rentals Hourly Fees

- OMWD Customer Non-Profit Organization: \$100/hour
- Non-OMWD Customer Non-Profit Organization: \$125/hour
- OMWD Customer Private Event: \$200/hour
- Non-OMWD Customer Private Event: \$250/hour
- \$300 deposit is required upon reservation.
- Rentals extending after EFRR hours are subject to an additional \$200 fee.

Special Events in Trail Areas Fees

- \$250 per hour (including setup, breakdown and cleanup)

Commercial Activities in Trail Areas Fees

- \$5 per participant

Photo/Film Event Fees

- Fees for still photography shoots are \$50 per hour, \$200 half-day, \$400 whole day.
- Fees for film/video shoots are \$100 per hour, \$400 half-day, \$800 whole day.
- Fees for using a park as a production base are \$500 per day. An additional \$50 catering fee will apply if a caterer is present.
- Total payment for the permit is due prior to the shoot.

Section 3: Application of Regulations

The regulations set forth by the District shall govern all persons using any recreational areas, parks, or associated facilities owned, operated, or controlled by Olivenhain Municipal Water District ("District") and shall apply to all portions of such recreational areas and parks including all portions specifically mentioned in the Regulations for the Use of Olivenhain Water Storage Project and Elfin Forest Recreational Reserve and other District Park and Recreational Facilities.

Section 4: Definitions

Alcoholic Beverages. For purposes of this title, the term alcoholic beverages shall include alcohol, spirits, liquor, wine, beer and every liquid or solid containing one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances. No alcohol is allowed within the EFRR except when it is associated with an approved Special Event Permit.

Park Manager. Park Manager is defined as the General Manager and/or his or her designee tasked with the responsibility of overseeing the Park, including but limited to the Park Supervisor, Customer Services Manager and Assistant General Manager.

Peace Officer. Peace Officer is defined as any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

Section 5: Breaking, Cutting or Injuring Plants

No person shall pluck, take, remove, damage, or destroy any flower, shrubbery, plant, vine, tree, grass, ground cover or other natural or cultivated growth in any park or recreational area of the District except with prior written permission of the Park Manager.

Section 6: Care of Wildlife

It shall be unlawful for any person to hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, throw projectiles at, or otherwise disturb any animal, reptile or bird in any District park or recreational area unless otherwise authorized in writing by the Park Manager.

Section 7: Taking Wood

No person shall cut or remove any wood or fallen trees in or from any park or recreational area of the District except with written permission of the Park Manager.

Section 8: Motor Vehicles and Other Conveyances

- a) It shall be unlawful for any person at any time to operate or drive an automobile, truck, trailer, motorcycle, motor scooter, motorbike, or any other type of motor vehicle in a District park or recreational area, unless such vehicles are in a designated parking or staging area or on a County of San Diego maintained road, without prior written permission from the Park Manager.
- b) No person in a park or recreational area shall fail to comply with all applicable provisions of the State Motor Vehicle Code and traffic laws in regard to equipment, signs, speed limits and operation of vehicles together with such regulations as are contained in these regulations.
- c) No person shall park any vehicle within a park or recreational area except for the duration of their visit.
- d) Vehicles parked in violation of State of California Vehicle Code Sections 22651(r) or 22652, may be subject to removal from the park or recreational area at the vehicle owner's expense.
- e) These provisions shall not apply to motor vehicles and motorized equipment for District maintenance, patrol vehicles in the process of conducting maintenance, operation or enforcement activities within any District park or recreational area and contractors/consultants, performing work for the District as authorized by the Board of Directors or the District's General Manager or his/her designee.
- f) No person shall illegally park a vehicle within the boundaries of a park or recreational area, or leave a vehicle parked during closed hours without advance written permission from the Park Manager. The District reserves the right to tow vehicles illegally parked within the boundaries of a park or recreational area at the vehicle owners' expense.

- g) Operation of drones or unmanned aircraft systems in a District park or recreation area requires advance written permission from the Park Manager.

Section 9: Bicycles

- a) It shall be unlawful for any person to ride a bicycle of any type on grounds other than designated trails. Bicyclists shall be permitted to use hiking trails and paths designated for pedestrian use, but must use due care and caution to not interfere with hikers or equestrian users.
- b) Bicycle speed limits shall be as follows:
- Fifteen (15) miles/hour maximum in all recreational and park areas
 - Five (5) miles/hour within one hundred (100) feet of pedestrians and equestrians
- c) Bicyclists must dismount in the immediate presence of horses.
- d) Bicyclists must observe points of congestion on trails and slow their speed at these choke points.
- e) Bicyclists should participate in the Bike Bell Program, wherein bikers are encouraged to pick up a bell from a container at the trailhead of the Way Up Trail and then return the bell upon exiting the trail. This will allow other users to hear them approaching.

Section 10: Glass Beverage Containers Prohibited

No person shall possess any glass beverage container in any park or recreational area of the District except that the sponsor of an organized public event may obtain written permission in advance from the Park Manager to possess glass beverage containers, provided that the containers remain under the sponsor's control and are not distributed to participants of the event.

Section 11: Regulation of Equestrians

No horses shall be ridden on any District park or recreational area except on designated equestrian routes and trails.

Section 12: Pollution of Streams

No person shall contaminate or pollute, or cause to be contaminated or polluted, any water of any creek flowing through or within any park or recreational area, or to deposit or cause to be deposited any refuse, rubbish or other waste matter of any kind or character, in such waters, or to wash or clean vehicles, clothing, animals or persons in the waters of any creek or reservoir.

Section 13: Dogs

Dogs will be required to remain on leash at all times in all areas of the Park on Saturday, Sunday, and holidays. Monday through Friday (non-holidays) dogs will be allowed off leash only on the upper trails (i.e., at the top of the Way Up Trail dogs can come off leash). Dogs need to remain on leash in all common areas such as picnic areas, the lower trails and on the Way Up Trail, at all times.

Section 14: Geocaching

EFRR recognizes geocaching – a treasure hunt that utilizes the Global Positioning System (GPS) and the internet to find caches – as a recreational experience. However, not all areas of EFRR are suitable for geocaching due sensitive habitat. This geocaching policy was developed to facilitate responsible geocaching such that EFRR can meet its mission.

Register cache:

- Caches must be registered by completion and approval of a registration form prior to placing a cache.
- Registration forms are available online at Geocache Registration Form and will include the following information:
 - a) Geocache owner information,
 - b) Description and photo of cache and description of cache contents,
 - c) Coordinates, description and photo of proposed cache location.

Approval of a proposed cache location will be based upon the following criteria:

Location

- Caches must be placed within 3 feet of existing trails, overlooks or picnic areas.
- No off trail hiking or disturbance of cultural, historical or biological resources.
- Caches must be hidden without impacting flora/fauna. Caches may not be buried.
- Geocaches must be at least 0.10 miles apart.

Size and labeling

- Cache size is limited to 8x6x4 inches.
- Geocache name must be clearly visible on exterior of waterproof container.

Number

- The number of caches within EFRR is limited to fifteen (15).
- An individual may register up to three (3) caches within EFRR at any one time.

Cache Items

- No food items.
- No dangerous, hazardous, offensive or otherwise inappropriate items.
- Caches may not contain any commercial advertising or content.

Cache Owner Responsibilities:

- Caches must be checked every six months.
- Once cache registration has expired, the owner is responsible for removing the cache and deactivating the online coordinate posting.
- Failure to remove a cache and deactivate the coordinate posting within seven days of registration expiration (or if cache was inappropriately placed) may negate further approvals.

A Geocache Registration Form must be submitted and approved prior to cache placement.

Section 15: Camp Fires

It shall be unlawful to make any fire, of any kind, at any time within any District park or recreational area.

Section 16: Camping

No person or group of persons shall camp overnight or remain overnight within any park or recreational area.

Section 17: Disposal of Rubbish and Garbage

No person shall throw, dump, or otherwise place or cause to be placed, or leave, either directly or indirectly, any rubbish, garbage, sewage or waste matter, or any trash or refuse of any kind or character, other than in receptacles established and maintained for such purposes. No person shall bring or cause to be brought, any rubbish, garbage, sewage, waste matter, trash or refuse of any kind for the purpose of disposing of same in the park either in the receptacles described herein, or at any other place.

Section 18: Unreasonable Noises

- a) No person shall operate any loudspeaker or any other sound amplification device in any park without first obtaining the written permission of the Park Manager.
- b) No person, either by voice, mechanical device, tumultuous or other offensive conduct or otherwise, shall create, or permit or cause to be created, any loud or unusual noises at any time which create a nuisance.

Noises determined to be too loud or offensive shall be promptly reduced or discontinued as directed by any peace officer or authorized District employee.

Section 19: Advertising

No person shall display or post any plates, markers, signs, commercial or message in any park or recreational area without prior written approval of the Park Manager.

Section 20: Hunting

No person shall take any wild game, animals, birds or eggs in any park or recreational area except with the prior written permission of the Park Manager.

Section 21: Possession and Use of Firearms and Weapons

No person shall take, carry or transport any firearm, pellet gun, pump gun, zip gun, air rifle, bow and arrow, BB gun or weapon of any kind in, upon, through or across any park or recreational area without first having obtained a written permit from the Park Manager.

Section 22: No Smoking Allowed

No person shall carry upon or across any park or recreational area any lighted smoking or inflammable material. The possession of any object containing a lighted or vaporized tobacco product or any other lighted or vaporized weed or plant, or the lighting or vaporizing of any object containing a tobacco product or any other weed or plant is prohibited.

Section 23: Night Closing

No person shall enter or remain in any park or recreational area during closed hours without prior written permission from the Park Manager. Unauthorized entering or remaining in any park or recreational area during closed hours constitutes trespassing and is subject to enforcement as outlined in Sections 33 and 34 of this document.

All parks and recreational areas shall be closed to the public in accordance with the following schedule:

From the Daylight Savings Time end through January 20:
5:00 PM to 8:00 AM

From January 21 through February 21:
5:30 PM to 8:00 AM

From February 22 through Daylight Savings Time begin:
6:00 PM to 8:00 AM

From Daylight Savings Time begin through April 2:
7:00 PM to 8:00 AM

From April 3 through September 2:
7:30 PM to 8:00 AM

From September 3 through September 25:
7:00 PM to 8:00 AM

From September 26 through October 18:
6:30 PM to 8:00 AM

From October 19 through Daylight Savings Time end:
6:00 PM to 8:00 AM

The Reserve will be closed from 5:00 PM December 24 to 8:00 AM December 26 and no person shall enter or remain in any park or recreational area during this time except persons or groups receiving prior written permission from the Park Manager.

Section 24: Fireworks Prohibited

No fireworks of any kind shall be lit within or discharged towards any District park or recreation area.

Section 25: Permit for Organized Public or Private Programs

No person shall conduct any organized public program, public assemblage or public address in any public park without first obtaining the written permission of the Park Manager. All Special Uses and Special Events are subject to the rules in the EFRR Special Event Policy and Fee Schedule. The General Manager or his/her designee has the authority to approve or reject Special Use or Special Event requests at his or her discretion.

- 1) Special Use Permits shall be required under the following circumstances:
 - a) A group of eight (8) or more people
 - b) A group of four (4) or more horses
 - c) A group of four (4) or more vehicles

Violations of regulations by permitted groups may result in forfeiture of future permits.

- 2) Special Event Permits shall be required under the following circumstances:
- a) Any event in the park that is expected to have 40 participants or more
 - b) Any event that requires the temporary closure of any portion of the park to the public
 - c) Any commercial use of the park
 - d) Any organized ceremony in the park

Section 26: Special Event Policy

Fees applicable to the following are listed in the fee schedule Section 2 of this document.

Insurance Requirements for all Events and Rentals

Each event organizer for any event included in this policy must obtain a \$1 million per incident and \$2 million aggregate commercial general liability insurance policy naming Olivenhain Municipal Water District as an additional insured. If alcohol is to be included as part of an event, the insurance policy must include Liquor Liability Coverage.

Race Events

OMWD recognizes that EFRR is a desirable location for race events, and strives to find the balance between safely offering these types of events at EFRR while still offering adequate access of EFRR's trails and facilities to the public during these events. For that reason, any proposed race event (e.g., mountain bike, running, duathlon, etc.) will be handled on a case-by-case basis. Minimal requirements for race events are:

- Event organizer must demonstrate their competency in running events of this nature in open space parks.
- Elfin Forest/Harmony Grove Volunteer Fire Department and Rancho Santa Fe Fire Protection District must both have their safety requirements satisfied for any event that is to take place within or to pass through EFRR. Written documentation of approval from each agency is required.
- All race participants and staff must sign an OMWD liability release form.
- No lasting damage or changes to EFRR may occur as a result of any race event.
- For any race event that includes areas outside EFRR, race organizer must provide proof that permission has been granted for the event to take place on other property(ies).

Interpretive Center Facility Rentals

OMWD owns and operates the unique Elfin Forest Interpretive Center Honoring Susan J. Varty (EFIC) at Elfin Forest Recreational Reserve in Escondido, CA. This 1,000-square-foot facility is generally open to the public and staffed by EFRR docents, but can be made available for private special events. Due to the nature of EFIC's contents, a park ranger is required to be on site for all special events and that staff time is built into the rental fee schedule.

Interpretive Center Rental Rules and Conditions

Renters of the EFIC agree to the following rules and conditions:

- Minimum rental time is 2 hours.
- Deposit is required upon reservation.
- Deposit is refundable up to 72 hours prior to reservation.
- Rental time includes setup, breakdown, and cleanup of facility.
- Renters are responsible for the contents of the EFIC and will be charged for missing or damaged items and for additional cleanup if costs exceed the deposit amount.
- Setup and breakdown must occur immediately before and after rental.
- EFIC is subject to closure during severe weather. If this occurs, renter can reschedule or request a refund.
- Maximum event size is 50 people.
- Staging area parking is not guaranteed for renters of EFIC.
- Children must be under adult supervision at all times.
- Alcohol use by a private party does not require a Liquor License from the State Department of Alcoholic Beverage Control or EFRR when the following conditions exist: 1) when there is no payment for contracted vendor services who are providing the alcohol; 2) when there are no donations, fees, or charges requested if attending the event; and 3) when the event is not open to the general public.
- If a group contracts with a caterer or beverage vendor to supply the alcohol, then it is the responsibility of the event organizer to ensure that the service provider has a valid Liquor License.
- Alcohol service must end one hour prior to the end of the event.
- Rentals extending after EFRR hours are subject to an additional fee.
- EFIC is not available for rental on weekends or holidays.
- The use of an open flame is limited to outdoor space heaters and chaffing dish heating devices.

Special Events in Trail Areas

OMWD realizes that EFRR offers many scenic areas that are perfect for special events such as secluded, small wedding ceremonies. Due to the popularity of EFRR for its recreational opportunities, special events in trail areas are permitted but limited to the following:

- Events may only take place Monday through Friday (holidays excluded).

- Events may take place on trails, viewing areas, overlooks or picnic areas.
- Events at the Elfin Forest Interpretive Center are allowed but are subject to the Interpretive Center Facility Rental restrictions above.
- Events in trail areas must be 30 persons or less.
- No trail or access to a trail may be blocked by the event.
- Events including a photographer/videographer must also obtain a separate Special Event Permit for those activities.

Commercial Activities in Trail Areas

EFRR was created to provide unique recreational opportunities to the general public. Many service-based businesses (e.g., fitness trainers, dog walkers, day camps, etc.) utilize public areas to serve their clients. These activities displace the general public and detract from the overall experience EFRR was intended to convey to its patrons. For this reason, entities that would like to utilize EFRR's amenities for their business are required to satisfy the following requirements:

- Commercial activities are not permitted on weekends and holidays.
- Groups may not exceed 25 people or 5 animals.
- Groups must carpool to minimize impact on parking.
- Groups must obtain a Special Event Permit prior to arriving at EFRR.
- Fees for non-profit organizations or school groups may be waived at the discretion of OMWD.

Photo/Film Events

OMWD maintains and operates the 748-acre EFRR. EFRR offers a variety of scenery for still photographers and filmmakers for backdrops and film footage. OMWD appreciates the beauty and diversity of its facilities and encourages the use of EFRR for photo and film opportunities, while maintaining the integrity of the environment and the enjoyment of its visitors.

OMWD reserves the right to reject permit applications for photo/film shoots that contain subject matter that OMWD, in its sole discretion, determines is inappropriate.

Reservation procedures and fees for using EFRR are outlined below:

- A minimum of a \$1,000,000 insurance policy naming Olivenhain Municipal Water District is required.
- Requests for photo/film permits may be made by completing a Special Event Permit application and emailing it to efrrfriends@olivenhain.com. Please allow a minimum of 72 hours (not including weekends and holidays) processing time prior to scheduled film/photo shoot.

- A walk-through may also be required with OMWD ranger staff to determine the location, if the facility can accommodate the requested use, and if staff film monitors will be required. Film monitors and/or additional ranger staff is at the expense of the filmmaker/photographer and will be collected by OMWD.
- Any special requests/needs will be handled on an individual basis at the time of the application.
- EFRR is open from 8:00 a.m. until sunset. Requests for early entry or late stay will result in additional charges.
- Because weekends and holidays are generally the busiest times at EFRR, all filming activities (including preparation/setup) are only permitted to take place Monday through Friday during EFRR hours.
- Photography activities on weekends and holidays are permitted on a case by case basis.

Section 27: Illegal Drugs

No person shall use or possess any illegal or illicit drug in any area of any park or recreational area of the District.

Section 28: Care of District Property

It shall be unlawful for any person to mark, deface, disfigure, injure, destroy, tamper with, displace, or remove any equipment, buildings, tables, benches, railings, fencing, paving, irrigation materials, utilities, or parts or appurtenances thereof, signs, notices, place cards, District property, including but not limited to, monuments, stakes posts or any other boundary markers, or other structures, equipment, facilities or materials within any park or recreational area.

Section 29: Off Trail Travel

It shall be unlawful for any person or group of persons to travel off any marked or designated trail by any means, including by foot, horse or bicycle, except to enter a developed area of a park or recreational facility.

Section 30: Care of Watershed

It shall be unlawful for any person to conduct any activity within a District park or recreational facility which may degrade the watershed of that facility and/or the resulting quality of water within that watershed.

Section 31: Military Use of Recreational Facilities and Parks

- a) No organized military use of any District park or recreational facility by the ROTC, National Guard or any other military unit shall be allowed without

first obtaining written permission from the General Manager or his/her designee. Requests to use a park shall be submitted to the Park Ranger and shall include a description of the proposed use.

- b) The General Manager or his/her designee may approve a request by a military unit if he/she finds:
1. The number of participants is few, so as not to adversely impact the park or members of the public;
 2. The availability of alternative sites has been considered and use of a District recreational area is the only feasible alternative;
 3. The area of use is remote, so as to diminish the impact of the use on members of the public;
 4. The group requesting the use will wear either civilian clothing or understated military uniforms (i.e., no helmets, flak vests, etc.);
 5. Training and other uses will be of a non-threatening nature, such as hiking with backpacks, running, or exercises involving the use of a map and compass to navigate over unfamiliar terrain; and
 6. No weapons and ammunition will be used, no practice grenades will be used, no mock weapons will be used.
- c) The General Manager or his/her designee may deny permission, or revoke permission if permission has been granted, upon finding that a group cannot or has not obeyed the conditions or restrictions imposed by the General Manager or his/her designee. If permission is denied or revoked because of unauthorized use or violation of conditions or restrictions, the offending group shall be denied permission to use parks for five years from the date said unauthorized use or violation is determined to have been committed.

Section 32: Exemptions from Regulations

The provisions of these regulations shall not apply to or restrict any officer, employee, volunteer or agent of the District, or any other peace officer when such person is acting to enforce any of these regulations.

Section 33: Punishment for Violation of Rules

Violation of these regulations relating to vehicle speeds, defacement of District property, the use, possession or discharge of firearms, weapons or fireworks, the creation of fire hazards, being under the influence of intoxicating beverages or drugs or remaining on or re-entering District premises after an authorized District

officer or other peace officer has specifically withdrawn consent for a person to utilize District facilities is a misdemeanor. Violation of any other or regulation shall constitute an infraction punishable by fines as prescribed by Water Code Section 71660.

Section 34: Enforcement of Regulations

All peace officers as defined in Section 4 of this document, are hereby authorized to enter onto all or any portion of the District's recreational areas, parks, and related facilities and to enforce all park and recreational rules and regulations adopted by the District. The District's General Manager is also hereby authorized to enforce all District rules and regulations and to delegate enforcement authority to other employees of the District as the General Manager deems appropriate from time to time. The authority of peace officers and the District's General Manager, or his/her designated representatives, to enforce these regulations includes the express authority to expel any person or vehicle acting in violation of any District, federal, state, or county rule or regulation and the express authority to take all other actions deemed necessary by these officials to enforce the regulations of the District as amended from time to time. Citations will be issued per the current Park Rules if necessary by Park Rangers.

Section 35: Severability

The District's regulations for Elfin Forest Recreational Reserve facilities and other District park and recreational facilities and their various parts, sections, and clauses thereof are declared by the Board of Directors to be severable. If any part, sentence, paragraph, section, subsection, clause, phrase, part or portion thereof is judged unconstitutional or invalid by a competent jurisdiction, the remainder of these regulations shall not be effected thereby. The Board of Directors hereby declares that it would have passed these regulations and each part thereof, regardless of the fact that one or more of such parts would be declared unconstitutional or invalid.