

Case Number: A 136092

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION 2

CALGUNS FOUNDATION INC., et al
v.
COUNTY OF SAN MATEO

CALGUNS FOUNDATION, INC., et al,
Plaintiffs and Appellants

v.
COUNTY OF SAN MATEO,
Defendant and Respondent.

APPEAL FROM THE
SUPERIOR COURT OF SAN MATEO COUNTY
HONORABLE V. RAYMOND SWOPE, III, PRESIDING JUDGE
Case No.: CIV 509185

**Appellants' Request for Judicial Notice
and Proposed Order**

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Request for Judicial Notice

Pursuant to Evidence Code §§ 451/452, Rules of Court 8.54, 8.252 and 8.809, Appellants hereby request that the Court take judicial notice of San Mateo County Ordinances (SMO) § 3.68 *et seq.*, and SMO § 3.53 *et seq.*

Copies of both ordinances in their entirety are attached. Copies are also set forth in the appendix to the principal brief for convenience.

The ordinances are relevant to the Court’s inquiry about whether San Mateo’s county ordinances relating to firearms are subject to preemption by Government Code § 53071.

Respectfully Submitted on January 2, 2013 by Donald Kilmer, Attorney for Appellants.

Donald Kilmer

Order Re: Judicial Notice

Appellants’ request for judicial notice of San Mateo Ordinances § 3.68 *et seq.*, and § 3.53 *et seq.*, is:

- Granted. Denied.

Date:

Presiding Judge

Title 3 - PUBLIC SAFETY, MORALS AND WELFARE

Chapter 3.68 - COUNTY PARK AND RECREATION AREA RULES

San Mateo County, California, Code of Ordinances

Chapter 3.68 - COUNTY PARK AND RECREATION AREA RULES

Sections:

- 3.68.010 - Violations, a misdemeanor.
- 3.68.020 - Exceptions.
- 3.68.030 - Definitions.
- 3.68.040 - Permits and fees—Violation as infraction.
- 3.68.050 - Method of payment of fees.
- 3.68.060 - Camping regulations.
- 3.68.070 - Fires.
- 3.68.080 - General protective regulations.
- 3.68.090 - Motor vehicles.
- 3.68.100 - Parking.
- 3.68.110 - Motor vehicle speed limits.
- 3.68.120 - Operation of bicycles; violation.
- 3.68.130 - Noise.
- 3.68.140 - Unlawful assembly.
- 3.68.150 - Dangerous activities.
- 3.68.160 - Hiking and riding trails.
- 3.68.170 - Beaches and swimming areas.
- 3.68.180 - Dogs on Sheep Camp Trail.

3.68.010 - Violations, a misdemeanor.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall be guilty of a misdemeanor.

(Prior code § 3385; Ord. 415, 06/25/34; Ord. 2394, 09/21/76)

3.68.020 - Exceptions.

The provisions of this ordinance shall not apply to employees of the San Mateo County Parks and Recreation Department, or the San Francisco Water Department, or other public officials acting within the scope of their authorized duties and concession activities. However, Department 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.

(Prior code § 3385.1; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82)

3.68.030 - Definitions.

(a) "Commission" shall mean the San Mateo County Parks and Recreation Commission.

(b) "County Park" shall mean any park, recreation area, reserve or preserve, historical site or any other facility operated by the San Mateo County Parks and Recreation Department.

(c) "Department" shall mean the San Mateo County Parks and Recreation Department.

(d) "Director" shall mean the Director of the San Mateo County Parks and Recreation Department.

(e) "General Manager and Chief Engineer" shall mean the General Manager and Chief Engineer of the San Francisco Water Department of the City and County of San Francisco.

(f) "San Francisco Fish and Game Refuge" means that area defined in the State of California Fish and Game Code, division 7 REFUGES, chapter 2, article 1, section 10772 and under the jurisdiction of the San Francisco Water Department.

(g) "Hiking and Riding Trail" shall mean all trails which have been dedicated to the County or other public agency for hiking or horseback riding purposes, or both, or any trail which is open to the general public for such purpose.

(h) "Motor Vehicle" shall mean any automobile, truck, bus, van, motorcycle, off-road vehicle, four-wheel drive vehicle, dirt bike, motor-driven vehicle, or any vehicle which is self-propelled.

(i) "Person" as used in this chapter shall be construed to mean and shall include natural persons, firms, co-partnerships, corporations, clubs and all associations or combinations of persons whatever, whether acting by themselves or by a servant, agent or employee.

(j) "Recreation Area" as used in this chapter shall be construed to mean and shall include all land, facilities and other property for public recreation owned and/or operated by the County of San Mateo, or the San Francisco Water Department, including parks, playgrounds, camping areas, swimming pools, golf courses, picnic grounds, athletic fields, beaches, parkways, public squares, hiking and bicycling paths, horse trails, roadside viewing areas, rest stops, historical monuments, and all grounds surrounding public buildings, all planting and areas for planting along roads, streets and highways, and all other recreation areas, including all buildings, structures, improvements, monuments, apparatus and equipment existing in or that may be erected in any of such areas.

(k) "Sound Amplifying Equipment" shall mean any machine or device for the amplification of the human voice, music, or any other sound, but shall not include standard automobile radios or automobile tape decks when used and heard only by the occupants of the vehicle in which the automobile radio or tape deck is installed, nor radio receiving sets, non-electrical musical instruments, or television sets. "Sound Amplifying Equipment" as used in this chapter, shall not include warning devices or sound amplification equipment on Parks and Recreation Department, or San Francisco Water Department vehicles, or other authorized emergency vehicles, or horns, or other warning devices on any vehicle used only for traffic safety purposes.

(l) "Vessel" shall be used to describe any water craft, board or similar equipment capable of being used as transportation in or on water.

(m) "Beach" shall mean the shore of any body of water within any County Park and Recreation Area or the San Francisco Fish and Game Refuge.

(Prior code § 3385.2; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90)

3.68.040 - Permits and fees—Violation as infraction.

(a) No person shall enter, occupy or use a County park or recreation area, or any area or facility therein, for which a user fee, deposit or permit is required without first obtaining any applicable permit and paying any applicable fees or deposits in the manner provided by this chapter. Any person obtaining a permit to enter or use a County park or recreation area shall display such permit in the manner provided by such permit.

(b) No person shall enter a self-registration fee payment area without first (1) depositing the applicable fees; and (2) completing and prominently displaying the permit, so that the permit number is clearly legible from the outside of the vehicle entering the park or recreation area, according to all applicable guidelines either posted at the fee collection vault or printed on the permit.

(c) A violation of this section shall be an infraction 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 this section within one year; and (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of this section within one year.

(Prior code § 3385.3; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 3651, 5/16/95)

3.68.050 - Method of payment of fees.

(a) Except as otherwise provided by this code, all fees and deposits established by the Parks and Recreation Commission for entry or use of County park and recreation areas or for designated privileges, services or materials, shall be paid to the Director or his or her designee in the manner determined by the Director. All fees collected shall be deposited in the Treasury of the County of San Mateo and shall be credited to the appropriate fund.

(b) The Director may, subject to approval by the Parks and Recreation Commission, designate any recreation area or county park a "self-registration fee payment area." Payment of applicable fees for entry or use of a self-registration fee payment area shall be by deposit into a fee collection vault located at the entrance to such park or recreation area. The Director may establish, subject to approval by the Parks and Recreation Commission, policies and procedures for collection of such fees including the hours and dates of collection. Pursuant to guidelines approved by the Parks and Recreation Commission, the Director may waive payment and suspend collection of applicable fees at any self-registration fee payment area.

(c) All fee deposit envelopes, permits and receipts shall remain the property of the County of San Mateo and shall be subject to inspection by, and surrendered upon demand to, the Director, or any County Park Ranger or law enforcement officer. Fees deposited in any fee collection vault, including any overpayment, are non-refundable. If the fee deposited is insufficient to pay in full the applicable fee, the remaining balance shall be due and payable to the Director or County Park Ranger upon demand.

(Prior code § 3385.4; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 3651, 5/16/95)

3.68.060 - Camping regulations.

(a) Permits. A permit must be obtained from the County Parks and Recreation Commission or its authorized staff before camping in any recreation area or in any County Park, and camping is not permitted outside the campsite or sites designated on said permit.

(b) Camping by Minors. Persons under the age of 18 are not permitted to camp overnight in any recreation area or in any County Park unless accompanied by an adult.

(Prior code § 3386; Ord. 415, 06/25/34; Ord. 976, 01/15/52; Ord. 2307, 05/06/75; Ord. 2394, 09/21/76)

3.68.070 - Fires.

(a) No person shall light, build, use or maintain a fire within any Recreation area or any County Park, or on the San Francisco Fish and Game Refuge, except in places specifically provided therefor, and said places shall not be used until user has removed all dead wood, moss, dry leaves or other combustible material which may have gathered around said place so that there is no possible danger of any fire spreading.

(b) No person responsible for an authorized fire in any Recreation area or in any County Park, or on the San Francisco Fish and Game Refuge, shall leave said fire unattended. When the user has finished with the fire, it shall be completely extinguished.

(Prior code § 3386.1; Ord. 1639, 02/25/64; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82)

3.68.080 - 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 any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, or on any hiking and riding trail. 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 in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, any hiking and riding trail by public officials pursuant to their official duties or by scientific permit from the San Mateo County Parks and Recreation Department, or San Francisco Water Department, for the areas under their respective jurisdictions.

(b) Vandalism (Property). No person shall disturb, destroy, remove, deface or injure any property of the County of San Mateo or the City and County of San Francisco which is located in any Recreation area or in any County Park or hiking and riding trail, or on the San Francisco Fish and Game Refuge. No person shall cut, carve, paint, mark, paste, or fasten on any tree, fence, wall, building, monument or other property in any County Park or Recreation area, or hiking and riding trail, or other property in any County Park or Recreation area, or hiking and riding trail, or on the San Francisco Fish and Game Refuge, 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

in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, except in a receptacle designated for that purpose, and no person shall import or deposit any rubbish into or in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, or hiking and riding trail. No person shall transport or dump any rock, rubble, dirt, sand, fill or other similar material into or in any County Park or Recreation area without the permission of the Director, or the General Manager and Chief Engineer, or their representatives for the areas under their respective jurisdiction.

(d) Reserves and Preserves. All geological and archeological features, plants and animals (dead or alive) are protected and 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 in any Recreation area or in any County Park, or in the Watershed, or water supplies of any water purveyor holding a water purveyor's permit issued by the California Department of Health Services pursuant to Public Health Code, chapter 7, section 4011.

(f) Water Quality Protection. No person shall wash clothing or cooking utensils, bathe in, or in any other manner pollute the waters of any Recreation area or any County Park, or in the Watershed, or water supplies of any water purveyor holding a water purveyor's permit issued by the California Department of Health Services pursuant to Public Health Code, chapter 7, section 4011.

(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 said things in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, or hiking and riding trail without the specific permission of the Director or the General Manager and Chief Engineer, or their representative, for the areas under their respective jurisdictions.

(h) Protection of Historical Features. No person shall remove, injure, disfigure, deface or destroy any object of paleontological, archaeological, or historical interest or value in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, or hiking and riding trail nor shall any person engage in any excavation for said objects without first receiving written permission from the Director, or the General Manager and Chief Engineer, or their representatives, for the areas under their respective jurisdictions.

(i) Domestic Animals. No dogs, cats, fowl or other domesticated animals shall be permitted to enter or go at large in any County Park or Recreation area, either with or without a keeper. 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 a County Park or Recreation area. No person shall release any captured wild animal within any County Park or Recreation area except authorized public officials pursuant to their duties.

(j) Abandoned Animals. No person shall abandon a dog, cat, fowl or other animal within any County Park or Recreation area, or in the San Francisco Fish and Game Refuge.

(k) Feeding Domesticated Animals. No person shall feed any abandoned domesticated animal in any County Park or Recreation area, or in the San Francisco Fish and Game Refuge.

(l) Grazing. The running at large, herding or grazing of livestock of any kind in any County Park or Recreation area, or driving of livestock over same, is prohibited unless a lease of the land has been granted for that purpose. Livestock found in any County Park or Recreation area may be impounded and held until claimed by the owner and payment made for any damages caused and for any expenses incurred by the County in impounding and holding such livestock.

(m) Horses Off Trails or Out of Designated Areas. No person shall ride, drive, lead, or keep a saddle horse, pony, mule or other such animal in any County Park or Recreation area except on such roads, trails or areas so designated and posted by the Department.

(n) Wildlife. All County Parks and Recreation Areas and the San Francisco Fish and Game Refuge are sanctuaries 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 within a County Park or Recreation Area or within any San Francisco Fish and Game Refuge area located within the County. 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 park wildlife for scientific research purposes when done with written permission from the Director of the San Mateo County Division of Parks and Recreation or, in the San Francisco Fish and Game Refuge, from the San Francisco Water Department.

(o) Firearms and Dangerous Weapons. Except as provided in subsection (p) and subsection (q), no person shall have in his possession within any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, and no person shall fire or discharge, or cause to be fired or discharged, across, in, or into any portion of any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, any gun or firearm, spear, bow and arrow, cross bow, slingshot, air or gas weapon or any other dangerous weapon.

(p) Shooting Ranges. The discharge or firing of firearms is permitted in areas designated by the Parks and Recreation Commission, or San Francisco Water Department, specifically for the purposes of rifle and/or pistol and/or shotgun shooting, and the transportation of such firearms through the County Park or Recreation area, or on the San Francisco Fish and Game Refuge, in which said area(s) is/are located is permitted providing said firearms are unloaded. "Unloaded" shall mean that there is no ammunition in either the chamber or magazine of the gun.

(q) Archery Ranges. The use of a bow and arrow, but not a crossbow, is permitted in areas designated by the Parks and Recreation Commission specifically for the purpose of archery, but all bows must be unstrung during transportation to and from such designated areas.

(r) Loitering After Closing Time. It shall be unlawful for any person to remain in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, or in any facility within any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, after the posted closing time, unless said person has lawful business therein.

(s) Gambling. Gambling in any form, or the operation of gambling devices for merchandise or otherwise in any County Park or Recreation area is prohibited.

(t) Alcoholic Beverages. No person shall possess or consume alcoholic beverages, other than beer or wine, in any form within any County Park or Recreation area, or on the San Francisco Fish and Game Refuge. Alcoholic beverages as described herein are permitted at Coyote Point County Park only in designated areas and during designated times. No person shall possess or consume any alcoholic beverages in any form at the Coyote

Point Rifle and Pistol Range, or within twenty-five feet (25') of the San Francisco Watershed vehicle parking lots or areas. This section shall not prohibit the dispensing of all types of alcoholic beverages by a licensee under the laws of the State of California, under a food and bar concession from the County or the consumption of such beverages on the premises of such concessionaire, or the consumption of alcoholic beverages by persons holding a written occupancy permit issued by the Parks Director, or his or her representative, for areas under his or her jurisdiction.

(u) Private Operations. It shall be unlawful for any person to engage in the business of soliciting, selling or peddling of 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, except upon specific concession or permit secured from the Commission, or the General Manager and Chief Engineer, or his representative, for areas under his jurisdiction.

(v) Authorized Operations. All persons, firms, or corporations holding concessions shall keep the grounds used by them properly policed and shall maintain the premises in a sanitary condition to the satisfaction of the Director or General Manager and Chief Engineer for areas under their respective jurisdictions. No operator of any concession shall retain in his employment any person whose presence is deemed by the District or General Manager and Chief Engineer for their respective jurisdictions not to be conducive to good order and management.

(w) Commercial Filming. No person shall operate a still, motion picture, video or other camera for commercial purposes in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, except pursuant to a written permit from the Director or the General Manager and Chief Engineer, or their representative, for the areas under their respective jurisdictions authorizing such activity. This section shall not apply to the commercial operation of cameras as part of the bonafide reporting of news.

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

(Prior code § 3387; Ord. 415, 06/25/34; Ord. 976, 01/15/52; Ord. 1287, 05/06/58; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90; Ord. 3796, 11/4/97; Ord. 3863, 12/1/98)

3.68.090 - Motor vehicles.

No person shall operate any motor vehicle 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.

(Prior code § 3388; Ord. 415, 06/25/34; Ord. 976, 01/15/52; Ord. 2394, 09/21/76)

3.68.100 - Parking.

No person shall park any motor vehicle as defined in this chapter within a County Park or Recreation area, or on the San Francisco Fish and Game Refuge, except upon areas designated for such use. 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: In areas where prohibited by "NO PARKING" signs. On any fire trail, road or access. On any equestrian or hiking trail. Blocking or obstructing any gate, entrance or exit. On any lawn or grassy area. In any picnic area. On any beach. In such a manner as to take up more than one "Marked" space in any authorized parking area. In any area where such vehicle blocks or obstructs the free flow of traffic. Within 15 feet of a fire hydrant. Adjacent to any curb painted red. In any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, after closing time except pursuant to a valid permit.

(Prior code § 3388.1; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90)

3.68.110 - Motor vehicle speed limits.

No person shall drive a motor vehicle within any County Park or Recreation area, or the San Francisco Fish and Game Refuge, at a speed greater than is reasonable or prudent, having due regard for traffic and the surface and width of the road, and in no event at a speed which endangers the safety of person, property, or wildlife, provided, however, that in no event shall a motor vehicle be driven at a speed greater than the posted speed limit for that area as designated by the Parks and Recreation Commission.

(Prior code § 3388.2; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90)

3.68.120 - Operation of bicycles; violation.

(a) No person shall operate a bicycle in any County Park or Recreation Area, including but not limited to Sawyer Camp Trail or San Francisco Fish and Game Refuge, other than on a path designated and signed for that purpose or on a paved vehicular road meant for motor vehicles. All bicyclists shall ride in single file, except to pass. No bicyclist shall exceed a safe speed.

(b) No bicyclist on Sawyer Camp Trail shall exceed a speed of 5 miles per hour within one-eighth-mile from each end of Sawyer Camp Trail. No bicyclist on Sawyer Camp Trail shall exceed a speed of 15 miles per hour on the rest of Sawyer Camp Trail.

(c) 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 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.

(Prior code § 3388.3; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90; Ord. 3272, 10/23/90; Ord. 3351, 12/10/91; Ord. 3471, 02/02/93)

3.68.130 - Noise.

(a) Declaration of Noise Policy. It is hereby declared to be the policy of the Parks and Recreation Commission, and the San Francisco Water Department, to prohibit unnecessary, excessive, and annoying noises in all County Parks, and the San Francisco Fish and Game Refuge. At certain levels, noises are detrimental to the health and welfare of persons using County Parks or Recreation areas, 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 in any County Park or Recreation area, or the San Francisco Fish and Game Refuge. This section shall not apply to a person operating sound amplifying equipment under a permit granted by the Parks and Recreation Department, or the San Francisco Water Department, as provided in section 3.68.140

(c) Peace and Quiet. It shall be unlawful for any person within any County Park or the San Francisco Fish and Game Refuge 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 any County Park or Recreation area or the San Francisco Fish and Game Refuge.

(d) Noise, Absolute Prohibition. No person shall use or operate any of the devices mentioned in subsection (c) within the campgrounds of any County Park or Recreation area and the San Francisco Water Department area(s) between the hours of 10:00 P.M. and 8:00 A.M.

(Prior code § 3389; Ord. 415, 06/25/34; Ord. 976, 01/15/52; Ord. 1287, 05/06/58; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90)

3.68.140 - Unlawful assembly.

It shall be unlawful for any person or group to conduct a group meeting, rally, or similar gathering in any County Park or Recreation area without first obtaining a permit from the Parks and Recreation Department for the use of the area or facility involved. The division shall grant such permit unless it finds that the time and/or place and/or size of the meeting, rally, or similar gathering may unreasonably interfere with the normal use or operation of the area or facility requested. Said permit shall be obtained at least ten days prior to such activity.

(Prior code § 3390; Ord. 976, 01/15/52; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90)

3.68.150 - Dangerous activities.

Except in areas specifically designated and set aside from time to time by the Parks and Recreation Commission, or the San Francisco Water Department for such activities, no person shall engage in any of the following activities within any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, 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, boats, automobiles, or other 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).

(Prior code § 3391; Ord. 415, 06/25/34; Ord. 2307, 05/06/75; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90)

3.68.160 - Hiking and riding trails.

The following regulations shall apply to any and all persons using hiking and riding trails in the County of San Mateo.

No loaded firearm shall be carried on any hiking and riding trail,

(a) except by Peace Officers, nor shall any person discharge across, in or into any portion of a hiking and riding trail any firearm or other device capable of injuring or killing any person, animal or damaging or destroying any public or private property.

(b) No person shall disturb, destroy, remove, deface or injure any property on a hiking and riding trail. No person shall cut, carve, paint, mark, paste or fasten on any tree, fence, wall, building, monument or other property along or on such trail any bill, advertisement or inscription.

(c) No person shall use threatening, abusive, boisterous, insulting or indecent language or make indecent gestures on a hiking or riding trail; nor shall any person conduct or participate in a disorderly assemblage thereon.

(d) No person shall operate a vehicle on a hiking and riding trail other than a vehicle used for emergency or maintenance purposes or such other vehicle as may be especially designated by the Director of Parks and Recreation Department, unless the trail traverses a common right-of-way.

(e) No person shall molest livestock encountered on or adjacent to a hiking and riding trail.

(f) No person shall ride any saddle animal on a hiking and riding trail in a manner that might endanger life or limb of any person or animal, and no person shall allow his/her saddle or pack animal to stand unattended or insecurely tied.

(g) All persons using a hiking and riding trail shall respect the rights of property owners along the trail and shall not trespass on their property or invade their privacy in any way.

(h) Every person using a hiking and riding trail shall promptly report any uncontrolled fire in sight of the trail to the nearest Peace Officer, Park Ranger or fire station.

(i) All persons opening a closed gate on or near a hiking and riding trail shall securely close same after passing through it.

(j) No campfire shall be built on or adjacent to a hiking and riding trail except in areas specifically provided and marked for that purpose.

(k) Smoking on hiking and riding trails is prohibited.

(Prior code § 3392; Ord. 2394, 09/21/76; Ord. 3252, 07/31/90)

3.68.170 - Beaches and swimming areas.

(a) No motor or wind-powered vessel shall be permitted in any designated swimming area in any San Mateo County Park or Recreation area.

(b) No vessel with motor or capable of carrying a motor may be launched in any San Mateo County Park or Recreation area except in designated launching areas.

(Prior code § 3393; Ord. 3252, 07/31/90)

3.68.180 - Dogs on Sheep Camp Trail.

(a) Dogs shall be permitted on the portion of Sheep Camp Trail located between Canada Road and Highway 280 subject to the conditions and requirements of this section.

(b) No person shall cause or allow any dog under his or her ownership, possession or control to enter or remain on Sheep Camp Trail unless the dog is licensed as provided in section 6.04.040(a), is wearing around its neck a collar and valid license tag and the owner or possessor of the dog complies with all other conditions of this section 3.68.180

(c) No person shall cause or allow any dog under his or her ownership, possession or control to enter or remain on Sheep Camp Trail unless such person restrains such dog with a leash not to exceed six (6) feet in length and insures that the leash and control by the person are sufficient to prevent endangering other persons or animals.

(d) No person shall cause or allow any dog under his or her ownership, possession or control to enter or remain on or to defecate upon any part of Sheep Camp Trail including the path, parking area or any property abutting on Sheep Camp Trail (including but not limited to the San Francisco

Watershed, Canada Road and any state right-of-way) used by the general public unless the owner or person with control or custody of the dog immediately removes the feces and properly disposes of it in a sanitary manner.

(e) No person shall walk a dog on Sheep Camp Trail or allow or cause a dog under his or her ownership, possession or control to enter Sheep Camp Trail without carrying at all times a suitable container or other suitable instrument for the removal and disposal of canine feces.

(Prior code § 3387.5; Ord. 3370, 02/11/92; to be in effect for one year)

Title 3 - PUBLIC SAFETY, MORALS AND WELFARE
Chapter 3.53 - FIREARM ON COUNTY PROPERTY
San Mateo County, California, Code of Ordinances

Chapter 3.53 - FIREARMS ON COUNTY PROPERTY

Sections:

3.53.010 - Possession of firearms on County property prohibited.

3.53.020 - Definitions.

3.53.030 - Exceptions.

3.53.010 - Possession of firearms on County property prohibited.

Every person who brings onto or possesses on County property a firearm, loaded or unloaded, or ammunition for a firearm is guilty of a misdemeanor.

(Ord. 4146, 12/17/02)

3.53.020 - Definitions.

For purposes of this chapter, the following definitions shall apply:

(a) County Property. As used in this section, the term County property means real property, including any buildings thereon, owned or leased by the County of San Mateo (hereinafter "County"), and in the County's possession, or in the possession of a public or private entity under contract with the County to perform a public purpose, including but not limited to real property owned or leased by the County in the unincorporated and incorporated portions of the County, and the San Mateo County Expo Center in the City of San Mateo, but does not include any "local public building" as defined in Penal Code Section 171b(c), where the State regulated possession of firearms pursuant to Penal Code Section 171.

(b) Firearm. "Firearm" is any gun, pistol, revolver, rifle or any device, designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion. "Firearm" does not include imitation firearms or BB guns and air rifles as defined in Government Code Section 53071.5.

(c) Ammunition. "Ammunition" is any ammunition as defined in Penal Code Section 12316(b)(2).

(Ord. 4146, 12/17/02)

3.53.030 - Exceptions.

This section does not apply to the following:

- (a) A peace officer as defined in Title 3, Part 2, Chapter 4.5 of the California Penal Code (sections 830 et seq.);
- (b) A guard or messenger of a financial institution, a guard of a contract carrier operating an armored vehicle, a licensed private investigator, patrol operator, or alarm company operator, or uniformed security guard as these occupations are defined in Penal Code section 12031(d) and who holds a valid certificate issued by the Department of Consumer Affairs under Penal Code section 12033, while actually employed and engaged in protecting and preserving property or life within the scope of his or her employment;
- (c) A person holding a valid license to carry a firearm issued pursuant to Penal Code section 12050;
- (d) An authorized participant in a motion picture, television, video, dance, or theatrical production or event, when the participant lawfully uses the firearm as part of that production or event, provided that when such firearm is not in the actual possession of the authorized participant, it is secured to prevent unauthorized use;
- (e) A person lawfully transporting firearms or ammunition in a motor vehicle on County roads;
- (f) A person lawfully using the target range operated by the San Mateo County Sheriff;
- (g) A federal criminal investigator or law enforcement officer; or
- (h) A member of the military forces of the State of California or of the United States.

(Ord. 4146, 12/17/02)