

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN, STATE OF CALIFORNIA AMENDING ORDINANCE 3445 TO EXTEND THE EXISTING RESTRICTIONS UPON THE USE OF BOLINAS BEACH FOR CAMPING THROUGH THE SECOND MONDAY OF MARCH OF 2008**

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN, STATE OF CALIFORNIA, HEREBY ORDAINS AS FOLLOWS:

**SECTION I.** The Board hereby makes the following findings:

Bolinas Beach has become an increasingly popular weekend destination for Northern Californians. The use of Bolinas Beach for camping during these periods of intense peak demand have led in prior years to public disturbances, trespassing, destruction of private property, fire risks and other related public health and safety problems due to limited sanitation facilities and staffing of said facilities. The original conditions that necessitated the adoption of Chapter 6.90 of the Marin County Code continue to persist. Permitting the Bolinas Beach Camping Restrictions set forth in Chapter 6.90 to expire at this time would have adverse consequences to public health and safety. For these reasons, the Board of Supervisors believes an additional one (1) year extension of the existing restrictions is necessary and appropriate and amends the sunset provision of Chapter 6.90 as set forth below.

**SECTION II.** Chapter 6.90 of the Marin County Code is hereby amended to read as follows:

Chapter 6.90

**BOLINAS BEACH CAMPING RESTRICTIONS**

Section 6.90.010 Intent.

The Board of Supervisors finds that peak period use of beaches located in the Bolinas area for campground purposes have led to public disturbances, trespassing, destruction of private property and other related public health and safety problems. Use of the beaches for camping, in the absence of restrooms facilities suited to that purpose in easy access to potential camping sites, contributes to sanitation problems as well as the deposition of dangerous litter and fire hazards that interfere with safe use of the beach. This is particularly a problem during the weekends. High weekend beach use contributes to greater problems of health and sanitation due to limited beach facilities and limited county staff support. The intent of this chapter is to regulate the use of Bolinas Beach as a campground to prevent such unsafe and unhealthy conditions during the period from Friday noon through Monday noon of every week.

Section 6.90.020 Definitions.

- A. "Bolinas Beach" means all of that area lying along the coast between the mean high tide line and the top of the bluffs or highlands which rise above the sandy area of the beach (running from a point twelve hundred (1200) feet westerly of the terminus of Brighton Avenue and easterly and north easterly to the southwesterly terminus of Wharf Avenue) which is in public or private ownership, and which is located within the boundaries of the area more particularly identified in the aerial photograph lodged with the Clerk of the Board of Supervisors with this Chapter.

- B. "To camp" and "camping" means to establish or maintain a temporary place for sleeping, which includes, but is not limited to, the use, or storage for use, of sleeping bags, bedding materials, blankets, sheets, or other non-clothing items utilized or available for use to maintain warmth and comfort for sleep by a Bolinas Beach visitor. The terms "to camp" and "camping" are not intended to include incidental use of towels, blankets and other materials for sunbathing, picnicking, or night-time use of the beach other than for establishing or maintaining a temporary place for sleeping.
- C. "Sunbathing" means to lie on the beach with the intent of being warmed by the sun and/or for relaxation purposes.
- D. "Picnicking" means to eat a meal outdoors.

Section 6.90.030          Restrictions.

It is unlawful to camp as defined in this Chapter on any Bolinas beach as defined in this Chapter between Friday noon through Monday noon every week of the year.

Section 6.90.040          Violation -- Penalty.

Any person determined to have violated any of the provisions contained in this Chapter is guilty of an infraction punishable upon a first offense with a fine of \$100. Any person determined to have violated any of the provisions contained in this Chapter upon a second offense within one year is guilty of an infraction punishable with a fine of \$200. Any person who violates any of the provisions contained in this Chapter upon a third offense within one year is guilty of an infraction punishable with a fine of \$500. Any person who violates any of the provisions contained in this Chapter upon a fourth or additional violation of this Chapter within one year is guilty of a misdemeanor as provided in Section 1.04.160 of this Code.

Section 6.90.050          Sunsetting (Expiration)

This Chapter of the Marin County Code shall expire without any further action by the Board of Supervisors on the second Monday of March, 2008.

**SECTION III.**          The Board of Supervisors finds that this ordinance is categorically exempt from the requirement of the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the State CEQA Guidelines because the restrictions on camping that are established under this ordinance are intended to contribute to the maintenance of the coastal environment potentially affected by such camping, including but not limited to eliminating or lessening the potentially adverse water quality and public health and safety impacts associated with the deposition of human waste and litter on the beach that results from the lack of sanitation facilities. In addition, camp fires may increase the risk of fire hazard in the community and, if not extinguished properly, may cause public health and safety threats to beach users engaged in traditional beach activities, such as strolling and sunbathing.

**SECTION IV.**          If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION V.** Operative Date. This ordinance shall be adopted from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same in the INDEPENDENT JOURNAL, a newspaper of general circulation published in the County of Marin. This ordinance shall not become operative and in effect until such time as the California Coastal Commission takes appropriate action to give it's approval by way of letter, permit issuance, amendments to the local coastal program, or any other action (if any) that may be deemed appropriate by that body or its administrative representatives. Upon such approval or determination by the California Coastal Commission that further action is unnecessary, this ordinance shall be in full force and effect, and become enforceable forthwith.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 13th day of March 2007 by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

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PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

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CLERK