

## **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**

California Water Code 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or remaining on, or re-entering District premises after an authorized District officer or employee has specifically withdrawn consent for a person to utilize District facilities, is a misdemeanor.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 California Water Code 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 \$100/hour 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 the Reserve as a production base are \$500 per day. An additional \$50 catering fee will apply if a caterer is present.
- Fees for use of the Reserve during closed hours (see Section 23) are \$100 per hour additional to those fees specified above.
- Total payment for the permit is due prior to the event.

### **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 with the responsibility of overseeing the Reserve, including but not limited to the Park Supervisor, Customer Services Manager, or 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, electric bicycle, 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.
- b) No person in a park or recreational area shall fail to comply with all applicable provisions of California 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 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, enforcement, or emergency response 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 lock vehicles within the boundaries of a park or recreational area or 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.
- f) Electric bicycles are not permitted within the boundaries of a District park or recreational area.
- g) Helmets and appropriate protective equipment must be worn by all bicycle riders within a District park or recreational area.

**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 a hand-held leash no longer than six feet at all times in all areas of EFRR. Dog owners must properly dispose of their pet's waste while utilizing District parks or recreation areas. Owners are responsible for any damage, harm, or injury caused by their dog.

### **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 form of speaker 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, 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 hunt, fish, trap, or 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 Saving Time end through January 20:

5:00 p.m. to 8:00 a.m.

From January 21 through February 21:  
5:30 p.m. to 8:00 a.m.

From February 22 through Daylight Saving Time begin:  
6:00 p.m. to 8:00 a.m.

From Daylight Saving Time begin through April 2:  
7:00 p.m. to 8:00 a.m.

From April 3 through September 2:  
7:30 p.m. to 8:00 a.m.

From September 3 through September 25:  
7:00 p.m. to 8:00 a.m.

From September 26 through October 18:  
6:30 p.m. to 8:00 a.m.

From October 19 through Daylight Saving Time end:  
6:00 p.m. to 8:00 a.m.

The Reserve will be closed from 5:00 p.m. December 24 to 8:00 a.m. 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 any of 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 or for-profit 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. Minimum requirements for race events are:

- Event organizer must demonstrate their competency in running events of this nature in open space parks.
- Rancho Santa Fe Fire Protection District must have its safety requirements satisfied for any event that is to take place within or to pass through EFRR. Written documentation of approval 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. 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 interpretive center facility rentals 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 as specified in Section 2.
- 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 40 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**

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](mailto: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 an additional fee per Section 2.
- 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, possess, or be under the influence of any federally 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 Manager 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. District Park Rangers shall have the authority to enforce all Reserve rules and regulations, to revoke the permit of, or eject any person from the park who is in violation of these rules and regulations. 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 these regulations if determined 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.