

Title 9

PARKS AND RECREATION

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Chapter 1

BOATING AND WATER SKIING

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Sec. 9-1.01. **Scope.**

The provisions of this chapter shall be applicable to and govern all public waters, including, but not limited to, lakes and rivers, or portions thereof, situated within the boundaries of the County over which the County has police power jurisdiction, either exclusively or concurrently with the United States or the State, or both, insofar as the provisions of this chapter do not conflict with applicable statutes or regulations of the United States or the State; provided, however, the provisions of this chapter shall not be held to apply to documented vessels and their tows. (§ 1, Ord. 360)

Sec. 9-1.02. **Definitions.**

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) "Aquaplane" shall mean any device used for the transportation of one or more persons upon the surface of the water, which device is pulled or towed by any boat, vehicle, or other motive power by means of a rope, chain, cable, wire, or other flexible connection, including, but not limited to, any plank, surfboard, or water ski.

(b) "Boat" shall mean any undocumented vessel or device, except an aquaplane or water ski, in or upon which vessel or device persons or property may be transported upon, under, or over the surface of the water, including, but not limited to, any boat, raft, barge, canoe, skiff, dinghy, rowboat, sailboat, sailing vessel, yacht, motorboat, motor vessel, float, pontoon, commercial boat, launch, or ship.

(c) "Documented vessel" shall mean any boat, commercial boat, barge, sailing vessel, yacht, motorboat, launch, or ship documented by the United States Coast Guard in accordance with the rules and regulations for the navigation of inland waterways established by the Federal government.

(d) "Marked swimming area" shall mean any beach or water area set aside as a swimming or bathing area, the boundaries of which are marked by buoys painted orange and permanently anchored approximately 100 feet apart or conspicuously posted from the shore by signs.

(e) "Motorboat" shall mean any boat propelled in whole or in part by a motor, engine, or mechanical device of any kind, except oars or sails, including boats temporarily equipped with detachable outboard motors.

(f) "Operate" shall mean the steering of a boat in any manner, or the operation or manipulation of any outboard or inboard engine or motor used to propel such boat, or the operation, use, or manipulation of oars, sails, or other devices used as the propulsion of such boat.

(g) "Person" shall mean any person, firm, partnership, association, corporation, company, estate, trust, or organization of any kind.

(h) "Approved" shall mean approved by the Commandant of the United States Coast Guard. (§ 2, Ord. 360, as amended by § 1, Ord. 750, eff. March 10, 1976)

Sec. 9-1.03. **Boats: Equipment.**

(a) *Life preservers.* It shall be unlawful for any person to operate any boat which is not equipped with at least one United States Coast Guard approved life preserver, ring buoy, or

buoyant cushion for each person on board, so placed as to be readily accessible, and of appropriate size for each passenger. No inflatable life preserver shall be deemed to comply with the provisions of this subsection.

No person shall use a recreational boat less than sixteen (16') feet in length or a canoe or kayak unless at least one personal flotation device of the following types is on board for each person:

- (1) Type I;
- (2) Type II;
- (3) Type III; and
- (4) Type IV.

No person shall use a recreational boat sixteen (16') feet or more in length, except a canoe or kayak, unless at least one personal flotation device of the following types is on board for each person:

- (1) Type I;
- (2) Type II; and
- (3) Type III.

No person shall use a recreational boat sixteen (16') feet or more in length, except a canoe or kayak, unless at least one Type IV personal flotation device is on board in addition to the personal flotation devices otherwise required.

(b) Lights, whistles, bells, flame arrestors, and ventilators. The following equipment shall be required on boats, and it shall be unlawful for any person to operate any boat between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, or moor any boat except in a designated mooring area, unless such boat is equipped with, and is showing prominently, the lights required by the United States Coast Guard as set forth in the following chart:

EQUIPMENT REQUIREMENTS FOR BOATS

Equipment	Class A 0 to Less Than 16 Feet	Class 1 16 to Less Than 26 Feet	Class 2 26 to Less Than 40 Feet	Class 3 40 to Not More Than 65 Feet
Combination Light	1 in fore part of boat, showing red to port And green to starboard from right ahead to 2 points abaft the beam, visible at least 1 mile		None	None
Port Side Light	None	None	1 on port side, properly screened to show red from right ahead to 2 points abaft the beam, visible at least 1 mile	
Starboard Side Light	None	None	1 on starboard side, properly screened to show green from right ahead to 2 points abaft the beam, visible at least 1 mile	
Stem Light	1 bright white light aft showing all around the horizon, visible at least 2 miles			
Bow Light	None	None	1 bright white light in fore part of boat, showing from right ahead to 2 points abaft the beam on both sides, visible at least 2 miles	
Whistle*	None	None	1 hand or 1 power-Operated, audible at least 1 mile	
*Commercial fishing motorboats may carry any such specified devices.				
Bell	None	None	1 which produces, when struck, a clear, bell-like tone of full round characteristics	
Flame Arrestors	1, approved, on each carburetor of all gasoline engines installed after April 25, 1940			
Ventilators	At least 2 ventilators with cowls or equivalent, capable of removing gases from The bilges in the engine and fuel tank compartment of boats constructed or decked after April 25, 1940, using gasoline or other fuel of a flash point less than 110 degrees Fahrenheit			

(c) *Motorboats: Fire extinguishers.* It shall be unlawful for any person to operate any motorboat which is not equipped with a portable fire extinguisher of a type approved by the United States Coast Guard, which fire extinguisher shall be in an easily accessible place in such boat; provided, however, no such fire extinguisher shall be required for a motorboat, the motor of which is portable and detachable from the boat, commonly known as an outboard motor, and such boat has no covered deck.

(d) *Motorboats: Ventilators.* It shall be unlawful for any person to operate any motorboat which uses gasoline or other fuel having a flash point of less than 110 degrees Fahrenheit unless such motorboat is equipped with at least two (2) ventilators fitted with cowls or their equivalent which will properly and efficiently remove any inflammable or explosive gas from the bilges of every engine and fuel tank compartment; provided, however, ventilation shall not be required in any motorboat which has the greater portion of the bilges of every engine and fuel tank compartment open to the natural atmosphere. All ventilation equipment shall be as prescribed in the chart set forth in subsection (b) of this section.

(e) *Motorboats: Carburetors.* Every gasoline engine installed in a motorboat, except outboard motorboats, shall be equipped with one of the following:

(1) An approved backfire flame arrestor, suitably secured to the air intake with a flame-tight connection;

(2) An approved engine air and fuel induction system; or

(3) Any attachment to the carburetor or location of the engine air induction system by means of which flames caused by engine backfire will be dispersed to the atmosphere outside the vessel in such a manner that the flames will not endanger the vessel, persons on board, or nearby vessels and structures. All attachments shall be of metallic construction with flame-tight connections and shall be firmly secured to withstand vibration, shock, and engine backfire. (§§ 3, 4, 5, 22, and 23, Ord. 360, as amended by §§ 2, 3, 4, and 5, Ord. 750, eff. March 10, 1976)

Sec. 9-1.04. Boats: Overloading.

It shall be unlawful for any person to load or to operate any boat loaded with passengers or cargo in excess of its safe carrying capacity. For the purposes of this section, a violation of the following components shall constitute prima facie evidence of a violation of the provisions of this section: the maximum safe carrying capacity, in pounds, of any rowboat or any boat propelled by an outboard motor, except racing models, shall equal the product of six and one-half (6 1/2) times the total length of the boat in feet, times the

greatest width of the boat in feet, times the greatest depth of the boat in feet. (§ 10, Ord. 360)

Sec. 9-1.05. Boats and other watercraft: Registration.

Every boat or watercraft operated within the County shall be registered pursuant to the provisions of Sections 3101 through 3112 of the Revenue and Taxation Code of the State, which sections are hereby referred to and incorporated in this chapter by reference as though fully set forth in this chapter for all purposes. (§ 30, Ord. 360, as amended by § 6, Ord. 750, eff. March 10, 1976)

Sec. 9-1.06. Boats and aquaplanes: Speed and manner of operation.

It shall be unlawful for any person to operate any boat or aquaplane in a manner or at a rate of speed which endangers the life, limb, or property of any person, taking into account weather conditions, light conditions, the ordinary use of water navigated, any supervised and authorized boat race or water show, the depth of the water, the proximity to shore, docks, boat launching and landing ramps, swimmers, boats, and other obstacles, the condition of the boat operated, and any other factor which a reasonable, prudent person would consider in the safe operation of such boat. The operation of a boat or aquaplane under any of the following conditions shall constitute prima facie evidence that the same is being operated in violation of the provisions of this section:

(a) At a speed greater than will permit the boat or aquaplane to be fully stopped by the exercise of reasonable care within the assured clear distance ahead; or

(b) At a speed in excess of five (5) statute miles per hour on any public waterway in any of the following areas:

(1) Within 100 feet of any person who is bathing or swimming;

(2) Within 100 feet of any person riding water skis or an aquaplane where the course of the boat is such as to bring it within fifty (50') feet of the rider should he at anytime fall;

(3) Within 200 feet of any swimming float, diving platform, lifeline, or designated swimming area;

(4) Within 200 feet of any dock, wharf, dam, way, or landing float to which boats are landed or made fast or which is used for the embarkation or discharge of passengers;

(5) Within 100 feet of the shore at any place except while in the act of launching or landing an aquaplane or water skier;

(6) Within 100 feet of any watercraft, sixteen (16') feet in length or smaller, which might be

seriously endangered by the action caused by the wake created by the passing vessel;

(7) Within 200 feet of any area designed as an emergency area by the Sheriff-Coroner or any authorized boat while such boat is in the act of rescue operations or dragging for bodies or equipment provided such boats are marked;

(8) Within 200 feet of the boundaries of any fish spawning area marked or designated as such by the Department of Fish and Game of the State; and

(9) Within 200 feet of trolling fishing boats to avoid fouling of trolling lines. Trolling boats shall display a white flag not less than two (2') feet in size to give adequate warning of trolling activities. (§ 6, Ord. 360)

Sec. 9-1.07. Boats and water skis: Reckless operation.

The failure to observe any of the following rules shall constitute prima facie evidence of the violation of the provisions of this section:

(a) Any person operating a boat or water ski shall observe the Federal navigation rules for harbors, rivers, and inland waters.

(b) Any person operating a boat or water ski shall at all times be responsible for the wake of the boat and shall take care to avoid disturbing, by wake, wash, or suction, any person or property in or on a waterway.

(c) Any person operating a boat or water ski shall at all times do so in such manner as to protect the life, limb, and property of persons and shall not operate such boat or ski in such a manner as to unreasonably or unnecessarily interfere with any other documented or undocumented boat engaged in proper navigation. (§ 7, Ord. 360)

Sec. 9-1.08. Boats, aquaplanes, and water skis: Operation in swimming areas.

It shall be unlawful for any person to operate any motorboat or sailboat, or to ride, pull, or tow any aquaplane or water ski within any designated swimming area or within fifty (50') feet of the exterior boundaries of any designated swimming area. (§ 12, Ord. 360)

Sec. 9-1.09. Boats: Riding on gunwales and bows.

It shall be unlawful for any person operating any boat, except a sailboat, to permit any person to ride, sit, or stand, or for such person to ride, sit, or stand, upon either the gunwale of a boat or upon the decking over the bow of a boat unless such boat is provided with adequate guards or railings to prevent such persons from being lost overboard. The provisions of this section shall not be construed to mean that a person on a boat may not stand on the decking of the bow of the

boat to moor or cast off or for any other necessary purpose. (§ 8, Ord. 360)

Sec. 9-1.10. Boats: Operation by persons under influence of alcohol or narcotics.

It shall be unlawful for any person to operate any boat while under the influence of intoxicating liquor or narcotic drugs. (§ 9, Ord. 360)

Sec. 9-1.11. Boats: Operation without consent

It shall be unlawful for any person to use, take, or operate any boat without the written consent of the owner or person in charge thereof or to be an accessory to the taking, use, or operation of any boat without the consent of the owner or person in charge thereof. The consent of the owner or person in charge of a boat to its taking, use, or operation shall not be presumed or implied because of such consent on a previous occasion to the taking, use, or operation of such boat by the same or a different person. (§ 11, Ord. 360)

Sec. 9-1.12. Boats: Anchoring in passageways and channels.

It shall be unlawful for any person to anchor any boat for fishing, loading, discharging, servicing, or any other purpose upon any body of water in a position which obstructs a passageway ordinarily used by other boats or in an area designated as a passageway or channel. (§ 13, Ord. 360)

Sec. 9-1.13. Boats: Interference with navigation aids.

It shall be unlawful for any person to moor or attach any boat to any buoy, beacon, or marker, except mooring buoys, placed in the water by any public agency or to remove, change, obstruct, damage, or in any way interfere with buoys or navigation aids established by a public agency. (§ 14, Ord. 360)

Sec. 9-1.14. Boats: Use of sirens.

It shall be unlawful for any person to use or sound a siren on any boat except for necessary or emergency purposes. (§ 24, Ord. 360)

Sec. 9-1.15. Aquaplaning and water skiing.

(a) *At night.* It shall be unlawful for any person to operate a boat, vehicle, or other motive power which is pulling or towing any aquaplane or water skier, or for any person to ride any aquaplane or water ski, between sunset and sunrise.

(b) *Takeoff and approaches.* It shall be unlawful to take off from or approach shore when engaged in water skiing in any other manner than by keeping the shore on the starboard or right-hand side.

(c) *Careful operation of boats.* It shall be unlawful for any person to operate any boat engaged in the pulling or towing of an aquaplane or water skier except in a careful and prudent manner, at a reasonable distance, and with due caution for the life, limb, and property of other persons.

(d) *Attendants on boats.* It shall be unlawful for any person to operate any boat or other vehicle which is pulling or towing an aquaplane or water skier unless there is in such boat or vehicle, in addition to the operator, another person at least twelve (12) years of age who is attending and observing the aquaplane or water skier at all times while the aquaplane or water skier is being towed.

(e) *Towlines.* It shall be unlawful for any person to operate any boat or other vehicle which is pulling or towing an aquaplane or water skier unless such operator employs, when towing any such aquaplane or water skier, a towline not in excess of ninety (90') feet in length. (§§ 15, 16, 17, and 21, Ord. 360, as amended by §§ 7 and 8, Ord. 750, eff. March 10, 1976)

Sec. 9-1.16. Designation and marking of certain areas.

(a) *Authorized.* The Board, by resolution, as to water under its jurisdiction, and the authorized representative of any other public agency, as to water under its jurisdiction, may designate and cause to be appropriately marked boat launching areas, areas designed exclusively for swimming, areas where swimming is prohibited, areas where boats are prohibited, areas of restricted speed, or emergency areas and may designate boating and personnel control signs and devices and change the same from time to time as the public safety and welfare require. When so marked, it shall be unlawful for any person to fail to comply with such designations. Such designations shall be reported to the United States Corps of Engineers for notification to mariners.

(b) *Boating on Putah Creek.* It shall be unlawful for any person to operate any vessel in the waters of Putah Creek westerly of County Road 86 at such times that:

(1) The flow of water at Monticello Dam exceeds the rate of 750 cubic feet per second; and

(2) Control signs or devices prohibiting boating are posted at the Putah Creek Fishing Access Area.

For the purposes of this subsection, "vessel" is defined as set forth in subsection (c) of Section 651 of the Harbors and Navigations Code of the State.

(c) *Signs.* The Director of Parks shall cause control signs or devices prohibiting boating to be posted at the Putah Creek Fishing Access Area at such times as the flow of water at Monticello

Dam exceeds the rate of 750 cubic feet per second. (§ 27, Ord. 360, as amended by § 1, Ord. 628, eff. February 16, 1970, § 1, Ord. 631, eff. April 29, 1970, and § 1, Ord. 954, eff. June 30, 1983)

Sec. 9-1.17. Swimming in prohibited areas.

It shall be unlawful for any person to swim in any area designated as a non-swimming area, or more than 200 feet from the shore, or outside the boundaries of a marked swimming area, or in a location or in such a manner as to create a hazardous or dangerous condition to the swimmer or any other person or object; provided, however, the provisions of this section shall not be construed to limit skin diving when areas for such activity are properly marked. (§ 20, Ord. 360)

Sec. 9-1.18. Dumping debris in water.

It shall be unlawful for any person to dump or place in any landlocked public waters any garbage, trash, gasoline, oil, sawdust, or other foreign matter from a boat, the shore, or any other place. (§ 18, Ord. 360)

Sec. 9-1.19. Shooting firearms across water.

It shall be unlawful for any person to shoot any firearm or gun operated by compressed gases or a spring from any boat across or over any portion of the waters or any lake or reservoir; provided, however, the provisions of this section shall not prohibit the shooting of a shotgun from a boat or across lake or reservoir waters for the purpose of killing waterfowl during the lawful waterfowl hunting season. (§ 19, Ord. 360)

Sec. 9-1.20. Authorized boat races.

No provision of this chapter, except Section 9-1.10 prohibiting the operation of a boat while under the influence of intoxicating liquor or narcotic drugs, shall be construed to prohibit or restrict the operation of any boat actually competing in a race or regatta over a marked course which has been previously authorized in writing and which is actively supervised by the public agency or its duly authorized agent having jurisdiction over the waters of such racing course for such purpose, nor to conflict with any of the rules adopted by the agency or its agent supervising such race, which rules govern the type, size, construction, and equipment of the boats, the navigation regulations, and other rules governing the conduct of such races. (§ 25, Ord. 360)

Sec. 9-1.21. Authorized water shows.

No provision of this chapter shall be construed to prohibit or restrict the operation of any boat, aquaplane, or water skier actually participating in a water show which has been previously authorized in writing and which is

actively supervised by the public agency or its duly authorized agent having jurisdiction over the waters on which the water show is conducted for such purpose. (§ 26, Ord. 360)

Sec. 9-1.22. Enforcement.

It shall be the duty of the Sheriff-Coroner to enforce the provisions of this chapter. (§ 31, Ord. 360)

Sec. 9-1.22.1. Wearing personal flotation device.

It shall be unlawful for any person to traverse the waters within the County on an innertube, air mattress, or any other device capable of transporting a person on the water without wearing correctly a Coast Guard approved wearable Type I, Type II, or Type III personal flotation device; provided, however, the provisions of this section shall not apply if any State law or administrative regulation otherwise requires the carrying or exempts the carrying on board the vessel or device in question of other personal flotation devices. (§ 9, Ord. 750, eff. March 10, 1976)

Sec. 9-1.23. Violations.

(a) *Penalties.* Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in Chapter 2 of Title 1 of this Code.

(b) *Notices to appear.* Whenever a person is arrested for the violation of the provisions of this chapter and such person is not immediately taken before a magistrate, as is more fully set forth in the Penal Code of the State, the arresting officer shall prepare, in duplicate, a written notice to appear in court containing the name and address of such person, the offense charged, and the time when and place where such person shall appear in court. The time set forth in the notice to appear shall be at least five (5) days after such arrest. The place set forth in the notice to appear shall be before a judge of any court having jurisdiction of the offense who is nearest and most accessible with reference to the place where the arrest was made.

(c) *Promises to appear.* The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, shall give his written promise so to appear in court by signing the notice, which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release the person arrested from custody.

(d) *Bail: Appearance in court.* The officer shall, as soon as practicable, file the notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which, in his judgment, in accordance with the provisions of Section 853.6 of the Penal Code of the State,

shall be reasonable and sufficient for the appearance of the defendant and shall endorse upon the bottom a statement signed by him in the form set forth in Section 853.6 of the Penal Code of the State. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited and may, in his discretion, order that no further proceedings shall be had in such case. Upon the making of such order that no further proceedings shall be had, all sums deposited as bail shall forthwith be paid into the County treasury.

(e) *Failure to appear: Warrants for arrest.* Any person willfully violating his written promise to appear in court shall be deemed guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested. When a person signs a written promise to appear at the time and place set forth therein, and has not posted bail as provided in said Penal Code, and fails to appear at the time and place specified, a warrant for his arrest shall be issued by the magistrate within twenty (20) days after the failure of such person to appear as promised. (§§ 28 and 29, Ord. 360)

Chapter 2

PUBLIC BOATING FACILITIES

Sections:

- 9-2.01 Adoption: Purpose.
- 9-2.02 Definitions.
- 9-2.03 Signs: Required.
- 9-2.04 Signs: Construction: Form.
- 9-2.05 Signs: Display.
- 9-2.06 Signs: Purposes of establishment.
- 9-2.07 Enforcement.

Sec. 9-2.01. Adoption: Purpose.

The provisions of this chapter are adopted pursuant to the provisions of Section 660 of the Harbors and Navigation Code of the State for the purpose of establishing and maintaining boating regulation signs at public boating facilities along the Sacramento River. (§ 1, Ord. 552)

Sec. 9-2.02. Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) "Powerboat" shall mean any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.

(b) "Public boating facility" shall mean any marina, way, landing float, launching site, wharf, runway, dock, or other place commonly used for embarkation upon, or debarkation from, the Sacramento River by powerboat, which facility is available for the use of the public, either with or without the payment of consideration. (§§ 2 and 3, Ord. 552)

Sec. 9-2.03. Signs: Required.

Every person conducting, operating, or maintaining a public boating facility shall, by June 15, 1966, install and thereafter maintain boating regulation signs, as provided in this chapter, on the premises of such public boating facility. (§ 4, Ord. 552)

Sec. 9-2.04. Signs: Construction: Form.

The Parks Department shall have prepared boating regulation signs in sufficient number to supply all the public boating facilities which are located within the County. The signs shall be constructed of metal and shall be twenty-four (24") inches by eighteen (18") inches in dimensions. The following legend shall be printed on such signs in black on a white background surrounded by a one and one-half (1 1/2") inch orange border:

NOTICE TO BOATERS

State law makes it a misdemeanor to operate your powerboat in excess of five (5) nautical miles per hour when you are:

- (1) Within 100 feet of bathers;
- (2) Within 200 feet of a bathing beach;
- (3) Within 200 feet of a swimming float, diving platform, or lifeline; or
- (4) Within 200 feet of a way or landing float to which boats are made fast or which is used for the embarkation or debarkation of passengers.

Observe these rules.

(§ 5, Ord. 552)

Sec. 9-2.05. Signs: Display.

Boating regulation signs shall be prominently displayed in such a manner as to be clearly visible to all persons embarking upon the river by boat. (§ 4, Ord. 552)

Sec. 9-2.06. Signs: Purposes of establishment.

The Board hereby finds and declares that the establishment and maintenance of boating regulation signs, as provided in this chapter, is necessary and appropriate for establish the preservation and protection of the public health, safety, and general welfare for the following reasons:

(a) Powerboats moving at a high speed constitute an extreme danger to persons engaged in bathing, swimming, or diving who may be struck by a moving boat. Powerboats moving at a high speed also create wakes and turbulence in the water which in turn cause the movement and surge of landing floats, making conditions dangerous for persons embarking or disembarking from their own craft.

(b) Although Section 267 of the Harbors and Navigation Code of the State sets forth special speed limits for powerboats operated upon navigable waters, and although such speed limits are applicable to the waters of the Sacramento River located within the County, many persons who operate powerboats are unaware of the provisions of said Section 267.

(c) In recent years there have been numerous reports by citizens of violations of the provisions of Section 267 of the Harbors and Navigation Code of the State along and upon the waters of the Sacramento River within the County. By posting the provisions of said Section 267 in places used by the boating public, potential violations of said Section 267 may be averted through the education of persons who are ignorant of the existing speed limits.

(d) The posting of the provisions of Section 267 of the Harbors and Navigation Code of the State, as provided in this chapter, has been approved by the United States Corps of Army Engineers, the United States Coast Guard, and

the Division of Small Craft Harbors of the Department of Parks and Recreation of the State. (§ 6, Ord. 552)

Sec. 9-2.07. Enforcement.

The Sheriff-Coroner shall enforce the provisions of this chapter. (§ 9, Ord. 552)

Chapter 3

PARK REGULATIONS

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Article 1. General Purpose

Sec. 9-3.101. Statement of purposes.

The Board finds that the public health, welfare, and safety require that the public use of all of the County park and recreation sites and facilities be regulated and controlled in accordance with the provisions of this chapter. (§ 1, Ord. 732, eff. October 8, 1975)

Article 2. Definitions

Sec. 9-3.201. Scope.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined in this article. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.202. County.

"County" shall mean the County of Yolo. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.203. Director.

"Director" shall mean the Director of the Parks, Museum, and Grounds of the County, or his representative or deputy. (§ 1, Ord. 732, eff. October 8, 1975, as amended by § 1, Ord. 980, eff. August 9, 1984)

Sec. 9-3.204. Department.

(§ 1, Ord. 732, eff. October 8, 1975; repealed by § 2, Ord. 980, eff. August 9, 1984)

Sec. 9-3.205. Motorcycle.

"Motorcycle" shall mean any motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground and weighing less than 1,500 pounds, except that four (4) wheels may be in contact with the ground when two (2) of the wheels are a functional part of a sidecar. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.206. Motor vehicle.

"Motor vehicle" shall mean any vehicle which is self-propelled. "Motor vehicle" shall include, but not be limited to, a motorcycle. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.207. Park: Park facility.

"Park" or "park facility" shall mean any body of water, land, camp site, recreation area, building, structure, system, equipment, machinery, or other appurtenance owned, managed, controlled, or operated by the Director. (§ 1, Ord. 732, eff. October 8, 1975, as amended by § 3, Ord. 980, eff. August 9, 1984)

Article 3. Use of Park Facilities

Sec. 9-3.301. Rules.

The Director, with the approval of the Board, shall promulgate and post rules and regulations governing the use of parks. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.302. Evictions.

The Director may evict or expel any person from a park for the violation of any of the provisions of this chapter or any ordinance, law, rule, or regulation by directing such person to forthwith leave the park and declaring any permit to be revoked and null and void. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.303. Hours of use.

The Director shall determine the permitted hours of the use of any park and shall prominently post a sign or placard at each park setting forth such hours. The determination of the Director shall be based upon considerations of the public health, safety, and welfare. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.304. Closure of parks.

In the event it is determined by the Director, the Health Officer, the Sheriff-Coroner, or the Air Pollution Control Officer of the Yolo-Solano Air Pollution Control District that there exists a condition of imminent peril to the public health, welfare, or safety, any such officer may declare the park, or a portion thereof, closed, and is hereby authorized to direct all users and occupants thereof to immediately vacate and leave such area. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.305. Closure of facilities: Orders of the Board.

The Board may order and direct that a park, or a portion thereof, be closed for a specified length of time in the event the Board determines that there exists a condition which is a hazard to the park or to the public health, safety, or welfare. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.306. Use of park facilities: Designated areas.

The Director shall designate certain areas within each park facility for specific uses and shall prominently post in such areas the terms, conditions, and hours of such use. (§ 1, Ord. 732, eff. October 8, 1975)

Article 4. Permits

Sec. 9-3.401. Permits: Applications.

All persons whose proposed or planned use of a park requires a permit pursuant to the provisions of this chapter shall apply for and obtain such a permit from the Director and pay a fee therefor in such sum as the Board, by resolution, may designate. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.402. Permits: Issuance.

The Director shall issue a permit if he finds that:

(a) The proposed activity or use will not interfere with or detract from the enjoyment of the park facility by other members of the general public, and the issuance of the permit is consistent with the considerations of the maintenance of the public peace, health, safety, and welfare; and

(b) That the facilities desired by the applicant are available and have not been reserved for use by others. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.403. Permits: Exhibition.

A permit issued pursuant to the provisions of this chapter shall be displayed or be made available for inspection by any County officer or employee. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.404. Permits: Revocation.

Permits issued pursuant to the provisions of this chapter may be revoked by the Director in the event it is found that the permittee has violated any law of the County, or any law of the State, or any rule or regulation promulgated pursuant to the provisions of this chapter, or has engaged in disorderly conduct or conduct threatening a breach of the public peace and safety. (§ 1, Ord. 732, eff. October 8, 1975)

Article 5. Prohibitions

Sec. 9-3.501. Acts prohibited.

No person shall remain in or upon any park after he has been directed or ordered by the Director to vacate and remove himself therefrom or after any park, or any portion thereof, is declared pursuant to Sections 9-3.303 and 9-3.304 of Article 3 of this chapter. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.502. Hours of use.

No person shall enter, occupy, or use any park facility except during its posted hours of use or in accordance with a valid permit therefor. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.503. Entrances: Exits.

No person shall enter or exit from any park except at the access points designated and posted by the Director. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.504. Damages.

No person shall cut, mutilate, or damage any fence or gate surrounding any park. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.505. Camping.

No person shall camp in any park without a valid permit to do so. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.506. Designated uses.

No person shall use any park area except in accordance with its designated and posted permitted use. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.507. Fires.

No person shall build, light, or maintain any fire in any area of any park, except in an area designated and posted by the Director as a permitted area for fires, and except in accordance with a valid fire permit. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.508. Reserved areas.

No person shall use any portion of a park which has been previously reserved for other users and so posted. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.509. Commercial services.

No person, other than a concessionaire or a licensee specifically licensed by the Director to do so, shall sell, offer for sale, give away, or dispose of any goods, merchandise, or commercial services or conduct any business or commerce thereon within any park. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.510. Handbills.

No person shall give away, throw, deposit, post, or affix to any tree, fence, or structure any commercial handbill, circular, pamphlet, or advertisement. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.511. Orders of the Director.

No person shall fail or neglect to obey any lawful order or direction given to him by the

Director or any law enforcement officer. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.512. Swimming.

No person shall swim, wade, or float upon any device in any water, stream, or waterway within any park where such water, stream, or waterway has been designated and posted as unsafe by the Director. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.513. Motor vehicles.

The following acts and conduct pertaining to the use of motor vehicles are prohibited:

(a) The operation of any automobile or other motor vehicle upon any road, path, or trail within any park except those paved roads, trails, or other areas designated for the use of such vehicles by the Director;

(b) The operation of any motor vehicle within a park, except an authorized emergency vehicle, at a rate of speed exceeding fifteen (15) miles per hour;

(c) The operation of any motor vehicle within any park unless such vehicle is currently licensed by the motor vehicle licensing authority of this or another State;

(d) Parking or leaving standing any automobile or other motor vehicle in any area other than those areas designated and posted as parking areas;

(e) Washing or repairing any motor vehicle within any park except in an emergency situation; and

(f) The operation or maintenance of a motor vehicle in any manner which causes excessive noise, dust, or threat to the public peace, health, and safety. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.514. Bicycles.

No person shall ride any bicycle on any grassy area, path, or trail designated exclusively for pedestrian use. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.515. Animals.

No person shall permit a canine animal to go about any park unless adequately restrained by a leash, halter, or rope. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.516. Animals: Nuisances.

No person shall permit a canine animal to act in such a manner as to constitute or create a nuisance or breach of the public peace. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.517. Animals: Licenses.

No person shall bring into a public park any canine animal required to be licensed unless such animal has been licensed pursuant to the

provisions of this Code. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.518. Animals: Harming.

No person shall hunt, molest, harm, or provide a noxious substance to frighten, kill, trap, chase, tease, or molest any animal, bird, or other creature within a park. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.519. Horseback riding.

No person shall ride a horse or any other beast of burden into, over, or through any park other than at times and upon roads or trails designated for such activity by the Director. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.520. Firearms.

No person shall brandish, fire, or discharge within any park any firearm, air gun, pellet gun, bow and arrow, crossbow, or slingshot except as expressly designated and set forth in a permit issued by the Director. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.521. Waste.

No person shall leave, throw, place, deposit, burn, incinerate, or dispose of any garbage, refuse, litter, trash, food, bottle, can, glass or fragments of glass, or any other waste material in any place in any park other than in a garbage can or other proper receptacle maintained for that purpose. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.522. Vegetation: Destruction.

No person shall cut, pick, mutilate, remove, injure, or dig up any vegetation, or portion thereof, nor remove any soil, rock, grass, sand, wood, gravel, or other natural material except as expressly designated in a permit to do so issued by the Director. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.523. Smoking.

No person shall smoke any substance in any area within any park designated by the Director and so posted as a nonsmoking area. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.524. Fireworks.

No person shall possess, or bring into, or use in any park any fireworks, firecrackers, or other explosive devices or materials. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.525. Sound equipment.

No person shall bring into, use, or operate any sound amplifying equipment, loudspeaker, or microphone, except in accordance with a permit issued by the Director. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.526. Musical instruments.

No person shall play any music or percussion instrument, television set, radio, or phonograph in a manner or at any hour which disturbs the public peace or tranquility within any public park. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.527. Closed areas.

No person shall enter any area of any park which has been designated and posted as a closed area by the Director. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.528. Fenced utility areas.

No person shall enter any fenced utility area nor remove, destroy, or tamper with any valve, switch, or control or any telephone, electrical, water, or sewer line or system within any park. (§ 1, Ord. 732, eff. October 8, 1975)

Sec. 9-3.529. Parking of boat trailers.

The following acts regarding the parking of boat trailers are hereby prohibited:

(a) The parking, storing, or leaving of any boat trailer or vehicle with a boat trailer attached in a parking space designated for "vehicles only"; and

(b) The parking, storing, or leaving of boat trailers or vehicles with a boat trailer attached in any area designated "no parking". (§ 1, Ord. 885, eff. August 21, 1980)

Article 6. Boating and Water Skiing

Sec. 9-3.601. Public waters.

All waters, streams, and waterways within all parks are hereby designated as public waters within the meaning of Chapter 1 of this title. (§ 1, Ord. 732, eff. October 8, 1975)

Article 7. Park Use Fees

Sec. 9-3.701. Parking fees: Payment required.

It shall be unlawful for any person who is subject to the payment of fees pursuant to the provisions of this article to operate or park any motor vehicle within any facility, or portion thereof, for which a fee is charged for the operation or parking of a motor vehicle, who has entered during such times such a fee is being collected, without first having paid such fee. (§ 1, Ord. 911, eff. July 9, 1981)

Sec. 9-3.702. Purpose.

The purpose of this article is to provide for park use fees in order to defray the cost of operating and maintaining the parks and thereby avoid the closure of one or more of them. (§ 1, Ord. 911, eff. July 9, 1981)

Sec. 9-3.703. Authority: Applicable parks.

By resolution adopted, the Board, from time to time, may charge fees for park use at any park or recreation facility owned or controlled by the County, including, but not limited to, the following:

- (a) Putah Creek Park;
- (b) Cache Creek Canyon Regional Park;
- (c) Knights Landing Boat Launching Facility;
- (d) Elkhorn Regional Park;
- (e) Broderick Boat Launching Facility;
- (f) Clarksburg Boat Launching Facility; and
- (g) Vernon Nichols Park (Guinda). (§ 1, Ord. 911, eff. July 9, 1981)

Sec. 9-3.704. Establishment.

The park use fees established by the Board within parks pursuant to this article shall be as follows:

(a) Park use fees shall be on a per vehicle basis and may be charged at such of the parks identified in Section 9-3.703 of this article at such entrances, at such times of the year, and during such hours and days as the Board finds best serve the public interests.

(b) In establishing the amounts of park use fees, preferential rates may be established for the aged, the underprivileged, or the handicapped. (§ 1, Ord. 911, eff. July 9, 1981)

Article 8. Enforcement

Sec. 9-3.801. Violations: Infractions.

Any person violating any provision of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punishable as set forth in Section 25132 of the Government Code of the State. (§ 4, Ord. 980, eff. August 9, 1984)

Sec. 9-3.802. Enforcement.

The Director shall be the designated officer in charge of County parks, and it shall be the duty of the Director and such deputies as he is authorized by this article to designate to enforce the provisions of this chapter. (§ 4, Ord. 980, eff. August 9, 1984)

Sec. 9-3.803. Enforcement deputies.

The Director may designate as a deputy authorized to carry out the enforcement duties imposed upon the Director by this article only a uniformed employee in the classification of Parks and Grounds Workers III or Parks and Grounds Worker IV or a person retained as a Park Caretaker. (§ 4, Ord. 980, eff. August 9, 1984)

Sec. 9-3.804. Arrests and citations.

(a) The Director or a deputy authorized pursuant to this article, pursuant to Section 836.5 of the Penal Code of the State, may arrest a person without a warrant whenever the Director or such deputy has reasonable cause to believe that the person to be arrested has committed a

misdemeanor in the presence of the Director or deputy which the Director or deputy has the duty to enforce.

(b) In any case in which a person is arrested pursuant to subsection (a) of this section, and the person arrested does not demand to be taken before a magistrate pursuant to the provisions of Section 836.5 of the Penal Code of the State and Section 5380 of the Public Resources Code of the State, the Director or deputy making the arrest shall prepare a written notice to appear and release the person on his promise to appear as prescribed by Chapter 5-C of Part 1 of Title 3 (commencing with Section 853.6) of said Penal Code. The provisions of said Chapter 5-C shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this authority. (§ 4, Ord. 980, eff. August 9, 1984)

Chapter 4

SPEED LIMITS ON THE SACRAMENTO RIVER

Sections:

- 9-4.01 Adoption: Authority.
- 9-4.02 Definitions.
- 9-4.03 Speed limits on the Sacramento River.
- 9-4.04 Exceptions.
- 9-4.05 Violations: Misdemeanors.

Sec. 9-4.01. Adoption: Authority.

This chapter is enacted pursuant to the authority conferred by Section 660 of the Harbors and Navigation Code of the State. (§ 1, Ord. 978, eff. June 14, 1984)

Sec. 9-4.02. Definitions.

As used in this chapter, unless the context clearly requires a different meaning, all words shall have the meanings as provided in Section 651 of the Harbors and Navigation Code of the State, including any amendment made thereto subsequent to May 15, 1984. (§ 1, Ord. 978, eff. June 14, 1984)

Sec. 9-4.03. Speed limits on the Sacramento River.

No person shall operate any motor boat or other motor powered vessel at a speed in excess of five (5) miles per hour relative to the stream bottom for upstream speeds and relative to the water surface for downstream speeds on that part of the waters of the Sacramento River located between the I Street Bridge and the Tower Street Bridge within the County. (§ 1, Ord. 978, eff. June 14, 1984)

Sec. 9-4.04. Exceptions.

This chapter shall not apply to any vessel being used by a peace officer of any Federal, State, or local agency while engaged in law enforcement activities for which the use of such vessel is reasonably necessary, nor to vessels operated by the State, or any agency thereof, in the performance of official duties. (§ 1, Ord. 978, eff. June 14, 1984)

Sec. 9-4.05. Violations: Misdemeanors.

Any person violating the provisions of Section 9-4.03 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as set forth in Chapter 2 of Title 1 of this Code. (§ 1, Ord. 978, eff. June 14, 1984)

Chapter 5

STREAMS AND RIVERS COMMERCIAL BOATING

Sections:

- 9-5.01 Title.
- 9-5.02 Purpose.
- 9-5.03 Definitions.
- 9-5.04 Agreement Required.
- 9-5.05 Agreement Procedure.
- 9-5.06 Agreement Term, Annual Review and Consideration.
- 9-5.07 River Use Plan Contents.
- 9-5.08 No Vested Right.
- 9-5.09 Revocation, Denial, or Non-Renewal of Agreement.
- 9-5.10 Safety Equipment and Standards.
- 9-5.11 Littering and Trespass.
- 9-5.12 Penalty and Enforcement.

9-5.01 Title.

This chapter shall be referred to as the Streams and Rivers Commercial Boating Ordinance. (§2, Ord. 1421, eff. May 31, 2012)

9-5.02 Purpose.

The purpose of this Chapter is to address operating requirements for commercial boating, as defined herein, on local streams and rivers. The Board of Supervisors recognizes that recreational use of the County's streams and rivers includes the use of streams and rivers by rafts, kayaks, and other floating devices. It is necessary to manage commercial river use that includes rafts, kayaks and other floating recreational devices to protect the riparian environment and the safety, health, and welfare of river users and riparian landowners. The provisions added to the Yolo County Code by this Chapter regulate commercial river use in a manner that is consistent with the policies and purposes of the 2006 Yolo County Parks and Open Space Master Plan, as it may be amended from time to time. (§2, Ord. 1421, eff. May 31, 2012)

9-5.03 Definitions.

- A. "Boat rental" means the lease, rental, loan or bailment for consideration of any floating device for use on any stream or river in Yolo County. (§2, Ord. 1421, eff. May 31, 2012)
- B. "Commercial Outfitter" or "Commercial Use" means any operation that meets any of the following criteria:
 - 1. Where fees, charges, and other compensation are collected in excess of the actual costs of the river trips or where the fees are typically paid to one member or organization that does not share equally in the costs among the trip members

2. Where fees and charges are collected for financial gain for salaries or benefit for any of the group, its leaders, or sponsors.
 3. Where other compensation is received, such as capital increases in equipment or facilities used for the trip.
 4. Where guides, managers, drivers, and any other employees are paid by salary, wages, or any other form of compensation. (§2, Ord. 1421, eff. May 31, 2012)
- C. "Commercial River Use" means any operation of a boat rental or commercial outfitter. (§2, Ord. 1421, eff. May 31, 2012)
- D. "Commercial River Use Agreement" or "Agreement" means an agreement between the commercial outfitter and the County that entitles the permitted entity to engage in commercial river use. (§2, Ord. 1421, eff. May 31, 2012)
- E. "County Parks" means the parks and park facilities operated, owned or maintained by Yolo County. (§2, Ord. 1421, eff. May 31, 2012)
- F. "Floating Device" means any raft, kayak, canoe, inner tube, kickboard, water wheel, or similar object, or any "vessel" as defined by section 21 of the California Harbors and Navigation Code, as it may be amended from time to time. "Floating device" expressly excludes U.S Coast Guard approved personal floatation devices, types 1 through 5. (§2, Ord. 1421, eff. May 31, 2012)
- G. "River Use Plan" means a map of the river or stream identifying areas proposed for use by the Commercial Outfitter and any other relevant information requested by the County pursuant to this Chapter. (§2, Ord. 1421, eff. May 31, 2012)

9-5.04 Agreement Required.

No person or entity shall engage in Commercial River Use on Yolo County rivers and streams except as authorized by a valid Commercial River Use Agreement in good standing. (§2, Ord. 1421, eff. May 31, 2012)

9-5.05 Agreement Procedure.

Commercial River Use Agreements shall be issued by the Yolo County Parks Division unless the division, in its sole discretion, refers a proposed Agreement to the Board of Supervisors for consideration. The procedure to obtain an Agreement is as follows:

A. The Commercial Outfitter shall contact the Yolo County Parks Division, submit a River Use Plan, and arrange a meeting with staff to discuss the potential Agreement at least two months (and preferably more) prior to the planned date for the commencement of Commercial Use of the stream. The County and Commercial Outfitter shall then work in good faith to complete the River Use Plan in accordance with the standards of this Chapter. The Commercial River Use Agreement must be signed by all parties before the Commercial Outfitter may use the stream. (§2, Ord. 1421, eff. May 31, 2012)

B. Upon request from the Commercial Outfitter in writing to Yolo County Parks for such an Agreement the County will prepare a draft Commercial River Use Agreement for review by the Commercial Outfitter within 30 days. County Counsel shall also review the draft Agreement after review from the Commercial Outfitter. (§2, Ord. 1421, eff. May 31, 2012)

C. After reasonable efforts have been made to negotiate an agreement, the County shall either approve or deny the proposed Agreement based upon a determination that the Agreement and any related materials, including the River Use Plan, are consistent (or in the case of denial, inconsistent) with the purpose and requirements of this Chapter. Brief written findings shall be issued in connection with this decision. Actions taken by the Parks Division on an application may be appealed to the Board of Supervisors in the time and manner provided in Title 1, Chapter 4 of the Yolo County Code, which shall govern all aspects of such appeals. (§2, Ord. 1421, eff. May 31, 2012)

D. A fully executed Commercial River Use Agreement constitutes a permit authorizing the Commercial Outfitter to non-exclusive use of the stream in accordance with the terms and conditions of the Agreement. Each Agreement is unique to the Commercial Outfitter based on the amount, location, and type of use proposed. Upon receipt of the fully executed Commercial River Use Agreement, including all required documents per the terms of the Agreement, the Commercial Outfitter may begin to use the stream according to the terms of the Agreement. (§2, Ord. 1421, eff. May 31, 2012)

9-5.06 Agreement Term, Annual Review and Consideration

A. Commercial River Use Agreements are initially issued for one season or one year as specified within the final fully executed Agreement. Multiple-year contracts shall be provided as requested for Commercial

Outfitters in good standing based on the annual review described in Section 9-5.06 B below. (§2, Ord. 1421, eff. May 31, 2012)

B. Each year, the County shall review any violations or complaints regarding a Commercial Outfitter and require the Commercial Outfitter to provide statements regarding any complaints or violations received. The County reserves the right to refuse to enter into future Agreements with any Commercial Outfitter who continually violates any rules that govern the Commercial Outfitter, including the Agreement, or who receives numerous justified complaints. (§2, Ord. 1421, eff. May 31, 2012)

C. Fees for commercial use of the river plan area will be divided into a three tiered system of collection as follows: (§2, Ord. 1421, eff. May 31, 2012)

1. Base Fee: The first tier of fees will apply to all commercial outfitters using local rivers and streams. First-tier fees shall be based upon a good faith estimate of the amount necessary for the County to process applications, develop and issue agreements, enforce and administer the provisions of this Chapter, and to otherwise cover the reasonable regulatory costs of the program implemented by this Chapter.
2. Park Use Fee: The second tier of fees will only apply to commercial outfitters using County parklands to facilitate their operations, including but not limited to using parklands for parking of vehicles, camping, picnicking, stopping or other similar and related activities. Second-tier fees shall be based on a good faith estimate of the amount necessary to offset the impacts of the level of use proposed by a commercial outfitter. The amount of the fee shall be sufficient to fully cover the cost of providing the additional level of operations, maintenance and repair of park facilities and real property (including habitat features) that the Director determines, in his or her discretion, is reasonably necessary to offset the impacts of the level of use proposed by a commercial outfitter. Such fees are authorized by California Government Code Section 50402 and other provisions of California law.
3. Park Improvement Fee: The third tier of fees will only apply to commercial outfitters using County parklands to facilitate their operations, including but

not limited to using parklands for parking of vehicles, camping, picnicking, stopping or other similar and related activities. Third-tier fees shall be based on a good faith estimate of the amount necessary to plan and build new park facilities or additions to existing facilities and real property (including habitat features) that the Director determines, in his or her discretion, are reasonably necessary to accommodate the level of use proposed by a commercial outfitter. The operation, maintenance, and repair of such new or expanded park facilities and real property shall be covered by the Park Use Fee, described above, following the completion of construction. Such fees are authorized by California Government Code Section 50402 and other provisions of California law.

4. Fee Payment: Fee revenues may be placed into discrete funds that may be used exclusively for the purposes described in this subsection. Generally, fees that apply to more than one commercial outfitter shall be apportioned between the outfitters in a manner that reasonably reflects each Commercial Outfitter's proportional share of costs of the program implemented by this Chapter. The apportionment formula may be based upon the payment of a percentage of each Commercial Outfitter's gross receipts for Commercial River Use or, alternatively, may be based upon a set fee per customer. If either of these approaches to fee apportionment and payment is utilized, then either the percentage of use must be reported each month or the number of persons commercially rafting must be reported using the County reporting document specified in the Agreement and the associated fees paid monthly to the County Parks Division. Generally, fees within tiers that apply to all Commercial Outfitters shall be approved by the Board of Supervisors. The Director is authorized to develop and include other categories of fees in individual Agreements, consistent with the fee structure set forth above, provided such fees are both consistent with this subsection and reasonably related to the benefits and burdens of the activities of the Commercial Outfitter to which the fees apply. Any dispute between the Director and a Commercial Outfitter regarding such fees may be referred to the Board of Supervisors for resolution.

9-5.07 River Use Plan Contents

The River Use Plan required by Section 9-5.05 shall include, but need not be limited to, the following information: (§2, Ord. 1421, eff. May 31, 2012)

- A. Applicant's name, business name, mailing address, website if available, email and location of place of

business. (§2, Ord. 1421, eff. May 31, 2012)

B. If the place of business is not located in Yolo County, the name, address, telephone number, and other relevant contact information of an agent who will be available in the event of emergencies or other problems. (§2, Ord. 1421, eff. May 31, 2012)

C. Full descriptions of all activities proposed to be conducted under the Commercial River Use Agreement being sought including but not limited to duration of all activities, camping, food service, waste removal and maintenance. (§2, Ord. 1421, eff. May 31, 2012)

D. Full description, including location, of all planned ingress and egress from the water, as well as all rest stops, lunch stops, or other planned non-emergency stops on adjoining lands. All lands so specified must be a County Park or property for which the outfitter or private landowner has secured a use permit (if required under the County Code) that allows the planned use, or property owned by a state or federal agency. (§2, Ord. 1421, eff. May 31, 2012)

E. Full description, including location, of the parking facilities for the Commercial Outfitter's commercial vehicles, employees, clients, and guests. All lands specified for parking facilities must be a County Park or property for which the outfitter or private landowner has secured a use permit that allows the planned use, or property owned by a state or federal agency. (§2, Ord. 1421, eff. May 31, 2012)

F. Written proof that the applicant has obtained the landowner's or managing public agency's permission for the activities planned on all lands specified in response to subparagraphs D and E, if the applicant is not the landowner. Written proof of permission is not required for County Park locations. (§2, Ord. 1421, eff. May 31, 2012)

G. Written confirmation that the Commercial Outfitter will provide shuttle transportation services to and from all points of ingress and egress. Vehicles used by the commercial outfitter to transport clients, employees, or equipment shall meet all current

California Vehicle Code requirements. (§2, Ord. 1421, eff. May 31, 2012)

H. Full description of planned safety measures for river users that meet those standards of Section 9-5.10. (§2, Ord. 1421, eff. May 31, 2012)

I. Full description of a name or logo identification, to be utilized on all floatation devices that are satisfactory to the County. (§2, Ord. 1421, eff. May 31, 2012)

J. Written statement that the Commercial Outfitter will provide the required County insurance for the duration of the Agreement. A copy of the County Insurance requirements will be provided to the Commercial Outfitter. (§2, Ord. 1421, eff. May 31, 2012)

K. A copy of a certificate of compliance for CPR and First Aid training from the American Red Cross or other equivalent training certification approved by the County for all employees and owners serving as river guides. (§2, Ord. 1421, eff. May 31, 2012)

9-5.08 No Vested Right

The granting of a Commercial River Use Agreement does not vest any right or entitlement to an extension or renewal beyond the agreement period. (§2, Ord. 1421, eff. May 31, 2012)

9-5.09 Revocation, or Denial of Agreement.

A. A Commercial River Use Agreement may be revoked or denied by the County, according to the terms of the Agreement or, if the Agreement is silent, in accordance with the provisions of the County Code and state laws governing the revocation of use permits. (§2, Ord. 1421, eff. May 31, 2012)

B. A Commercial River Use Agreement may be reapplied for prior to the beginning of the next season and the stated termination date of the Agreement. As stated in Section 9-5.06.B., above, the County has the discretion to refuse to enter into an agreement with any Commercial Outfitter who is not in good standing with the County. (§2, Ord. 1421, eff. May 31, 2012)

9-5.10 Safety Equipment and Standards.

Each Commercial Outfitter shall undertake the safety measures as outlined in the Commercial River Use Agreement and as follows: (§2, Ord. 1421, eff. May 31, 2012)

A. The Commercial Outfitter shall provide and require all customers to wear a United States Coast Guard approved personal flotation device at all times while in or on the stream. (§2, Ord. 1421, eff. May 31, 2012)

B. The number of persons using a floating device shall not exceed the floating device's design capacity, except in an emergency or rescue situation. (§2, Ord. 1421, eff. May 31, 2012)

9-5.11 Littering and Trespass.

All persons, groups or business entities that use the streams and rivers of the county for recreational or commercial purposes shall be subject to state law regarding littering and trespass. (§2, Ord. 1421, eff. May 31, 2012)

9.5.12 Penalty and Enforcement.

Violations of any provision of this Chapter shall be an infraction and punishable by means set forth Section 25132 of the California Government Code. The County may also enforce this Chapter by bringing an action for injunctive relief and/or other appropriate remedies in the Yolo Superior Court. (§2, Ord. 1421, eff. May 31, 2012)