

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

**AN ORDINANCE AMENDING TITLE 11 OF THE COUNTY CODE**

The Board of Supervisors of the County of San Luis Obispo, State of California, does ordain as follows:

SECTION 1: Title 11 **Parks and Recreation** shall be amended as shown in Exhibit A, attached.

SECTION 2: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage; and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in The Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_ day of \_\_\_\_\_, 2014, and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California on the \_\_\_\_ day of \_\_\_\_\_, 2014, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairperson of the Board of Supervisors  
County of San Luis Obispo, State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
Of the Board of Supervisors, County  
Of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

RITA L. NEAL  
County Counsel

By: \_\_\_\_\_  
County Counsel

Dated: \_\_\_\_\_

**EXHIBIT A**

**Title 11 PARKS AND RECREATION**

**Chapters:**

Chapter 11.04 - ALL COUNTY PARKS AND FACILITIES(EXCEPT NACIMIENTO LAKE)

Chapter 11.08 - RESERVED

Chapter 11.09 - RESERVED

Chapter 11.12 - RESERVED

Chapter 11.14 - RESERVED

Chapter 11.15 - RESERVED

Chapter 11.16 - RESERVED

Chapter 11.20 - NACIMIENTO LAKE

Chapter 11.24 - RESERVED

Chapter 11.28 - RESERVED

## **Chapter 11.04 ALL COUNTY PARKS AND FACILITIES (EXCEPT NACIMIENTO LAKE) <sup>[1]</sup>**

### **Sections:**

- 11.04.010 Definitions, purposes and exclusions.
- 11.04.020 Authority and enforcement.
- 11.04.030 General use.
- 11.04.040 Fees and permits.
- 11.04.050 Motor vehicles and bicycles.
- 11.04.060 Resource protection.
- 11.04.070 Protection of property.
- 11.04.080 Commercial activity.
- 11.04.090 Camping.
- 11.04.100 Vessel regulations.
- 11.04.110 Hunting and fishing.
- 11.04.120 Swimming and skin diving.
- 11.04.130 Skating and model planes.
- 11.04.140 Horses.
- 11.04.150 Animals and pets.
- 11.04.160 Litter and dumping.
- 11.04.170 Fires and fireworks.
- 11.04.180 Firearms and weapons.
- 11.04.190 Aerial activities.
- 11.04.200 Amplifying equipment.

### **11.04.010 Definitions, purposes and exclusions.**

This chapter applies to all county parks and facilities except for Lake Nacimiento, which is defined as that portion of Nacimiento Reservoir and land owned or leased by the Monterey County water resources agency and/or the county of Monterey located in the Nacimiento watershed, including the Lake Nacimiento recreational area. This chapter is enacted to establish rules and regulations for the safe and peaceful use and enjoyment of county parks and facilities, to advance the public health, safety and welfare at all county parks and facilities, for the protection and preservation of property and natural resources, and the general safety and welfare of the public. As used in this chapter, the following terms shall have the following meanings unless otherwise apparent from the context that a different meaning is intended:

"Aquaplane" or "aquaplaning" means any aquaplane, plank, surfboard, wakeboard, water ski or other device used for the transporting, conveyance, or carrying of a person who is towed or pulled by a vessel or other watercraft by means of a rope, chain, cable, wire or other flexible connection.

"Agency Department" collectively means the county of San Luis Obispo and/or the county of San Luis Obispo ~~general services agency~~ [parks and recreation department](#).

"Board of supervisors" means the board of supervisors for the county.

"County" means the county of San Luis Obispo.

"County Code" means the San Luis Obispo County Code.

~~"Deputy director — county parks" means the person responsible for the overall operations and activities of county parks and facilities.~~

"Director" means the ~~general services agency~~ director of parks and recreation director of the county.

"Facility," "facilities" or "park(s)" collectively mean any body of water, land, open space area, campsite, recreation area, golf course, coastal accessway, public beach, natural area, building, swimming pool, pier, dock, launch ramps, or trail, excluding Lake Nacimiento, managed, controlled or operated by the agency department for recreational purposes.

"Fireworks" means anything defined as "fireworks" in California Health and Safety Code Section 12511, including, but not limited to, "dangerous fireworks" (Health and Safety Code Section 12505), "safe and sane fireworks" (Health and Safety Code Section 12529), but not including auto flares when used for the purpose of warning other vehicles or other emergency signaling devices (Health and Safety Code Section 12506) if they are used for emergency purposes.

"Horse" means any member of the equine family and includes mule, and donkey, or other similar rideable animal.

"Park personnel" means those persons employed by the county and responsible for the maintenance, operation, protection, or management of any county park or facility.

"Person" means and includes natural persons, firms, copartnerships, corporations, limited liability companies, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Quiet hours" means a designated time when park visitors may not exceed noise levels that interfere with the quiet enjoyment of others and which, in no case, exceed forty-five decibels.

"Road" is that portion of a county park or facility improved, designed, ordinarily used, or designated for vehicular travel.

"Sailboard" means any nonmotorized surfboard-like vessel carrying a sail and/or propelled by the wind with no freeboard and equipped with a swivel mounted mast not secured to a hull by guys or stays. A sailboard may be used for windsurfing.

"Surfboard" includes surfboards, paddle boards, skim boards, skimmers, belly boards, body boards, kneeboards and/or other foam-core or hard-surfaced surf and wave riding devices, equipment or contrivances of a similar nature and made entirely or partially of wood, metal, glass, hard plastics, carbon fiber or any other hard substance.

"Unauthorized persons and vehicles" means one whose entry is not approved by the director or designee.

"Vehicle Code" means the California Vehicle Code. Whenever any reference is made to any portion of this code or of any other law including, without limitation, the Penal Code and the Health and Safety Code, such reference shall apply to all amendments and additions hereafter made to such sections.

"Vessel" means any watercraft used or capable of being used as a means of transportation on water, except the following:

- (1) A seaplane on the water.
- (2) A watercraft specifically designated to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by a mechanical device that restricts the watercraft's movement to the fixed course.
- (3) A floating structure which is designed and built to be used as a stationary waterborne residential dwelling which does not have and is not designed to have a mode of power on its own and is

dependent for utilities upon a continuous utility linkage to a source originating on shore and has a permanent, continuous hookup to a shoreside sewage system.

"Vessel trailer" means any trailer or equipment used to transport a vessel and which is placed in the water to launch a vessel.

"Windsurfing" means the use of a sailboard.

(Ord. No. 3192, § 1, 5-11-10)

#### 11.04.020 Authority and enforcement.

- (a) Authority of Director. The director or designee is authorized and directed to establish rules and regulations as required for the good order, health, safety, well-being and proper management of all county parks and facilities. Such rules and regulations, once promulgated by the director or designee, must be complied with by all users of county parks and facilities. Violation of any established rule or regulation promulgated by the director or designee shall be grounds to terminate any user's right, permission, or privilege to use or occupy any county park or facility.
- (b) Enforcement of Ordinances. The ~~deputy director—county parks~~ shall be subject to the direction, authority and control ~~of the director~~ county administrator and the board of supervisors and she/he is their official representative for all park and recreation matters in the county. The director ~~and deputy director—county parks~~ shall ~~each~~ have authority to enforce all rules, ordinances and regulations affecting county parks and facilities including, without limitation, this chapter.
- (c) Delegation of Authority. Whenever a power is granted to, or a duty is imposed upon the director, that power may be exercised or the duty may be performed by ~~the deputy director—county parks or~~ other persons designated by the director ~~or deputy director—county parks~~, or by persons authorized by the county administrator or board of supervisors, unless provided otherwise in this chapter. Powers granted to the ~~department agency,~~ director, ~~deputy director—county parks~~ or to park personnel under this chapter shall be construed to be powers delegated by the board of supervisors for the purposes of maintaining the peace, protecting the property of visitors, management, control, and for the general enforcement of the ordinances of the county.
- (d) Authority of Park Personnel. Park personnel are authorized to direct the visiting public in their use of county parks and facilities according to the statutes, ordinances, rules and regulations applicable to such parks and facilities. In the event of an emergency, fire, flood, earthquake or other natural catastrophe, or to expedite traffic, ensure the safety of the public, prevent pollution, or otherwise protect county parks and facilities, park personnel may direct the visiting public as conditions may require notwithstanding any other provision of this chapter. If written rules and regulations are established by the director, designee, or ~~department agency~~ for the good order, health, and safety of the people, property, and waters within county parks, then such rules and regulations, once promulgated, shall be disseminated, posted, publicized, or otherwise made known to and shall be complied with by all users of county parks and facilities.
- (e) Restriction of Public Use of County Parks and Facilities. The director and/or designated park personnel are authorized to open all or a portion of any county park or facility to the public, to restrict the public's use of county parks and facilities by closing such parks and facilities (including any area or facility within a county park) and to restrict the hours of operation for sufficient reason which includes, but is not limited to, the following:
  - (1) Sanitary protection of the watershed;
  - (2) Fire prevention;
  - (3) Construction;
  - (4) Dangerous or unsafe conditions;
  - (5) To prevent damage to any county park or facility;

- (6) Inclement weather;
  - (7) Conservation of fish and game;
  - (8) Protection of natural habitats;
  - (9) Real property accepted by the county but not ready for public use.
- (f) Permit Revocation—Removal from County Park or Facility.
- (1) The director or designee shall have the authority to revoke any local inspection certification, or permit relating to using, entering or operating at any county park or facility upon a finding of a violation of any regulation in this chapter or upon a finding of a violation of any other County Code provision, regulation or local, state, or federal law.
  - (2) The director or designee shall have the authority to eject from any county park or facility any person acting in violation of any regulation in this chapter or upon a finding of a violation of any other County Code provision, regulation, or local, federal, or state law.
  - (3) The director or designee shall have the authority to ban any person from entering or using any county park or facility for any length of time when such person has reasonable grounds to believe that the person has violated any provision of this chapter or any applicable local, state or federal law, rule or regulation.
  - (4) The director or designee is authorized to suspend and/or revoke any county park or facility permit or local inspection certification if issued unlawfully or erroneously.
  - (5) It is unlawful for any person to enter or re-enter any county park or facility when the permission for such entry has been suspended, revoked, or when such person has been expelled from the county park or facility. Any person aggrieved by such suspension, revocation or expulsion may appeal to the county administrator within ten days of the suspension, revocation or expulsion. The determination by the county administrator may be appealed to the board of supervisors by filing a request for hearing with the clerk of the board within ten days of the decision of the administrative office. The determination of the board of supervisors shall be final.
- (g) Compliance with Lawful Orders. It is unlawful for any person at any county park or facility to fail or refuse to comply with any lawful order, signal, instruction or direction of any park personnel or to refuse to submit to any lawful inspection under this chapter.
- (h) Penalties for Violation. Any person violating any of the provisions of this chapter, except for peace officers and park personnel acting under their scope and authority and in the course of the performance of their duties, may be deemed guilty of a misdemeanor, and upon conviction, is punishable by imprisonment in the county jail for not more than six months, or by a fine of not more than one thousand dollars, or by both. a peace officer issuing a citation for a violation may, at his or her discretion, reduce any offense charged under this chapter to an infraction.
- (i) Separate Offense. Any person violating any of the provisions of this chapter, except for peace officers and park personnel acting under their scope and authority and in the course of the performance of their duties, shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by such person, and shall be punishable accordingly.
- (k) Enforcement Arrest and Citation Authority. Pursuant to the authority vested in the board of supervisors pursuant to California Public Resources Code Section 5380 and Penal Code Section 836.5 (and any amendments thereto), all persons duly appointed as peace officers, the director or designees, and safety employees of the San Luis Obispo County sheriff's department are empowered to enforce the provisions of this chapter. Pursuant to Section 836.5 of the Penal Code, and any amendments thereto, such persons shall have the power to arrest without a warrant whenever he/she has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his/her presence that is a violation of a statute or ordinance that the public officer or employee has the duty to enforce. In any case in which a person is arrested for a misdemeanor pursuant to this chapter, and the person arrested does not demand to be taken before a magistrate,

the public officer or employee making the arrest may prepare a written notice to appear and release the person on his or her promise to appear, as prescribed by Chapter 5C, [Title 3](#), Part, 2 of the Penal Code, commencing with Section 853.5. Notwithstanding, nothing in this chapter shall be construed as prohibiting an officer from taking a person before a magistrate instead of being released in accordance with Penal Code Section 853.6(i). The provision of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a notice to appear pursuant to this chapter.

(Ord. No. 3192, § 1, 5-11-10)

Field Code Changed

#### 11.04.030 General use.

(a) Hours of Use—Closed Areas. The director or designee is authorized to promulgate opening and closing hours for all county parks and facilities, including the waters within such parks. No person shall enter, remain in, or camp in or on any county park or facility during the hours or any part of the hours said park or facility is closed without a permit issued from the director or designee, which shall be secured in advance. It is unlawful for any person to enter any county park area or facility which is posted against entry unless authorized in advance by the director or designee.

(b) Disorderly Conduct. It is unlawful for any person to use abusive, boisterous, insulting, or indecent language or gestures in a way that unreasonably threatens, disrupts or interferes with a person's use and enjoyment of a county park or facility. It is unlawful for any person to willfully harass or interfere with park personnel in their performance of their duties.

(c) Public Demonstrations. It is unlawful for any person within a county park or facility to engage in any oration, harangue, or other public demonstration without a permit issued by the director or designee, which shall be secured in advance.

(d) Sign Posting and Temporary Structure Construction. It is unlawful for any person within a county park or facility to post or erect any sign, or to construct any temporary or permanent structure, unless authorized in advance by the director or designee. Park personnel may remove and dispose of any such signs or structures and recover all costs from the person(s) responsible for posting or erecting such signs or structures.

(e) Restrooms and Washrooms. It is unlawful for any person to enter or use any toilet or restroom set apart for members of the opposite sex provided, however, that this section does not apply to children under the age of six years who are accompanied by a person who is of the sex designated for that facility and who has reason to be responsible for such child.

(f) Urinate or Defecate in Public. It is unlawful for any person over the age of ten years to intentionally urinate, defecate, or otherwise discard or dispose of human waste or excretion into any water within a county park or facility (including a swimming pool), in an area within a county park or facility that is within the public view, or in any public place other than in a toilet receptacle or urinal provided for such purpose within the structure of any restroom, bathroom, or similar enclosure.

(g) Curfew. A curfew is established between the hours of ten p.m. and six a.m. at all county parks and facilities, excluding county operated campgrounds. the curfew for county golf facilities is between the hours of ten p.m. and five a.m.

(h) Quiet Hours. Quiet hours shall be observed in all areas of county parks and facilities between ten p.m. and seven a.m. To ensure adequate rest for visitors, no person shall conduct himself/herself in a manner that disturbs others in sleeping quarters or in campgrounds during "quiet hours." No person shall, at any time, use electronic or amplified equipment at a volume which might disturb others or may be heard beyond the immediate camp or picnic site or otherwise unreasonably interfere with the quiet enjoyment of those using such facilities.

(i) Alcoholic Beverages. No person shall consume any alcoholic beverages within any area of a county park or facility where the director or designee has posted a notice declaring a prohibition, or in such other areas that have been prohibited under the laws or regulations of the state or other local

jurisdictions. For purposes of this section, "alcoholic beverages" means alcohol, spirits, liquor, wine, and beer.

(j) Kegged Beer. No person shall possess or consume kegged beer at any county park or facility without securing written permit by the director or designee in advance of such possession or consumption.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.040 Fees and permits.**

(a) Fees and Permits.

- (1) The director or designee shall adopt rules and regulations governing the use and issuance of permits provided by the [department/agency](#). The director or designee is authorized to execute permits within county parks or facilities, and for the use of county parks and facilities, at rates established in the fee schedule adopted by the board of supervisors. When such fee schedule or permits are adopted, it is unlawful to be in a county park or use a county facility except by payment of the fee or in accordance with the required permit.
- (2) All permits required by this chapter or other provisions of the County Code shall be obtained and issued in advance. The director or designee is responsible for collecting permit fees. Such fees shall be considered earned upon receipt.
- (3) The director or designee may deny a permit under this chapter on the basis that the proposed use is injurious to or will interfere with the public safety, peace, and/or enjoyment of a county facility or park. An applicant for a permit may appeal the denial thereof to the county administrator, county administrative office within ten days of the denial. The determination by the county administrator may be appealed to the board of supervisors. Such appeal shall be done by filing a request for hearing with the clerk of the board of supervisors within ten days of the denial of the administrative office. The determination of the board of supervisors shall be final.

(b) Refund of Fees. The director or designee is authorized to make refunds, for cause, of any fees or charges collected for the use of any county parks or facilities; provided, however, that the person seeking the refund makes a showing to the satisfaction of the director or designee, that the fees were paid for the use of a county park or facility.

(c) Exemptions from Fees. Officers and authorized agents of the county and other public agencies, when in the course of the performance of their official duties, shall be exempt from the fees referenced in this chapter, and shall have free ingress and egress to the county parks and facilities for the purpose of inspection, management, enforcement, and protection.

(d) Vessel and Vehicle Permits—Transferability/Replacement.

- (1) As established by the director or designee, annual vessel and motor vehicle permits are issued by park personnel to specific vessels and vehicles. Said permits are transferable in the event of transfer or sale of the vessel or motor vehicle to a new owner upon application to the [department/agency](#) and the payment of a transfer fee, if required. Said permits are not transferrable to other vessels or vehicles owned concurrently by the same or other owners.
- (2) In the event that an annual vessel or vehicle permit is lost or destroyed, a duplicate permit may be issued by park personnel without the payment of an additional fee, upon written application on a form furnished by park personnel.
- (3) Annual vehicle permits shall be affixed to the vehicle windshield. Annual vessel permits shall be affixed to the vessel.

(e) Permit Removal—Alteration. It is unlawful for any person to change, mutilate or alter any vessel or vehicle permit, or to take possession of or illegally use any permit issued to someone else, unless such permit is transferred in compliance with subsection (d) herein.

- (f) Revoked Permits—Retaking. Park personnel may take possession of any certificate, card, permit or decal issued hereunder upon revocation, cancellation or suspension thereof or which is fictitious or which has been unlawfully or erroneously issued.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.050 Motor vehicles and bicycles.**

- (a) General Use. It is unlawful for any person within any county park or facility to commit any of the following acts:
- (1) To operate any motor vehicle, motor-driven vehicle, motorcycle, or motor-driven cycle, unless the operator is duly licensed pursuant to the Vehicle Code.
  - (2) To operate any motor vehicle, motor-driven vehicle, motorcycle, or motor-driven cycle which is not registered pursuant to the Vehicle Code.
  - (3) To operate any motor vehicle, motor-driven cycle, motorcycle, bicycle, or motor-driven cycle except on designated blacktop roads, or other posted designated areas.
  - (4) To leave a motor vehicle during the hours in which the county park or facility is closed without a permit from the director or designee.
  - (5) To abandon a motor vehicle.
  - (6) To wash or make repairs (other than emergency repairs).
  - (7) To operate any motorized vehicle unless it is equipped with a spark arrestor and a properly installed muffler which prevents excessive or unusual noise. No such muffler system shall be equipped with a cutout, bypass, or similar device.
  - (8) To operate a motor vehicle at a speed in excess of fifteen miles per hour or to exceed five miles per hour in a picnic area, campground or parking lot, or to exceed the speed limit posted in any area.
  - (9) To throw or otherwise dispose of any material, trash, waste litter, or other debris from a vehicle.
  - (10) To operate a vehicle, off-highway vehicle, or bicycle negligently or willfully so as to endanger, harass, or injure the vehicle, its occupants, or any person, equipment, property, facilities, animal, bird, or reptile.
  - (11) To permit a motor vehicle and/or a trailer to remain on a vessel launching ramp for more than ten consecutive minutes, except with permission of park personnel.
  - (12) To operate or ride a bicycle, scooter, skateboard or other operator propelled device when the director or designee has made a finding that conditions are unsafe for the operation of such devices and has posted a notice prohibiting such activity.
  - (13) The provisions of the Vehicle Code relating to traffic upon highways shall be applicable to county parks and facilities except as provided by such regulations containing the special conditions referred to in Section 21113 of the Vehicle Code.
- (b) Off-Highway Vehicles. No person shall operate within any county park or facility an off-highway vehicle except in designated areas.
- (c) Vehicle Operation. No person shall operate, drive, use, leave, place, park or stop a motor vehicle, except on a road or in parking areas, within any county park or facility. No person shall operate or park a motor vehicle in violation of the conditions, limitations, or restrictions upon such roads, and shall not operate, park, or leave a vehicle in a portion of any county park or facility in violation of closing hours.

- (d) Road Closure. Park personnel are authorized to close any road within a county park due to, without limitation, construction of facilities, or dangerous road conditions. Such closure shall be posted, barricaded, or otherwise designated by park personnel.
- (e) Operating, Parking, and Standing Vehicles. When signs or markings authorized by the County Code are in place and give notice thereof, no person shall park or leave standing any vehicle upon a county park or facility contrary to the direction and provisions of such signs and markings.
- (f) Curb Markings. No person shall park or leave standing a vehicle within a county park or facility at any time in violation of any curb markings as such are set forth in Vehicle Code Section 21458.
- (g) Bus Zone. Any vehicle parked or left standing in a zone designated for the purpose of loading and unloading bus passengers at any county park or facility will be cited.
- (h) Handicapped Parking. Any unauthorized vehicle in a duly designated handicapped parking space at any county park or facility will be cited.
- (i) Improper Parking. Any vehicle using more than one parking space (not between lines) or parked such that the wheels of the vehicle are more than eighteen inches from the curb at any county park or facility will be cited.
- (j) Unauthorized Parking. Any vehicle illegally stopped or blocking vehicular traffic, walkways, entries, gateways, or parking areas at any county park or facility will be cited.
- (k) Time Limits. Any vehicle in violation of overtime parking in any posted time limitation zone, including, without limitation, a yellow loading zone or green zone, will be cited.
- (l) Moving of Vehicles. The director or designee shall have the authority to tow or otherwise move motor vehicles and trailers which are parked by their owners or operators within the county's parks and facilities in violation of this chapter, whenever it is determined by the director or designee that such motor vehicles so parked create a nuisance or a hazard. The director and any designee shall have the authority to make a reasonable charge against the owner or operator of such vehicles for such towing or moving service, and the motor vehicle towed or moved shall be subject to a lien for such charge. Any peace officer with concurrent jurisdiction in a county park or facility or any member of the California Highway Patrol is authorized to cause the removal of a vehicle or trailer from the highways, driveways, paths, or grounds of a county park or facility under the provisions of the Vehicle Code including, but not limited to, Section 22659, when such vehicle or trailer is parked or left standing in violation of the California Vehicle Code.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.060 Resource protection.**

- (a) Natural Features. It is unlawful to engage in any of the following acts within any county park or facility without the prior permission of the director or designee:
  - (1) Cut, pick, mutilate, or destroy any vegetation.
  - (2) Introduce any flora or fauna.
  - (3) Pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, burn, or carry away any tree or plant or portion thereof, including, but not limited to, leaf mold, flowers, foliage, berries, fruit, grass, fern, turf, humus, shrubs, cones, and dead wood.
  - (4) Place upon, attach, or secure to any tree, plant, shrub, rock or other natural feature any rope, wiremark, writing, printing, card, display, placard, or object.
- (b) Geological Features. It is unlawful for any person to engage in the following acts within any county park or facility without prior written authorization from the director or designee:
  - (1) Remove, cut, dig, or disfigure any soil, rock, or fossil.
  - (2) Dig up, pick, remove, mutilate, injure, or collect any historical or archaeological artifact or object.

- (3) Disturb, deface, disfigure, mark on or destroy any cave, rock formation or any other naturally occurring feature.
  - (4) Deposit any earth, sand, rock, stone, or other substance or dig such materials from any area.
- (c) Water Features—Fishing. It is unlawful for any person to engage in the following acts within any county park or facility without prior written authorization from the director or designee:
- (1) Throw, discharge or otherwise place or cause to be placed into the waters of any fountain, pond, lake, stream, ocean, or other body of water or in any tributary, stream, or drain flowing into such waters, or place upon the shore area thereof, any substance, matter, or thing, liquid or solid, including, but without limitation to, particles or objects made of paper, metal, glass, styrofoam, garbage, rubbish, rubber, fuel, food matter, wood, fiber, and plastics, or other polluting substances of any kind, except that fishing baits and lures may be utilized in the process of fishing.
  - (2) Discharge any waste water, sewage, or effluents anywhere except in receptacles provided.
  - (3) Clean fish, except at places designated by park personnel.
  - (4) Receive, bring or cause to be brought into any county park any amphibian or aquatic plant from any place for the purpose of propagation without the prior approval of the California Department of Fish and Game and the director or designee.
  - (5) Receive, bring or cause to be brought into any county park any species that poses a threat to the waters of any county park.
- (d) Pesticides and Hazardous Materials. No person, with the exception of park personnel in the normal course of their duties, shall disperse or otherwise apply any pesticide or any other hazardous material within any county park or facility whether to the air, water, ground, or vegetation, unless written authorization has been obtained in advance from the director or designee.
- (e) Special Permits. The director or designee may grant a permit to remove, treat, disturb, or destroy plants, fish, animals, or birds, or geological, historical, archaeological or paleontological materials as deemed necessary or convenient and consistent with all local, state, and federal rules and regulations.
- (f) Animals—Injuring or Killing. No person, with the exception of depredation permits approved by the director or designee and issued by the California Department of Fish and Game, shall or attempt to molest, hunt, disturb, injure, trap, take, net, poison, harm, tease or kill any kind of wild or domestic animal, bird, or reptile, or their eggs or nests, or fish, except that fish may be taken other than for commercial purposes in accordance with the state of California(s) applicable fishing laws and regulations. Notwithstanding, no person shall use or discharge a spear or bow and arrow in any county park (except in underwater parks or on designated archery ranges). Where hunting in a county park or portion thereof is permitted by regulations herein, so much of this section as is inconsistent therewith shall be deemed inapplicable, provided hunting is conducted in the manner specified.
- (g) Feeding Wildlife. No person shall feed wildlife within any county park unless authorized in advance by the director or designee.
- (h) Animals—Grazing Livestock. No person shall release or abandon any animal, amphibian, bird, or reptile, dead or alive, within a county park, or permit any cattle, sheep, goats, Horses, wild or any domestic animal, bird, or reptile to roam or graze other than in specifically designated areas.
- (i) Rock Climbing. It is unlawful for any person to rock climb within any county park without the prior written permission from the director or designee.

(Ord. No. 3192, § 1, 5-11-10)

**11.04.070 Protection of property.**

- (a) Damaging Park Property or Equipment. It is unlawful for any person within any county park or facility to mutilate, destroy, deface, vandalize, or otherwise damage any monument, sign, fence, chair,

bench, equipment, personal property, or facility owned or leased by, or under the control of, the county. Furthermore, all county parks and facilities shall be used only for the purpose for which they are intended, unless otherwise approved in advance by the director.

- (b) Locks and Keys. No person other than one acting under the direction of the director shall duplicate or cause to be duplicated, a key used by the [agency department](#) for a padlock or door lock of any type or description at a county park or facility. No person shall divulge the combination of any lock used at a county park or facility to any unauthorized person.

(Ord. No. 3192, § 1, 5-11-10)

#### 11.04.080 Commercial activity.

- (a) Solicitation. No person shall solicit funds for any purpose within any county park or facility without the prior permission of the director or designee. Notwithstanding, this provision shall not apply to park personnel authorized by the director or designee to collect money in the name of the county. It is unlawful to practice, carry on, conduct or solicit for any trade, occupation, business or profession within a county park or facility without the prior written permission of the director or designee.
- (b) Commercial Still Photography and Motion Picture Production. No person shall take still, motion or sound pictures or any other type of imagery for commercial purposes within any county park or facility without the prior permission of the director and in accordance with [Title 2, Chapter 2](#), of the County Code.
- (c) Commercial Activity Permit. It is unlawful for any person within any county park or facility to engage in any type of commercial activity, without a commercial permit and prior written approval from the director or designee.
- (d) Sale of Merchandise. No person shall sell, vend, peddle, expose, offer for sale, or distribute after sale to the public, any merchandise, service, or property, or sell tickets for any event within any county park or facility, without the prior written approval of the director or designee.
- (e) Distribution of Handbills. No person shall distribute, circulate, give away, throw, or deposit on the ground, post or affix to any tree, fence, or structure situated in any county park or facility, any handbills, circulars, pamphlets, papers, tracts, dodgers, or advertisements, which material calls the public attention in any way to any article or service for sale or hire, nor shall any person solicit or collect donations of money or other goods from the public within any county park or facility, without the prior written approval of the director or designee.

(Ord. No. 3192, § 1, 5-11-10)

#### 11.04.090 Camping.

- (a) Designated Camping Areas and Prohibited Overnight Camping or Sleeping in Unauthorized Areas. It is unlawful for any person to camp within any county park except in designated sites. It is unlawful at any time from one hour after sunset to one hour before sunrise to park a motor vehicle or trailer at any county park or facility (including any parking lot) for the purpose of allowing the occupants thereof to camp, live, or sleep within the motor vehicle or trailer.
- (b) Occupancy Requirements. It is unlawful for any person to occupy any campsite or trailer site within any county park or facility without first having been assigned to such sites and paying in advance for such assigned sites.
- (c) Camping Stay Limits. Unless approved by the director or designee, camping is limited to fifteen consecutive calendar days, in any thirty consecutive day period April 1 through September 30. The thirty-day period commences on the first day of the camper's stay. In addition, camping is limited to thirty days in any sixty-day period October 1 through March 31. The sixty-day period commences on the first day of a camper's stay with a maximum of sixty days in any twelve-month period. No party may use a camping area for periods of camping in excess of this limitation without specific prior

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authorization of the director or designee, and then only on an "as available" basis. Every party may be required, if extending their stay, to move to another campsite area within the camping area. Under this section, "party" is defined as:

- (1) Any individual or group of persons utilizing the camping area for the purpose of camping.
  - (2) Any different individual or group of persons utilizing the same trailer, camper, motor home, recreational vehicle utilized for camping, motor vehicle modified for camping, automobile or truck utilized for camping, tenting or camping equipment previously utilized by another party within the period limited above.
- (d) Camping by Persons Under the Age of Eighteen. It is unlawful for any person under eighteen years of age to camp within any county park or facility unless accompanied by an adult during such period.
- (e) Camping Permit Termination. Park personnel, at their exclusive discretion, may terminate at any time, the camping permit of any campsite, if any occupant violates any policy, rule or regulation established by the director or violates any applicable provision of the County Code or any state or federal law.
- (f) Camping Permits. At all campgrounds within a county park, camping permits shall be affixed by the camper to his/her site marker or vehicle. Park personnel are authorized to remove from any campsite any person and his/her property who is camped at such campsite without the payment of the fee, to the extent such fees are required. It is unlawful for any person to remove another person's camping permit from a site marker.
- (g) Vehicle Parking at Campsite. At all campgrounds within a county park, it is unlawful for any person to park more than two vehicles per campsite without specific prior authorization from park personnel.
- (h) Camping Check-In and Check-Out Times. At all county campgrounds within a county park, check-out time is eleven a.m. And check-in time is three p.m. Unless specific authorization to check-out at a later time is secured, in advance, through park personnel.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.100 Vessel regulations.**

- (a) Vessel Inspections. Prior to being issued a vessel permit for day use at any county park or facility, all vessels, vessel trailers and/or vehicles used to transport and/or tow said vessel, are subject to inspection by park personnel and/or peace officers with concurrent jurisdiction to assure compliance with this chapter, and all other applicable local, state and federal ordinances, rules, laws and regulations including those pertaining to health, safety and sanitation. Park personnel or peace officers with concurrent jurisdiction may inspect any vessel, trailer or vehicle used to transport or tow said vessel within any county at any time for compliance with all applicable laws, rules, and/or regulations.

If, after a permit is issued, it is determined that a vessel, vessel trailer or vehicle is in violation of this chapter, or any applicable local, state and/or federal rules, laws and regulations, including without limitation those pertaining to health, safety, sanitation, or relating to invasive species which pose a threat to the waters within county parks or related infrastructure, then the permit or any local inspection certification for such vessel may be revoked and the vessel, trailer, and/or vehicle removed from the waters of the county park. Any person who refuses to allow such inspection shall immediately remove his/her vessel, trailer and/or vehicle from the waters of the county park or facility. It shall be unlawful for any person to operate a vessel on the waters of any county park when such vessel does not comply with all applicable local, state, and federal laws, rules and or regulations.

- (b) Restricted Use Zones, Closed Areas, and Speed Zones. The director or designee is authorized to establish and designate vessel use zones on waters within a county park or facility including speed zones, closed areas, sailing areas, non-powered boat areas, swim areas, and other special use areas as deemed reasonably necessary for the convenience, health, and safety of the general public and their property. It is unlawful for any person to operate a vessel within such prohibited areas

designated by standard waterway markers. [§](#)The director or designee is authorized to designate parts of waters within a county park or facility for the exclusive use of such specific classes of vessels and during such specific times as will best serve the interests, safety, and health of the boating public. The director shall post or otherwise mark or communicate the designated and restricted areas. It is unlawful for any person to operate a vessel in a restricted or special speed zone at speeds in excess of that posted by waterway markers in the area in which the vessel is operating or at speeds too dangerous for the conditions. Vessel speed limits shall be designated and posted by the director or designee.

- (c) Vessel Operation Time Restriction. It is unlawful for any person to operate or occupy any vessel on any waters within a county park between the time of one-half hour after sunset and one-half hour before sunrise.
- (d) Closure of Waters. The director or designee is authorized to close any waters within a county park or portions thereof, to boating and fishing, for any of the following reasons:
  - (1) Dangerous water or weather conditions.
  - (2) Unsatisfactory ramp, parking, or road conditions.
  - (3) Construction or movement of ramp facilities.
  - (4) Or any other reasons which may affect public health, safety or security.
- (e) Landing and Launching Vessels. It is unlawful for any person within a county park to land, launch, beach, weigh anchor or cast off any vessel except at an approved dock or ramp, or at such beaching areas as are specifically designated by the director or designee.
- (f) Mooring to Buoys or Other Navigation Aids Prohibited. A person shall not moor any vessel to any aid to navigation at any lake within a county park, except in an emergency. A person shall not moor, dock or berth a vessel, or any other object, overnight except in mooring, docking, or berthing areas so designated and posted by the director or designee. The director or designee may specify time limits for the mooring, docking, or berthing of a vessel, or any other object at mooring, docking, or berthing facilities, and it shall be unlawful to moor any vessel in excess of such time limits. Any vessel so moored shall be at the owner's sole risk and the [department/agency](#) assumes no liability or bailment obligation pertaining to damages, loss or theft.
- (g) Private Mooring Prohibited. It is unlawful for any person to place any private mooring facilities on any county park or facility or upon any water within a county park or facility, without first having obtained the approval of the county for such installation.
- (h) Vessel Capacity. No vessel, which is occupied by a number of persons greater than the rated capacity of the vessel, shall be operated or used in or upon any waters within a county park. If a vessel is without a capacity plate its total capacity shall in no case exceed the number of persons derived from the following formula; vessel capacity equals vessel length times the vessel width divided by fifteen.
- (i) Kayaks—Inflatable Boats. Unless otherwise permitted by the director or designee, it is unlawful for any person to operate within the waters of any county park, any boat not of standard design, as determined by the director or designee. A canoe, kayak, raft, and/or inflatable hydrohull boat which is of standard design is permitted on waters within any county park, with the prior written authorization of the director or designee. Inflatable boats with two or more air chambers, floorboard, and rigid transom, and folding boats may be permitted on the waters of any county park, with the prior written authorization of park personnel, if such boats have a Coast Guard certificate of operation or otherwise appear seaworthy for use on the lake.
- (j) Vessels on Lake—Camping on Vessel. It is unlawful for any person within a county park or facility to do any of the following acts:
  - (1) Keep any vessel on a lake shore overnight except in an area designated and posted for such purpose.

- (2) Operate or occupy any vessel for the purpose of camping while afloat during the hours when a lake is closed to boating.
- (k) Unattended Vessels. It is unlawful for any person to leave any vessel unattended for more than twenty-four hours except in designated storage areas unless that person is a camper, in which case the vessel may not reside in any one location longer than the span of time in which that person is camping within the park. Park personnel are authorized to impound any vessel involved in a violation of this section, and to charge a reasonable fee or fees for such towing and storage. The county shall have a possessory special lien on such vessel until such charges are paid. Any impounded vessel not claimed by the owner within thirty days shall be considered abandoned and after written notification of such impounding may be sold by the director or designee at public auction. From the proceeds of such sale the cost of impounding and auction shall first be deducted and retained, and the remainder, if any, shall be paid to the owner.
- (l) Vessel Operation by Incapable Persons. It is unlawful for any person to use a vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person.
- (m) Vessel Passenger Seating. It is unlawful for any person to allow any person to ride or sit on either the gunwales thereof or on the decking over the bow of any vessel while under way unless such vessel is provided with adequate guards or railing to prevent passengers from being lost overboard. Nothing in this section shall be construed to mean that passengers or other persons aboard a vessel cannot occupy the decking or the bow of a vessel to moor or cast off from a landing, or for any other necessary purpose.
- (n) Sanitation and Pollution. The director or designee is authorized to establish and designate health, sanitation and pollution standards for vessels operating at lakes within county parks. To protect the water within county parks it shall be unlawful to:
- (1) Launch or place into contact with any waters within county parks, any vessel or vessel trailer that is polluted, infested with invasive aquatic species, or is not seaworthy or sanitary. All vessels must be "cleaned, drained and dry" before being placed into any waters within county parks, and in order to receive a permit to launch or any required local inspection certification to operate on any waters.
  - (2) Launch any vessel possessing a sink drain or toilet facility unless such drain or toilet is sealed or otherwise rendered inoperable or designed so that no waste can be discharged into surrounding water.
  - (3) Operate a bilge pump on any water within a county park except in emergency or in a place specifically designated for such purposes.
  - (4) Allow waste from any vessel washing to discharge into any water within a county park or facility.
  - (5) Have, use or operate a vessel or vessel trailer on any waters within county parks that does not meet such minimum health, safety or pollution standards, and does not have any required local permit or local inspection certification.
- (o) Avoidance of Trolling Lines. It is unlawful for any person to operate any vessel without allowing at least two hundred fifty feet clearance behind trolling fishing vessels to avoid fouling the trolling lines. Said trolling fishing vessels shall be designated by display of a white flag.
- (p) Boating Activities. No boat regatta, race, tournament or exhibition shall be held on any waters within any county park without the prior written approval of the director or designee.
- (q) Exemptions from Vessel Permit Requirements. Vessels owned or used by the [department/agency](#) or the San Luis Obispo County sheriff's department may not be required to obtain vessel permits or other local inspection certifications.
- (r) Power-driven Vessel Operator. Pursuant to Harbors and Navigation Code Section 658.5, except as provided below, no person under sixteen years of age shall operate a vessel powered by a motor of greater than fifteen horsepower, except for a vessel that does not exceed thirty feet in length and is designed to use wind as its principal source of propulsion, or a dinghy used directly between a

moored vessel and the shoreline or between a moored vessel and another moored vessel. No person between the ages of twelve and fifteen years of age shall operate a vessel powered by a motor of greater than fifteen horsepower, or a vessel that exceeds thirty feet in length and is designed to use wind as its principal source of propulsion, unless the person is accompanied in the vessel by a person who is at least eighteen years of age and who is attentive and supervising the operation of the vessel.

- (s) Personal Watercraft. Personal watercraft is defined as a recreational watercraft, such as a jet-ski or wave runner, designed to carry one to three persons and to be operated by a person while sitting, standing or kneeling rather than the conventional manner of sitting or standing on the inside of the watercraft. The operation of a personal watercraft within any waters of a county park is prohibited except where posted by the director or designee.
- (t) Windsurfing.
  - (1) Windsurfing, para-surfing, or other wind-powered activities may be conducted in only those areas and/or waters within a county park and at those times as are designated by the director.
  - (2) When directed by park personnel, any person engaging in windsurfing, para-surfing or related activity shall discontinue said activity and remove their equipment from the water.
- (u) Aquaplaning.
  - (1) Aquaplaning may be conducted in only those areas and/or waters within a county park or facility and at those times as are designated by the director.
  - (2) When directed by park personnel, any person engaging in aquaplaning or a related activity shall discontinue said activity and remove their equipment from the water.
  - (3) No more than two persons shall be towed together at any one time by any one vessel while aquaplaning.
  - (4) It is unlawful for any person to engage in trick and/or stunt waterskiing at any county park or facility, unless otherwise permitted by director or designee.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.110 Hunting and fishing.**

- (a) Hunting. Hunting is strictly prohibited in any county park or facility.
- (b) Restricted Fishing Areas. Fishing is permitted within waters of any county park or facility except at such times and places as may be designated by the director or designee and so posted.
- (c) State Laws Applicable to Fishing. In lakes, ponds or streams in any county park, state laws regulating fishing, including the use of live baits and the taking of game fish, shall apply.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.120 Swimming and skin diving.**

- (a) Skin Diving and Other Underwater Activities. It is unlawful for any person to engage in skin diving or underwater diving requiring apparatus for underwater breathing, or engage in any other underwater activity requiring such breathing apparatus in any waters within a county park, unless otherwise permitted by the director or designee.
- (b) Diving or Jumping. It is unlawful for any person to dive or jump into any body of water in a county park, unless otherwise permitted by the director or designee. It is unlawful for any person to dive or jump from any pier owned, operated, or managed by the county, unless otherwise permitted by the director or designee.

- (c) Swimming or Floating. It is unlawful, without prior written approval from the director, for any person within the waters of a county park or facility to swim or float (using devices such as rubber crafts and surfmats) farther than fifty feet from the shoreline or outside an area designated for such use by floating lines or buoys, except while aquaplaning or in accordance with [Section 11.04.100\(i\)](#) above. The director or designee may designate additional swim areas beyond fifty feet from the shoreline. It shall be unlawful for any person to wade, swim, or otherwise sit in the waters of any county park where such use has been posted as prohibited.

(Ord. No. 3192, § 1, 5-11-10)

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#### **11.04.130 Skating and model planes.**

- (a) Skateboard, Skates, etc. No person shall ride, skate or use skateboards, skates, in-line skates, roller blades or other similar equipment in any county park or facility where such prohibition has been posted giving notice thereof.
- (b) Model Airplanes and Rockets. It is unlawful for any person to launch, fly, or land any model airplane, rocket or similar device, or to operate any fuel-propelled or jet powered model, in any county park or facility except in areas that may be specifically designated by the director or designee.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.140 Horses.**

It is unlawful for any person to do any of the following:

- (1) Bring a horse or other similar animal into any county park or facility for which a day use fee has been established for such use without first having paid said fee.
- (2) Ride, lead, allow or possess any horse, mule, donkey, or other similar animal in any county park or facility except on established equestrian trails or in such areas specifically designated by the director or designee for equestrian use.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.150 Animals and pets.**

- (a) Animals in County Parks and Facilities. An owner or person responsible for the control of a dog or other animal may bring such animal into a county park subject to the following conditions, requirements, and mandates:
- (1) Dogs and other animals must be controlled by a leash not exceeding six feet in length, or by a bridle, unless in an area specifically designated for such use.
  - (2) Dogs in a designated off-leash area must be at all times under the control of and visible to the owner or person in control of the dog.
  - (3) It shall be unlawful to leave an animal unattended or abandoned.
  - (4) It shall be unlawful to allow an animal to be in any portion of a county park or facility where specifically prohibited.
  - (5) Except for dogs less than five months of age, it shall be unlawful to bring a dog into, permit a dog to enter or remain, or possess a dog in a county park or facility without a valid license for the dog.
  - (6) It shall be unlawful to keep or permit to remain in any county park or facility any noisy, vicious, or dangerous animal, or an animal that unduly disturbs, bothers, inconveniences, or endangers other persons.

Service dogs shall be exempt from these provisions.

- (b) **Animal Waste.** The owner or any person responsible for bringing an animal, bird, or reptile into any county park or facility shall be responsible for removing any waste or refuse left by that animal and shall deposit it in a proper receptacle.
- (c) **Restricted Animal Access on Waters.** Unless in an approved vessel, animals, birds, and reptiles are not permitted in any waters within a county park or facility without prior written authorization by the director.
- (d) **Restricted Animal Access at Golf Courses.** It is unlawful for any persons to bring any animals, birds, or reptiles onto a county golf course. Service dogs shall be exempt from this prohibition.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.160 Litter and dumping.**

It is unlawful for any person within a county park or facility to commit any of the following acts:

- (1) To dump or deposit any trash, refuse, garbage, litter or any kind of waste materials except in approved containers specifically placed and designated to receive such waste materials. For purposes of this section, an incinerator, stove, fire ring, barbecue, or other device used to contain fires or for cooking is not a proper receptacle for refuse or other waste material.
- (2) To permit or to cause any camper, trailer or tent trailer with a sink, shower drain or flush toilet, camped at a site other than one with a sewer hook-up, to fail to comply with any of the following requirements:
  - (A) All holding tanks in any such camper, trailer or tent trailer shall be sealed upon entry into any county park or facility.
  - (B) All sewage waste must be disposed of at a designated sewer disposal station provided within any county park or facility.
  - (C) All waste water from sinks and/or shower drains shall be caught in a bucket or designed so as not to allow any spillage.
  - (D) All waste water caught in a can or bucket shall be disposed of into approved drains or receptacles provided within any county park or facility.
- (3) To import or deposit any hazardous material or litter into or in any county park or facility from other places.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.170 Fires and fireworks.**

- (a) **Fire in Stoves.** No person shall light, build, use, or maintain a fire at any county park or facility except in a camp stove or a fire pit provided, maintained, and designated for such purpose, except that portable camp stoves, barbeques, or other approved devices may be used in designated areas of established campsites or picnic areas.
- (b) **Burning and Combustible Materials.** It is unlawful for any person at a county park or facility to throw, place or otherwise dispose of any burning material except into authorized fire pits or other designated containers. It is unlawful for any person at a county park or facility to dispose of combustible materials other than in trash cans.
- (c) **Unattended Fires.** It is unlawful for persons within a county park or facility to leave any fire unattended or to fail to put out a fire prior to departure, or to leave a fire burning unattended while one sleeps.

- (d) Smoking in Areas Posted as No Smoking or Hazardous Areas. It is unlawful for any person to smoke in any part of a county park or facility where there exists conditions of a fire hazard, as indicated by posted signs or otherwise designated, or where notice of such prohibition is posted by signs.
- (e) Fireworks and Explosives. It is unlawful for any person to receive, bring, fire or have in his/her possession within any county park or facility, any fireworks or other explosive substance, without a written permit by the director or designee.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.180 Firearms and weapons.**

No person shall, within any county park or facility, possess, use or discharge any firearm, pellet gun, bow and arrow, crossbow, or slingshot except for a peace officer, or a person, other than a peace officer, who is employed by, or in the service of, a governmental agency which authorizes him or her to carry or use any of said weapons or devices in the performance of his or her official duties and who is on official duty.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.190 Aerial activities.**

It is unlawful for any person within a county park to land, take-off, or use any seaplane, aircraft, or any other device capable of carrying a person in the air, including, without limitation, a hang glider, hot air balloon, and paraglider, except in emergency situations or unless authorized in writing in advance by the director, or as may be permitted in specially designated areas.

(Ord. No. 3192, § 1, 5-11-10)

#### **11.04.200 Amplifying equipment.**

It is unlawful for any person in any county park or facility to play a radio, television set, or other sound amplifying device or equipment in such a way as to interfere with the enjoyment of the park or facility by members of the general public using the park or facility or with the peaceful and quiet enjoyment or persons lawfully occupying private property outside of the park or facility. It is unlawful for any person to operate any public address system or sound amplifying equipment within any county park or facility without securing a permit, in advance, from the director or designee.

(Ord. No. 3192, § 1, 5-11-10)

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#### **FOOTNOTE(S):**

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**Editor's note**— Ord. No. 3192, § 1, adopted May 11, 2010, in effect repealed the former Chapter 11.04, §§ 11.04.010—11.04.080, and enacted a new Chapter 11.04 as set out herein. The former Chapter 11.04 pertained to county parks and campgrounds and derived from prior code §§ 5-012—5-012.6; Ord. No. 431, 1959; Ord. No. 666, 1963; Ord. No. 1016, 1968; Ord. No. 1165, 1971; Ord. 2111, 1982; Ord. No. 2125, 1983; Ord. No. 2149, 1983; Ord. No. 2356, 1988; Ord. 2393, 1989 and Ord. No. 2438, 1990. ([Back](#))

## Chapter 11.08 RESERVED <sup>[2]</sup>

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FOOTNOTE(S):

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--- (2) ---

**Editor's note**— Ord. No. 3193, § 1, adopted May 11, 2010, repealed Chapter 11.08, §§ 11.08.010—11.08.080, which pertained to Atascadero County Park and derived from prior code §§ 5-005—5-012 and Ord. No. 918, 1967. ([Back](#))

## Chapter 11.09 RESERVED <sup>[3]</sup>

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FOOTNOTE(S):

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--- (3) ---

**Editor's note**— Ord. No. 3193, § 1, adopted May 11, 2010, repealed Chapter 11.09, §§ 11.09.010—11.09.030, which pertained to Oceano County Park and derived from Ord. No. 2016, 1980; Ord. No. 2145, 1983 and Ord. No. 2161, 1983. [\(Back\)](#)

## Chapter 11.12 RESERVED <sup>[4]</sup>

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 3193, § 1, adopted May 11, 2010, repealed Chapter 11.12, §§ 11.12.010, 11.12.020, which pertained to Avila Beach operated as county park and derived from prior code § 5-020; Ord. No. 433, 1959 and Ord. No. 2124, 1983. [\(Back\)](#)

**Chapter 11.14 RESERVED <sup>[5]</sup>**

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 3193, § 1, adopted May 11, 2010, repealed Chapter 11.14, §§ 11.14.010—11.14.030, which pertained to the Pasadena Drive Coastal Access Area and derived from Ord. No. 2136, 1983 and Ord. No. 2408, 1989. ([Back](#))

**Chapter 11.15 RESERVED <sup>[6]</sup>**

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FOOTNOTE(S):

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--- (6) ---

**Editor's note**— Ord. No. 3193, § 1, adopted May 11, 2010, repealed Chapter 11.15, § 11.15.010, which pertained to a ban on parking in various coastal access areas and derived from Ord. No. 2180, 1984.  
[\(Back\)](#)

## Chapter 11.16 RESERVED <sup>[7]</sup>

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FOOTNOTE(S):

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--- (7) ---

**Editor's note**— Ord. No. 3193, § 1, adopted May 11, 2010, repealed Chapter 11.16, §§ 11.16.010—11.16.810, which pertained to the Lopez recreation area and derived from prior code §§ 5-011, 5-011.1, 5-022—5-022.81; Ord. No. 1039, 1969; Ord. No. 1082, 1969; Ord. No. 1434, 1975 and Ord. No. 2125, 1983. ([Back](#))

## **Chapter 11.20 NACIMIENTO LAKE <sup>[8]</sup>**

### **Sections:**

- 11.20.005 Preamble and purposes.
- 11.20.010 Definitions.
- 11.20.020 Penalty for violation.
- 11.20.030 Permit and fee schedules.
- 11.20.040 Permit and fee required—Refund.
- 11.20.050 Permit and fee—Exemptions.
- 11.20.060 Annual vehicle and vessel permits.
- 11.20.070 Permit revocation.
- 11.20.080 Shoreline camping and day use limitations.
- 11.20.090 Camping and day use regulations.
- 11.20.100 Camping prohibited on public property.
- 11.20.110 Vessel operation in prohibited areas.
- 11.20.120 Vessel regulations.
- 11.20.130 Vessel speed limits—Posted zones.
- 11.20.140 Motor vehicle operation regulations.
- 11.20.150 Motor vehicle parking regulations.
- 11.20.160 Bicycle regulations.
- 11.20.170 Pets.
- 11.20.180 Firearms and other weapons.
- 11.20.190 Sign posting—Structure and buoy construction.
- 11.20.200 Urinate or defecate in public.
- 11.20.210 Miscellaneous prohibited acts.
- 11.20.220 Fireworks prohibited.
- 11.20.230 Swimming regulations.
- 11.20.240 Aerial activities.
- 11.20.250 Enforcement—Power to direct public.
- 11.20.260 Enforcement—Park closure.
- 11.20.270 Enforcement—Arrest and citation authority.
- 11.20.280 Delegation of powers by San Luis Obispo County board of supervisors.
- 11.20.290 Fees.

### **11.20.005 Preamble and purposes.**

This chapter is enacted in order to establish rules and regulations for the safe and peaceful use and enjoyment of Nacimiento Lake, to advance the public health, safety and welfare at the lake, for the protection and preservation of property and natural resources, and for the general safety and welfare of the public. The county of San Luis Obispo and the San Luis Obispo County flood control and water conservation district reserve all rights and interests each may have at Nacimiento Lake, as they exist under any federal, state or local law.

(Ord. No. 3191, § 1, 5-11-10)

### **11.20.010 Definitions.**

As used in this chapter the following terms shall have the following meanings, unless otherwise apparent from the context that a different meaning is intended:

"Aquaplane" or "aquaplaning" means any aquaplane, plank, surfboard, water ski, wakeboard, or other device used for transportation, conveying or carrying a person who is being towed or pulled by a vessel or other watercraft by means of a rope, chain, cable, wire, or other flexible connection.

"Bicycle" means any device as defined by the California Vehicle Code as a "bicycle," "motor-driven cycle," motorized bicycle or moped," "motorized quadricycle and motorized tricycle" and/or "motorized scooter."

"Fireworks" means anything defined as "fireworks" in California Health and Safety Code Section 12511, including, but not limited to, "dangerous fireworks" (Health and Safety Code Section 12505), "safe and sane fireworks" (Health and Safety Code Section 12529), but not including auto flares when used for the purpose of warning other vehicles or other Emergency Signaling Devices (Health and Safety Code Section 12506) if they are used for emergency purposes.

"Horse" means any member of the equine family and includes mule and donkey, or other rideable animal.

"Lake" means Nacimiento Lake.

"Log boom" means the continuous floating barrier than spans fully across Nacimiento Lake from the north to the south shores in the vicinity of Nacimiento Dam.

"Monterey County" means the county of Monterey.

"Monterey County parks department" means the Monterey County parks department and its uniformed employees.

"Motorcycle" means that device as defined by the California Vehicle Code.

"Nacimiento Dam" means the dam which forms the Lake.

"Nacimiento Lake" or lake" means the reservoir created by Nacimiento Dam, and lands flooded up to elevation eight hundred twenty-five feet — NGVD29, located in the county of San Luis Obispo.

"Nacimiento recreation area" means that portion of Nacimiento Lake and the land owned or leased by the Monterey County water resources agency and/or the county of Monterey located in San Luis Obispo County.

"Operator" means any concessionaire of the Monterey County parks department contracted to provide services at the Nacimiento recreation area. Authority for the operator shall be limited to that provided in the contract or agreement between Monterey County and the operator.

"Parks director" means the chief ranger or director of the Monterey County parks department or any employee to whom such authority is delegated to by the parks director.

"San Luis Obispo County" means the county of San Luis Obispo.

"San Luis Obispo County flood district" means the San Luis Obispo County flood control and water conservation district as created under Chapter 1294 of the Statutes of 1945.

"Sheriff's department" means safety employees of the San Luis Obispo County sheriff's department.

"Vehicle" means a "motor vehicle" as that device is defined by the California Vehicle Code, including, but not limited to, a "motor truck, motorcycle, tow truck, and/or truck tractor," as those terms are defined in the California Vehicle Code, excepting a device moved solely by human power or as otherwise defined by this chapter as a "bicycle."

"Vehicle Code" means the California Vehicle Code. Whenever any reference is made to any portion of the Vehicle Code or of any other law including, without limitation, the Penal Code and Health and Safety Code, such reference shall apply to all amendments and additions hereafter made to such sections.

"Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

- (1) A seaplane on the water;
- (2) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to, or guided on, such permanently fixed course by a mechanical device that restricts the watercraft's movement to the fixed course; and
- (3) A floating structure which is designed and built to be used as a stationary waterborne residential dwelling which does not have and is not designed to have a mode of power on its own and is dependent for utilities upon a continuous utility linkage to a source originating on shore and has a permanent, continuous hookup to a shoreside sewage system.

"Vessel trailer" means any trailer or equipment used to transport a vessel and which is placed in the water to launch the vessel.

Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural and the plural the singular. Section headings, when contained in this chapter shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section. "Shall" is mandatory and "may" is permissive.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.020 Penalty for violation.**

Every person who violates any of the provisions of this chapter, except for peace officers acting under their scope and authority, and personnel of the San Luis Obispo County District, San Luis Obispo County, and/or Monterey County parks department when in the course of the performance of their official duties, may be deemed guilty of a misdemeanor and upon conviction thereof is punishable by imprisonment in the San Luis Obispo County jail for not more than one year, or by a fine of not more than one thousand dollars, or by both. A peace officer issuing a citation for a violation may at his or her discretion reduce any offense charged under this chapter to an infraction.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.030 Permit and fee schedules.**

All permits, certificates, or decals issued by the Monterey County parks department authorizing the use of the Nacimiento recreation area and its facilities, and the fees, if any, for the same, shall be in accordance with schedules adopted, from time to time, by resolution of the Monterey County board of supervisors.

(Ord. No. 3191, § 1, 5-11-10)

**11.20.040 Permit and fee required—Refund.**

No person shall enter or use the Nacimiento recreation area without first paying the prescribed fee, if any, to the Monterey County parks department at an established point of entry or collection and receiving an appropriate permit, certificate, or decal unless exempted under this chapter. No person shall, upon leaving the Nacimiento recreation area, refuse to exhibit to the Monterey County parks department, upon its demand, any permit, certificate, or decal which has been issued to him or her. No fee shall be refunded unless refunds have been authorized by resolution of the Monterey County board of supervisors.

(Ord. No. 3191, § 1, 5-11-10)

**11.20.050 Permit and fee—Exemptions.**

The following persons are exempt from the permit and fee requirements of this chapter: Officers, employees, agents, and contractors (and employees of the latter) of any governmental entity, while engaged in the performance of their duties; concessionaires of Monterey County and their agents, employees, suppliers, and contractors, while on the business of the concessionaire; employees of public utilities while in the performance of their duties; such other persons as may be designated by resolution of the Monterey County board of supervisors.

(Ord. No. 3191, § 1, 5-11-10)

**11.20.060 Annual vehicle and vessel permits.**

- (a) Annual vehicle and vessel permits shall be valid for the calendar year in which issued, terminating on December 31st thereof, unless sooner revoked.
- (b) Annual vehicle permits shall be issued to an individual for noncommercial use by him or her and/or his or her immediate family only.
- (c) Annual vessel permits are issued for a single vessel and may not be transferred to another vessel.
- (d) The annual vessel permit shall be affixed to the outboard side of the vessel approximately midboat on the port side, or on the port side of the vessel windshield, and is not transferable to other vessels owned concurrently by the same or other owners. No person shall move, mutilate, alter, or destroy any annual Vessel permit without the prior consent of the Monterey County parks department.

(Ord. No. 3191, § 1, 5-11-10)

**11.20.070 Permit revocation.**

The Monterey County parks department and the San Luis Obispo County sheriff's department are each authorized to revoke any permit, certificate, or decal which has been issued when:

- (1) Such permit, certificate, or decal was issued unlawfully or erroneously; or
- (2) Such personnel has reasonable grounds to believe that the person to whom such permit, certificate, or decal was issued, or any person who enters the Nacimiento recreation area using such permit, certificate, or decal, has violated any provision of this chapter or any applicable local, state, or federal law, rule or regulation. In such cases, the Monterey County parks department and San Luis Obispo County sheriff's department may expel such persons from the Nacimiento recreation area and cause such vessels to be removed from Nacimiento Lake and the Nacimiento Lake recreation area.

No person who has been ordered expelled from the Nacimiento recreation area shall remain therein. The Monterey County parks department may, in its discretion, refuse to admit to the Nacimiento recreation area any person who or vehicle, vessel, trailer, vessel trailer or other equipment which has

been expelled from Nacimiento Lake or the Nacimiento recreation area within the immediately preceding six months.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.080 Shoreline camping and day use limitations.**

It is unlawful at any time to picnic or at any time after dark to camp on any land adjacent to the shoreline of Nacimiento Lake, except at areas specifically designated for picnicking or for overnight camping by the owner of such areas and which are also approved for such uses by the San Luis Obispo County planning and building department and the San Luis Obispo County health agency. For the purposes of this section, "after dark" means any time from one-half hour after sunset to one-half hour before sunrise. "Camping" means erecting a tent or shelter or arranging bedding and/or both, or the use of a recreational vehicle for the purpose of, or in such a way as will permit, remaining overnight.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.090 Camping and day use regulations.**

- (a) No person shall enter or camp within the Nacimiento recreation area without a valid, unexpired, unrevoked permit for such entrance or day-use. The Monterey County parks department and sheriff's department may, at any time, revoke the camping or day-use permit of any person if the campsite or day-use area occupied by such person is not maintained by him or her in a reasonably clean, sanitary, and attractive manner.
- (b) No person shall camp within the Nacimiento recreation area except within designated camping areas. No person shall enter or remain in any day-use park area after the posted closing time without prior approval of the Monterey County parks department.
- (c) The holder of a camping or day-use permit shall maintain possession of the permit at all times and present it when requested by personnel of the Monterey County parks department or San Luis Obispo County sheriff's department. No person shall move, mutilate, alter, or destroy any campsite marker or permit without the prior consent of the Monterey County parks department.
- (d) Camping permits may be issued so as to expire after a maximum of fifteen consecutive days, and campground occupancy by the same person(s), equipment, or vehicle(s) at any camping facility within the Nacimiento recreation area shall not exceed thirty total days per year, unless otherwise extended at the discretion of the Monterey County parks director or designee. After the first fifteen-day permit has expired, the occupant(s) equipment, and vehicle(s) must vacate the campground for a minimum of two consecutive days before a second permit may be issued. All camping permits expire at the time noted on the permit.
- (e) No person shall, without prior approval of the Monterey County parks department, park more than two vehicles, or one vehicle and one vessel trailer, at any one campsite at the Nacimiento recreation area.
- (f) Quiet shall be observed in all areas of the Nacimiento recreation area between the hours of ten p.m. and seven a.m. No person shall make any loud or boisterous noise of such a nature as to disturb other persons in such areas between said hours.
- (g) No person under the age of eighteen shall camp within the Nacimiento recreation area unless accompanied by an adult.
- (h) No person shall camp below the high water line at the Nacimiento recreation area unless authorized by the Monterey County parks department.
- (i) Campsites or day-use areas must be physically occupied at least once every twenty-four hours by the permittee or designee. The Monterey County parks department, the San Luis Obispo County

sheriff's department, and/or an operator (if permitted by contract) are authorized to remove from any campsite or day-use area any property which is left in violation of this chapter.

- (j) No person shall occupy any day-use area or campsite that is not maintained in a reasonably clean, attractive, safe or sanitary manner. It shall be the responsibility of any person using such an area to notify the Monterey County parks department immediately upon arrival of any deficiencies noted.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.100 Camping prohibited on public property.**

No person shall camp within the Nacimiento recreation area between the hours of six p.m. and six a.m. on any:

- (1) Public road; or
- (2) Public property, except when the public property is expressly designated and posted for overnight camping.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.110 Vessel operation in prohibited areas.**

It is unlawful for any person within Nacimiento Lake to operate a vessel within a prohibited area designated by official standard waterway markers on the lake. The Monterey County parks department is authorized to designate such prohibited areas, as needed, to protect the safety and property of visitors to Nacimiento Lake. No person shall operate a recreational vessel between the log boom and Nacimiento Dam.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.120 Vessel regulations.**

- (a) The Monterey County parks department is authorized to establish and designate such restricted boating areas and speed zones at Nacimiento Lake as are reasonably necessary for the safety of persons and property.
- (b) The Monterey County parks department is authorized to designate parts of Nacimiento Lake for the exclusive use of such specific classes of vessels and during such specific times as will, in its judgment, best serve the safety, welfare, and/or interests of the boating public.
- (c) The Monterey County parks department is authorized to establish and designate health, sanitation and pollution standards for vessels operating at Nacimiento Lake. It shall be unlawful for any person to have, use or operate a vessel or vessel trailer at Nacimiento Lake that does not meet such minimum health, sanitation and/or pollution standards, and that does not have an annual or daily vessel permit and any required local inspection certification, unless otherwise exempted.
- (d) The Monterey County parks department, the San Luis Obispo County sheriff's department, and other peace officers with concurrent jurisdiction are authorized to inspect, upon entry to Nacimiento Lake and/or the Nacimiento recreation area, all vessels, vessel trailers and vehicles transporting or towing said vessels, to determine that such vessels, vessel trailers and vehicles are in compliance with this chapter, and all other applicable local, state, and federal rules, laws and regulations, including, without limitation, those pertaining to the health and safety of the visiting public, and the health, safety, and sanitation of Nacimiento Lake and related infrastructure.
- (e) The Monterey County parks department, the San Luis Obispo County sheriff's department, and other peace officers with concurrent jurisdiction are authorized to board and inspect or re-inspect any vessel, vessel trailer or vehicle transporting or towing said vessel at Nacimiento Lake and the Nacimiento recreation area, to ensure compliance with this chapter, and all applicable local, state

and federal rules, laws, and regulations, including, without limitation, those laws, rules and regulations relating to invasive species which pose a threat to the waters of Nacimiento Lake and related infrastructure.

- (f) If, after a vessel permit and/or any required local inspection certification is issued, a vessel, vessel trailer or vehicle is found to be in violation of this chapter, or any applicable local, state, and/or federal rules, laws, and regulations, including, without limitation, those rules, laws and regulations pertaining to health, safety and/or sanitation, then the Monterey County parks department, the San Luis Obispo County sheriff's department, and other peace officers with concurrent jurisdiction are authorized to revoke, for noncompliance, any annual or daily vessel permit previously issued and may remove said vessel, vessel trailer or vehicle from the waters of Nacimiento Lake and/or the Nacimiento recreation area. Any person who refuses to allow such inspection shall immediately remove his/her vessel, vessel trailer and/or vehicle from the waters of Nacimiento Lake. It shall be unlawful for any person to operate a vessel on Nacimiento Lake when the vessel does not comply with all applicable local, state, and federal laws, rules and or regulations.
- (g) Annual vessel permits shall be affixed to the outboard side of the vessel, approximately midvessel on the port side, or on the port side of the vessel windshield, and are not transferable to other vessels owned concurrently by the same or other owners. Daily vessel permits and any required local inspection certification must be carried on a vessel at all times. Vessel permits and any required local inspection certification are for the exclusive noncommercial use of the vessel for which the permit was issued by the Monterey County parks department. No person shall move, mutilate, alter, or destroy any vessel permit without the prior consent of the Monterey County parks department.
- (h) Vessels owned or used by the San Luis Obispo County sheriff's department, the Monterey County parks department, governmental agencies, and operators at Nacimiento Lake may not be required to obtain vessel permits or other local inspection certifications, but shall be subject to all other provisions of this chapter.
- (i) No person shall place, use, or operate, without a daily or annual vessel permit from the Monterey County parks department, any vessel on Nacimiento Lake which:
  - (1) Fails to comply with all safety requirements.
  - (2) Lacks a valid state registration decal, and a valid Monterey County daily or annual vessel permit.
  - (3) Is not in a clean, safe, and sanitary or seaworthy condition.
  - (4) Is not, in the judgment of the Monterey County parks department or the San Luis Obispo County sheriff's department, of safe design and construction.
  - (5) Possesses an operable sink drain or toilet.
  - (6) Is of such size as to constitute, in the judgment of the Monterey County parks department or the San Luis Obispo County sheriff's department, an unreasonable hazard, in which case it may, in the discretion of said personnel, be confined to certain areas of the lake.
- (j) No person shall do any of the following within Nacimiento Lake:
  - (1) Operate a vessel without a valid and unrevoked annual or daily vessel permit from the Monterey County parks department, or any required local inspection certification.
  - (2) Operate a vessel within a prohibited area when such area has been so designated by official Monterey County parks department waterway markers.
  - (3) Operate a vessel in violation of sailing patterns and buoy markings posted or placed by the Monterey County parks department.
  - (4) Operate a vessel within two hundred fifty feet astern of any trolling fishing vessel.
  - (5) Operate or occupy any vessel for the purpose of camping while afloat during hours of darkness, without prior approval of the Monterey County parks department.

- (6) Keep any vessel on shore within the Nacimiento recreation area overnight, except in areas designated by the Monterey County parks department.
  - (7) Leave a vessel which is in his or her care, custody and control unattended, at a dock or public launch ramp, on a trailer or afloat, for a period of more than fifteen minutes; or, at any other place while afloat, for a period of more than eight hours, without prior written approval of the Monterey County parks department.
  - (8) Launch, land, or beach any vessel other than at docks, ramps, or other launching areas designated by the Monterey County parks department.
  - (9) Launch any vessel that is polluted, infested with invasive aquatic species, or is not seaworthy or sanitary. All vessels must be "clean, drained, and dry" in order to receive an annual and/or daily vessel permit and any required local inspection certification to operate on Nacimiento Lake. Any vessel trailer coming into contact with Nacimiento Lake shall be free of all invasive aquatic species.
  - (10) Operate any vessel bilge pump causing a discharge of material into the lake, except in an emergency.
  - (11) Allow waste from vessel washing to discharge into the lake, any stream within or onto any shore or bank thereof, except at such places as may be designated by the Monterey County parks department.
  - (12) Engage in any vessel race, regatta, tournament, or exhibition, or operate a vessel for hire, or engage in sales promotion activities of any kind, rent or deliver a rental vessel, without first obtaining the prior written consent of the Monterey County parks department.
  - (13) Use a vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person.
  - (14) Operate any vessel contrary to the lawful directions given by the Monterey County parks department or the San Luis Obispo County sheriff's department.
- (k) Any vessel which has been left unattended in violation of any provision of this chapter may be towed to a suitable storage area by the Monterey County parks department and/or the San Luis Obispo County sheriff's department, at the expense of the owner or other person responsible for such vessel. The charges made by the Monterey County parks department for such towing and storage shall be those established by the Monterey County parks director, and Monterey County shall have a possessory special lien on such vessel until such charges are paid. Such lien may be foreclosed in the manner provided by law which may include, without limitation, selling the vessel at a public auction. From the proceeds of such sale, the cost of impounding and auction may first be deducted and retained.
- (l) No person shall leave, abandon or store any vessel within the Nacimiento recreation area or on the waters of Nacimiento Lake that is not in a safely operable condition. It is the owner of record's responsibility to immediately remove any vessel that the Monterey County parks department determines to be in violation of this section. In the event the owner cannot be contacted, or is not able to immediately remove the Vessel from the Nacimiento recreation area and/or Nacimiento Lake, the Monterey County parks department and/or the San Luis Obispo County sheriff's department may take action to remove the vessel and charge the owner for all such costs of removal and an administrative fee of twenty percent.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.130 Vessel speed limits—Posted zones.**

It is unlawful for any person to operate a vessel on Nacimiento Lake in a prohibited, restricted or special speed zone at speeds in excess of that posted by official Monterey County parks department waterway markers. In addition, the following specific speed restrictions shall apply:

- (1) Within two hundred feet of any vessel landing dock, ramp, log boom, or regular beaching area: Five nautical miles per hour or in such a manner as to create a wake.
- (2) Within one hundred feet of any vessel that is not under way: Five nautical miles per hour, or in such a manner as to create a wake.

The provisions of Harbors and Navigation Code Section 655.2 shall also apply. The San Luis Obispo County board of supervisors has designated, by resolution, restricted speed zones for Nacimiento Lake. A copy of the resolution is kept on file in the county of San Luis Obispo office of the clerk-recorder and in the office of the San Luis Obispo County sheriff's department. No person shall violate any speed zone so designated provided; however, the speed zone is posted by official standard waterway markers. In addition to the areas which the San Luis Obispo County board of supervisors have designated as restricted speed zones, the Monterey County parks department is authorized to designate additional restricted speed zones, as needed, as well as closed and restricted areas, which may include relocating buoys to provide the necessary safety zone, in order to protect the safety and property of visitors to Nacimiento Lake. Such designations shall be posted by official standard waterway markers.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.140 Motor vehicle operation regulations.**

No person shall do any of the following within the Nacimiento recreation area:

- (1) Drive a vehicle at a speed greater than five miles per hour in a picnic area, campground, or parking lot, or at a speed greater than fifteen miles per hour in any other area, unless a different maximum speed, not more than thirty-five miles per hour, has been established by the Monterey County parks department and signs have been erected giving notice thereof.
- (2) Drive a vehicle on other than established vehicular roads, trails, parking areas or vessel launching areas.
- (3) Drive a vehicle unless he or she then holds a valid driver's license issued to him or her by this state, another state, or foreign jurisdiction of which he or she is a resident.
- (4) Drive a vehicle which has not been licensed by the motor vehicle licensing authority of California, another state, or a foreign jurisdiction.
- (5) Drive any vehicle in willful or wanton disregard for the safety of person or property.
- (6) Drive a motorcycle which is not equipped with an effective spark arrester and muffler and otherwise in full compliance with the California Vehicle Code imposed equipment installation requirements on motorcycles.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.150 Motor vehicle parking regulations.**

The following may be cited as parking infractions at the discretion of the peace officer issuing such a citation:

- (1) Park any vehicle within the Nacimiento recreation area without displaying a valid day-use or camping permit issued by the Monterey County parks department for camping or day use;
- (2) Park or leave unattended any vehicle, trailer, or vessel trailer in other than a single parking stall or area designated by the Monterey County parks department for such parking; or on any vessel launching ramp or so near thereto as to hinder or impede the drivers of other vehicles;
- (3) Park or leave unattended any vehicle, trailer, or vessel trailer so as to block or restrict the free flow of traffic on an established dirt or paved road; or

- (4) Park or leave unattended any vehicle, trailer, or vessel trailer for more than fourteen days unless a valid long-term parking permit for such parking is affixed on the vehicle in a location readily seen by a peace officer.

The Monterey County parks department and the San Luis Obispo County sheriff's department each are authorized to move or remove any vehicle, trailer, or vessel trailer which has been illegally parked or left unattended in violation of this chapter.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.160 Bicycle regulations.**

No person shall do any of the following within the Nacimiento recreation area:

- (1) Ride, use, or be in possession of a bicycle on any trail not authorized for such use by the Monterey County parks department.
- (2) Ride, use, or be in possession of a bicycle without having identification in his or her possession.
- (3) Ride a bicycle on any authorized dirt trail without wearing a protective helmet that is certified by ANSI, SNELL, or both.
- (4) Ride a bicycle or animal in willful or wanton disregard for the safety of persons or property.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.170 Pets.**

- (a) The Monterey County parks department may refuse to admit into the Nacimiento recreation area any person who proposes to enter with a dog, unless such person can exhibit either a current license or a certificate of rabies inoculation of the dog. Upon presentation of either such license or such certificate, the Monterey County parks department may register such dog and collect a fee for its admission.
- (b) The Monterey County parks department may refuse to issue a camping permit when it appears that there will be more than two dogs per campsite.
- (c) The Monterey County parks department may refuse to admit into the Nacimiento recreation area any person who possesses:
  - (1) A pet that appears to be dangerous;
  - (2) More than two pets per vehicle; or
  - (3) A pet which, in the judgment of the Monterey County parks department, is likely to disturb other persons.
- (d) No person shall do any of the following within the Nacimiento recreation area:
  - (1) Allow any dog or other pet in his or her custody to run unrestrained or upon a secure leash over seven feet long, except in the case of an authorized service dog.
  - (2) Allow any dog or other pet to be upon any beach, trail, or other public assembly area posted to the contrary by the Monterey County parks department.
  - (3) Allow any dog or other pet in his or her custody to molest or annoy any person.
  - (4) Allow any dog or other pet in his or her custody to be or remain tied up and left unattended outside of a tent, trailer, or vehicle in a camp area or day-use area.
  - (5) Abandon any animal in his or her custody.
  - (6) Allow any livestock under their ownership or care to enter the Nacimiento recreation area without the written permission of the Monterey County parks department. Such owners shall be

responsible for cost recovery for all damage done to the Nacimiento recreation area property and environment.

- (e) The Monterey County parks department is authorized within the Nacimiento recreation area to impound animals or pets involved in any violation of the provisions of this section and to charge the custodian of said animal or pet a reasonable fee or fees for the release of the animal or pet. Such fee or fees are established by the Monterey County parks department.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.180 Firearms and other weapons.**

- (a) No person shall, within the Nacimiento recreation area, possess, use, or discharge any firearm, pellet gun, bow and arrow, crossbow, slingshot, or missile launching device, except for:
  - (1) A peace officer; or
  - (2) A person, other than a peace officer, who is employed by, or in the service of, a governmental agency which authorizes him or her to carry or use any of said weapons or devices in the performance of his or her official duty and who is on official duty.
- (b) If an archery range is established by Monterey County at Nacimiento Lake, it is lawful to possess, use, or discharge a bow and arrow or crossbow thereon during such times as it is open for public use, and it is lawful to transport such archery equipment between the archery range and the entrance of the Nacimiento recreation area.
- (c) The Monterey County parks department is authorized to establish and post notices of the times when the range may be open or closed to public use.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.190 Sign posting—Structure and buoy construction.**

It is unlawful for any person other than the Monterey County parks department and the San Luis Obispo County sheriff's department to post or erect any sign, set or maintain any buoy or to construct any temporary or permanent structure within the Nacimiento recreation area without the prior written permission of the Monterey County parks department and/or the Monterey County water resources agency. The Monterey County parks department and/or Monterey County water resources agency may remove and dispose of any such signs and structures and recover all costs from the person(s) who placed the signs and structures including a twenty percent administrative fee.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.200 Urinate or defecate in public.**

It is unlawful for any person over the age of ten years to intentionally urinate, defecate or otherwise discard or dispose of human waste or excretion in a public place other than in a toilet receptacle or urinal provided for such purpose within the structure of any restroom, bathroom, or similar enclosure, or in a place open to public view, or upon the private property of another without the consent of the owner.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.210 Miscellaneous prohibited acts.**

No person shall do any of the following at Nacimiento Lake and the Nacimiento recreation area:

- (1) Throw, dump, or deposit upon the surface of the ground, except in containers placed by the Monterey County parks department, any trash, refuse, garbage, litter, or waste material.

- (2) Bring a vehicle, trash, refuse, garbage, litter, or waste material to Nacimiento recreation area for the purpose of dumping.
- (3) Throw, dump, or deposit into the waters of Nacimiento Lake, or upon the shore or banks of Nacimiento Lake, any trash, refuse, garbage, litter, waste material, petroleum or other chemical product.
- (4) Throw or deposit any burning substance into or onto any combustible place or area, except into an authorized fire pit or incinerator.
- (5) Build, kindle or use fire, except in a camping or picnicking area in a fire pit, stove, incinerator, or other similar facility provided by, or approved by, the Monterey County parks department.
- (6) Leave unattended any fire kindled by him or her.
- (7) Smoke in any area of the Nacimiento recreation area which the Monterey County parks department has determined to be a nonsmoking area, provided signs are in place giving notice of the restricted area.
- (8) Hunt, kill, injure, or molest any animal or bird, or allow any child or animal in his or her care and custody to do so.
- (9) Operate any noise-producing equipment, whether or not electrically amplified, which is likely to disturb other people, except in accordance with the terms and conditions of a permit issued by the Monterey County parks department.
- (10) Sell or advertise any product or service, rent or deliver for rental any vehicle or vessel in any area of the Nacimiento recreation area or carry on any other commercial activity; or distribute any handbill, tract, or other literature, without authorization by the Monterey County parks director.
- (11) Perform or participate in any political rally or meeting, religious service or function, or any fund raising activity, without prior approval of the Monterey County board of supervisors; for the purposes of this section a wedding service or reception shall not be considered a religious service or function, provided however a permit for a wedding service or reception shall be obtained in advance from the Monterey County parks director.
- (12) Bring or allow a horse to enter into the Nacimiento recreation area without first obtaining a valid equestrian permit from the Monterey County parks department.
- (13) Allow any horse which is permitted to be at Nacimiento Lake to be in any camping or picnicking area thereof, or in any part of the Nacimiento recreation area outside of established equestrian trails or designated equestrian areas.
- (14) Cut, pick, mutilate, remove, or destroy any vegetation, or grade, disturb or remove soil or rock or natural material, except as authorized by the Monterey County parks department.
- (15) Clean fish, except at such places as are designated by the Monterey County parks department.
- (16) Fish off public docks or commercial marinas within the Nacimiento recreation area. Fish within a distance of three hundred feet from a point where fish have been planted within a period of twenty-four hours after such plant. The Monterey County parks department shall post such areas with appropriate and visible "no fishing" signs at the time of plant, and such signs shall remain in place during the period fishing in such area is prohibited.
- (17) Possess or use live bait, or bring or receive any fish, amphibian animal, or aquatic plant for the purpose of propagation or use as fish bait, without the approval of the Monterey County parks department and the California Department of Fish and Game.
- (18) Enter any area of public property when signs have been erected forbidding such entry.
- (19) Enter any fenced utility area, or remove, destroy, or tamper with any valve, switch, or control of any telephone, electrical, water, or sewer line or system owned or operated by any public entity or public utility.

- (20) Commit any act of vandalism, including, but not limited to, removing fixtures or equipment, or destroying, painting, marking, tagging, or defacing any building, sign, fixture, or other equipment.
- (21) Engage in any riotous, boisterous, threatening, or indecent conduct, or use profane or indecent language, or operate a radio, noise producing device or musical instrument in such a manner as is likely to disturb other persons.
- (22) Willfully fail or refuse to comply with any lawful order, signal, or direction of any authorized safety employee of the Monterey County parks department employee or San Luis Obispo County sheriff's department.
- (23) Engage in scuba or free diving without prior written permission from the Monterey County parks department.
- (24) Operate or cause to operate any generator in an area designated as a no generator area by the Monterey County parks department or during posted no generator hours.
- (25) Engage in any activity that is reasonably likely to cause injury or death of the participant or any other person or damage property.

(Ord. No. 3191, § 1, 5-11-10)

**11.20.220 Fireworks prohibited.**

No person shall use, discharge, or possess for the purpose of sale, use or discharge any fireworks or other explosives within the Nacimiento recreation area. Excluded from the prohibition of fireworks under this chapter are the following types of fireworks if written approval is first secured from the responsible fire jurisdiction:

- (1) Agricultural and wildlife fireworks (as defined in Health and Safety Code Section 12503).
- (2) Emergency signaling devices when used for non-emergency purposes (Health and Safety Code Section 12506).
- (3) Exempt fireworks (Health and Safety Code Section 12508).
- (4) Model rocket engines (Health and Safety [Code] Section 12520).
- (5) Special effects (Health and Safety Code Section 12532).

(Ord. No. 3191, § 1, 5-11-10)

**11.20.230 Swimming regulations.**

It is unlawful for any person within the Nacimiento recreation area to do any of the following:

- (1) To swim or float farther than one hundred feet from the shoreline except while on an aquaplane and except at designated areas signed for swimming.
- (2) To swim within three hundred feet of public docks or commercial marinas.
- (3) To engage in swimming, rafting or other water contact activity between the log boom and Nacimiento Dam.

(Ord. No. 3191, § 1, 5-11-10)

**11.20.240 Aerial activities.**

It is unlawful for any person to land, take-off, or use any seaplane, aircraft, or any other device capable of carrying a person in the air, including, without limitation, a hang glider, hot air balloon, and

paraglider, except in an emergency, or when authorized in writing and in advance by the Monterey County parks department, or as may be otherwise permitted by the Monterey County parks department in specially designated areas.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.250 Enforcement—Power to direct public.**

The Monterey County parks department and San Luis Obispo County sheriff's department each are authorized to direct the visiting public in their use of the lake and all facilities within the Nacimiento recreation area according to applicable statutes, ordinances and rules and regulations. In the event of fire, flood, earthquake, or other natural catastrophe or emergency, or to expedite traffic, ensure safety of the public, or to prevent pollution of Nacimiento Lake, the Monterey County parks department and San Luis Obispo County sheriff's department may each direct the public as conditions may require notwithstanding the provisions of this chapter. If written rules and regulations are established by the Monterey County parks department for the good order, health and safety of the people and waters of Nacimiento recreation area, such rules and regulations, once promulgated shall be complied with by all users of Nacimiento Lake.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.260 Enforcement—Park closure.**

- (a) The Monterey County parks department and San Luis Obispo County sheriff's department each are authorized to close to public use the Nacimiento recreation area, or portion thereof, or any lake or stream within Nacimiento Lake, or restrict the times when the same shall be open to such use, or limit or prohibit boating, fishing, or other recreational uses thereof, whenever, in its judgment, it deems it prudent to take any of said actions in order to safeguard the health or safety of the public or the health and/or safety of the Nacimiento recreation area, its waters, or any of its facilities.
- (b) Good cause to take any of the actions outlined in this section shall include, but not be limited to, the following: unreasonable fire hazard; dangerous weather or water conditions; sanitary protection of a watershed; construction or repairs; conservation of fish and game; excessive vessel traffic; unsafe or unsuitable shoreline, ramp, parking, or road conditions; the prevention of damage to the Nacimiento recreation area, its waters, or any of its facilities; or any dangerous, unsafe, or unhealthful condition.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.270 Enforcement—Arrest and citation authority.**

- (a) Pursuant to the authority vested in the San Luis Obispo County board of supervisors pursuant to Section 5380 of the Public Resources Code, all persons duly appointed as peace officers including, but not limited to, uniformed employees of the Monterey County parks department and the San Luis Obispo County sheriff's department, are empowered to enforce the provisions of this chapter. Pursuant to Section 836.5 of the Penal Code, the Monterey County parks director, uniformed Monterey County parks department employees, and safety employees of the San Luis Obispo County sheriff's department are authorized to arrest a person without a warrant whenever the Monterey County parks director, uniformed Monterey County parks department employees, or safety employees of the San Luis Obispo County sheriff's department have reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence that is a violation of any statute, law, or ordinance that he/she has the duty to enforce.
- (b) In any case in which a person is arrested for a misdemeanor pursuant to this section, and the person arrested does not demand to be taken before a magistrate, the public officer or employee making the arrest shall prepare a written notice to appear and release the person on his or her promise to appear, as prescribed by Chapter 5C (commencing with Section 853.6), [Title 3](#), Part 2 of the Penal

Field Code Changed

Code. Notwithstanding, nothing in this chapter shall be construed as prohibiting an officer from taking a person before a magistrate instead of being released, in accordance with Penal Code Section 853.6(i). The provision of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a notice to appear pursuant to this chapter.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.280 Delegation of powers by San Luis Obispo County board of supervisors.**

Powers granted to Monterey County parks department, the San Luis Obispo County sheriff's department and other uniformed personnel under this chapter shall be construed to be powers delegated by the San Luis Obispo County board of supervisors for the purpose of issuing citations at Nacimiento Lake in accordance with Section 853.6, [Title 3](#), Part 2 of Penal Code (and pursuant to Public Resources Code Section 5380), for misdemeanor violations of the laws of this state or this chapter, maintaining the peace, protecting the property of visitors, and general enforcement of the ordinances of the San Luis Obispo County. The San Luis Obispo County board of supervisors, in enacting this chapter, does not waive any authority or rights that the county of San Luis Obispo and/or the San Luis Obispo County flood district may otherwise have under the law within the Nacimiento recreation area and Nacimiento Lake.

(Ord. No. 3191, § 1, 5-11-10)

#### **11.20.290 Fees.**

- (a) Nacimiento Lake Schedule of Fees. A schedule of fees will be established by Monterey County for the use of the Nacimiento recreation area. These fees will be approved and adopted by the Monterey County board of supervisors by resolution. The schedule may include, without limitation, day use fees, campsites (regular), campsites (hookup — electric and water), campsites (full utility), motorcycle, group picnic areas, extra vehicles accompanying campers, dogs, youth group camping, firewood sales, disposal site fees for non-registered campers, for each sewage dump, group reservations, group camping, vessels (annual and daily), bicycles, reservation fees, vessels (inspection), and photography permits.
- (b) General Provisions.
  - (1) Annual day-use vehicle permits may not be valid when a special event fee is being charged.
  - (2) The Monterey County park director is authorized to approve limited term special discount programs and to reduce and/or waive fees for facilities used for promotional purposes.
  - (3) A penalty fee may be established and collected for nonpayment of day-use, camping, and boating fees.
  - (4) A fee for use of facilities during non-operating hours at the Nacimiento recreation area, based upon the hourly cost of employees along with associated benefits, may be charged if supervision is required.
- (c) Daily Fees for use of the Nacimiento Recreation Area for Commercial Activities. Monterey County has or will establish fees for use of the Nacimiento recreation area and/or Nacimiento Lake for the purposes of:
  - (1) Feature motion picture; or
  - (2) Television series pilots, productions, specials, television shorts, or advertisements.
- (d) Special Conditions.
  - (1) The fee for any size production involving pyrotechnic or high-speed stunts for any site/time not generally available for filming shall be the maximum for each activity.
  - (2) A damage deposit equal to not less than fifty percent of the first full day's fee or a minimum of five hundred dollars, whichever is greater.

Field Code Changed

(e) Concession Agreement or Special Event Permit Fees.

- (1) For special events sponsored by the Monterey County parks department, or for events coordinated by the Monterey County parks department with less than five thousand participants, the Monterey County parks director is authorized to approve admissions, concessions and other related fees for each specific event.
- (2) User fees not less than the current user fees approved for the Nacimiento recreation area shall apply. This includes day-use, camping, boating, and other miscellaneous fees as listed on the current Monterey County parks department fee schedule. The Monterey County parks director may waive user fees in the event that there is a special event or concession agreement fee for which a percentage of the gross receipts is to be paid to Monterey County and which includes the day-use fee.
- (3) Registration fees will be established proportional to the number of anticipated participants in the special event. The Monterey County parks department will collect the registration fee in advance and such fees are not refundable.
- (4) Permittee shall pay to Monterey County a minimum of seven percent of the gross receipts for the sale of food, beverages, and merchandise items, and a minimum of five percent of the gross receipts for admission tickets or for revenue received for services rendered. The Monterey County parks director is authorized to negotiate above this minimum when it is in Monterey County's best interest depending on the situation and the event.
- (5) In the event that the Monterey County parks department incurs excess costs for the operation of the Nacimiento recreation area as a result of a special event, these costs shall be allocated to permittee. Such costs shall include, without limitation, directing traffic and parking, providing security, providing trash disposal services or utilization of Monterey County equipment in support of permittee activities. Monterey County will charge for labor, materials, and equipment rental rates as currently established by the Monterey County department of public works.
- (6) If the anticipated percentage of gross receipts which Monterey County will receive from the special event exceeds two thousand dollars, permittee may be required to deposit a cash bond with Monterey County.
- (7) A damage deposit may be charged proportionate to the number of anticipated participants in the special event. It may be included in the amount of the cash bond described above. Upon completion of the event, all or any unused portion of the damage deposit will be refunded to permittee after final cost out of the special event.

(Ord. No. 3191, § 1, 5-11-10)

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 3191, § 1, adopted May 11, 2010, in effect repealed the former Chapter 11.20, §§ 11.20.010—11.20.740, and enacted a new Chapter 11.20 as set out herein. The former Chapter 11.20 pertained to the Nacimiento recreation area and derived from Ord. No. 1650, 1976; Ord. No. 2121, 1983; Ord. No. 2274, 1986 and Ord. No. 2292, 1987. ([Back](#))

## Chapter 11.24 RESERVED <sup>[9]</sup>

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FOOTNOTE(S):

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**Editor's note—** Ord. No. 3193, § 1, adopted May 11, 2010, repealed Chapter 11.24, §§ 11.24.010—11.24.500, which pertained to Santa Margarita Lake and derived from prior code §§ 5-001—5-003.20 and Ord. No. 1015, 1968. ([Back](#))

## Chapter 11.28 RESERVED <sup>[10]</sup>

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 3193, § 1, adopted May 11, 2010, repealed Chapter 11.28, §§ 11.28.010—11.28.120, which pertained to water activities and derived from prior code §§ 5-040—5-044.1 and 5-046; and Ord. No. 758, 1964. ([Back](#))