AN ORDINANCE SPECIFICALLY REPEALING CHAPTER 12.16
OF THE MARIPosa COUNTY CODE
RELATING TO RECREATION AREAS AND ADDING A NEW CHAPTER 12.16
THERETO RELATING TO RECREATION AREAS

The Board of Supervisors of the County of Mariposa,
State of California, does hereby ordain as follows:

SECTION I: Chapter 12.16 of the Mariposa County Code
relating to Recreation Areas is hereby specifically repealed.

SECTION II: There is hereby added to the Mariposa
County Code a new Chapter 12.16 relating to Recreation Areas to
read as follows:

CHAPTER 12.16, RECREATION AREAS

Sections:

12.16.010 Definitions.
12.16.020 Permit--Required.
12.16.030 Lake Use Regulations.
12.16.040 Vehicle Use Regulations.
12.16.050 Camping and Picknicking Regulations.
12.16.060 Prohibited Acts.
12.16.070 Police Protection--Citations.
12.16.080 White Waters Regulations.
12.16.090 Violation--Penalty.

12.16.010 Definitions. As used in this chapter unless
otherwise apparent from the context:

1. Words used in the present tense include the future
as well as the present; words used in the masculine gender in-
clude the feminine and neuter; the singular number includes the
plural, and the plural, the singular.
2. "Aquaplane" means any device used for transportation of one or more persons upon the surface of the water and which is pulled or towed by any boat, vehicle, or other motive power.

3. "Boat" means any vessel or device, except an aquaplane, in or upon which persons or property may be transported upon, under, and over the surface of the water.

4. "District" means the Merced Irrigation District, an irrigation district organized and existing under and by virtue of the laws of the State.

5. "Lake McClure Recreation Area" and "Lake McSwain Recreation Area" mean all that property as delineated on those certain maps designated as "Exhibit K", Federal Power Commission License No. 2179 and filed in the offices of the Merced Irrigation District, together with the water surfaces of Lake McClure and Lake McSwain.

6. "Parks manager" means the parks manager appointed by the district and shall include such assistants, deputies, and subordinates of the parks manager as he may have specifically authorized in writing as having power to exercise all or certain designated functions hereunder.

7. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, including devices moved by human power.

Section headings, when contained herein, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any section.
12.16.020 Permit--Required.

A. No person shall enter the Lake McClure Recreation Area, operate any boat or vehicle therein, or camp or picnic therein without first having obtained from the district a permit to do so and paying therefor any fee established from time to time by the board of directors of the Merced Irrigation District.

B. The permit may be revoked by the district at any time without refund for any violation of this chapter and State law.

C. No person shall leave the Lake McClure Recreation Area or the Lake McSwain Recreation Area without exhibiting, if so required by any authorized employee of the district, evidence of payment of the required fees.

12.16.030 Lake Use Regulations.

No person shall, within the Lake McClure Recreation Area or the Lake McSwain Recreation Area:

A. Operate any boat equipped with a sink, drain, or head unless the sink or head is connected to a properly self-contained system acceptable to the district.

B. Launch, moor, or beach any boat except in designated areas; boats left unattended in areas not designated, or in any other areas without permission, may be towed away and stored by the district, and the removal and storage costs shall be charged to and paid by the owner prior to release.

C. Operate any boat while carrying passengers for hire or rent or lease any boat for hire without organization by the district.

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D. Operate a boat or aquaplane in any pattern except a counter-clockwise pattern or operate any boat except to the right of the center of the lake channels.

E. Operate a boat or aquaplane except in compliance with the symbols on all State regulatory markers.

F. Climb on, mutilate, tie any object to, or in any other way harm, disturb, or remove any buoy or marker.

G. Engage in boat races without special permission of the district and the Mariposa County Sheriff's office; special permission may include provisions, the non-compliance with which shall be grounds for revocation of the permit without refund.

H. Sleep overnight in any boat except with the written permission of the district.

I. Swim, float, or use any air mattress, inner tube, or non-motorized raft further than one hundred feet from the shoreline, except while engaging in aquaplaning.

J. Use any hard or sharp objects while swimming or floating in the designated areas.

K. Land any airplane except in an emergency.

L. Pull any airborne kite, parachute, or hand glider.

M. During daylight hours, operate a boat or aquaplane at a speed in excess of a posted speed limit; during night time, operate any boat or aquaplane at a speed in excess of ten miles per hour.

12.16.040 Vehicle Use Regulations.

No person shall, within the Lake McClure Recreation Area or the Lake McSwain Recreation Area:

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A. Operate any vehicle at a speed in excess of the limit posted by the district or in violation of the California Vehicle Code or local ordinances, or operate any vehicle except upon district roads and parking lots unless otherwise approved by the district.

B. Park and leave unattended any vehicle in areas other than those designated for parking; vehicles left unattended in areas not so designated or in any other areas without permission may be towed away and stored by the district, and the removal and storage costs shall be charged to and paid by the owner prior to release.

C. Operate any motor vehicle without a muffler system conforming to the provisions of the California Vehicle Code.

D. Operate a motorcycle or vehicle of this type except between the hours of 7 A.M. and 11 P.M. on established roads only.

12.16.050 Camping and Picnicking Regulations.

No person shall, within the Lake McClure Recreation Area or the Lake McSwain Recreation Area:

A. Camp or picnic except in designated sites and then only with a permit from the district.

B. Permit the occupancy of a campsite overnight with more than eight occupants without district approval.

C. Camp or occupy a campsite for more than fourteen consecutive days without special permission from the district.

D. Quiet time will be enforced from 11 P.M. to 7 A.M. This applies to loud parties, generators, and other activities distracting to neighboring campers.

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12.16.060 Prohibited Acts.

No person shall, without permission of the district, within the Lake McClure Recreation Area or Lake McSwain Recreation Area:

A. Pick flowers, foliage, berries, or fruit, or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, fern, grass, turf, fence, structure, or any other object.

B. Cut, carve, paint, makr, paste, or fasten to any tree, fence, wall, building, monument, or other object any bill, advertisement, or inscription when such action would destroy or deface property, real or personal, owned by the county or would otherwise be contrary to the public health, safety, morals, or general welfare.

C. Dig up or remove any dirt, stones, rocks, or other substances whatever, make any excavation, quarry any stone, or lay or set off any blast or cause or assist in doing any of said things.

D. Molest, injure, or kill any bird or mammal or disturb its habitat.

E. Despoil, place, or leave any broken glass, ashes, wastepaper, cans, or other rubbish or polluted matter except in a receptacle provided for that purpose.

F. Possess, discharge, or set off, over, onto, or through the recreation area any firearms, firecrackers, torpedoes, rockets, or other explosives or fireworks.

G. Permit or allow any domestic animal to be within the Lake McClure Recreation Area or the Lake McSwain Recreation Area unless same shall at all times be under the actual and
physical control of the owner or person having custody; animals
are not allowed on beaches or in swimming areas.

H. Engage in soliciting, selling, or peddling any
goods or services or distribute any circulars which would endan-
ger or violate the public health, safety, morals, or general wel-
fare.

I. No swimming will be allowed at swimming lagoons
between 11 P.M. and 7 A.M.

J. All those under eighteen years of age must be in
their campsites from 11 P.M. to 7 A.M. unless accompanied by a
responsible adult.

K. Open fires are prohibited unless authorized by
park manager.

12.16.070 Police Protection--Citations.

A. The county will furnish through the Sheriff's office
of Mariposa County the necessary police protection and service to
enforce all State and federal laws and county rules and regula-
tions as the same come within the knowledge and notice of the
members of the Mariposa County Sheriff's office in respect to the
recreation areas, and the district shall under the direction and
control of the Sheriff's office of Mariposa County have the
limited authority to designate park rangers who shall have the
authority to issue citations for violations of provisions of this
chapter; any such designated park ranger shall have law enforce-
ment training which shall meet the minimum training standards as
required by the California Commission on Peace Officers Standards
and Training and shall be approved by the Sheriff's office of
Mariposa County as having met said minimum standards.
B. The Mariposa County Sheriff's office and the district shall develop written policy procedures from time to time covering the issuance of citations by the district park rangers pursuant to the provisions of this chapter.

C. The Mariposa County Sheriff's office shall have the authority to close the Lake to all usage at their discretion during hazardous and unusual circumstances including hazardous and unusual weather conditions.

12.16.080 White Water Regulations.

It shall be unlawful for any person to traverse the waters within Mariposa County on an inner tube, air mattress, or any other device capable of transporting a person on the water without wearing correctly a Coast Guard approved wearable Type I, II, or III personal flotation device, provided, however, that this section shall not apply if State law or administrative regulations otherwise require the carrying or exempts the carrying on board the device in question or other personal flotation devices.

12.16.090 Violation--Penalty.

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the County jail for not more than six months or by both such fine and imprisonment.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this __20th__ day of March, 1979, by the following vote:

AYES:         Dalton, Owings, Weber, Erickson

NOES:         Clark
NOT VOTING: None
ABSENT: None

EUGENE P. DALTON, JR., Chairman
Board of Supervisors

APPROVED AS TO FORM:

NEIL B. WAN-WINKLE
County Counsel/Administrative Assistant to the Board

DATE: February 27, 1979

ATTEST:

JOAN J. LYNK
Clerk of the Board