MARIPOSA COUNTY ORDINANCE NO. 455
AN ORDINANCE REGULATING THE PUBLIC USE OF LAKE MCCLURE AND LAKE MCSWAiN RECREATION AREAS

The Board of Supervisors of the County of Mariposa do hereby ordain as follows:

Mariposa County Ordinance No. 311, enacted on June 10, 1969, and Ordinance No. 383, amending Ordinance No. 311, enacted on April 9, 1974, are hereby repealed.

SECTION 1: DEFINITIONS, INCLUDING MEANINGS OF WORDS AND EFFECTS OF SECTION HEADINGS.

(A) As used in this Ordinance, 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 include the feminine and neuter; the singular number includes the plural and the plural, the singular.

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

3. "Park 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 as designated functions hereunder.

4. "Lake McClure Recreation Area" and "Lake McSwain Recreation Area" means 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 MClure and Lake McSwain.

5. The term "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.

6. The term "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.

7. The term "aquaplane" shall mean any devise 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.

(B) 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.

SECTION 2: 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 therefore any fee established from time to time by the Board of Directors of the Merced Irrigation District. Section 2 (a) shall not apply unless signs forbidding trespass are displayed at intervals of not less than three (3) to the mile along all exterior boundaries of the Lake McClure and Lake McSwain Recreation Areas and at all roads and trails entering
such areas.

(B) Said permit may be revoked by the District at any
time without refund for any violation of this ordinance or of
State law.

(C) No person shall leave the said Lake McClure
Recreation Area or the said Lake McSwain Area without exhibiting,
if so required by an authorized employee of the District, evidence
of payment of the required fees.

SECTION 3: 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 said sink or head is made inoperable by use of an
external plug acceptable to the District.

(B) Operate any boat under ten feet in length or
forty-two inches (42") in width or any sailboat, kayak, rubber
raft or canoe except in designated areas and within 100 feet of
shoreline. See Ordinance No. 383.

(C) Launch, moor or beach any boat except in designated
areas. Boats left unattended in areas not designated or any
other areas without permission, may be towed away and stored by
the District and said removal and storage costs shall be charged
to and paid by the owner prior to release.

(D) Operate any boat while carrying passengers for
hire, or rent or lease any boat for hire, without authorization
by the District.

(E) Operate or ride on an aquaplane without wearing
a ski belt, lifebelt or vest of non-deflatable material or the
jacket portion of a wet suit in good condition.

(F) 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.

(G) Operate a boat or aquaplane except in compliance
with the symbols on all state regulatory markers placed on the
lake by the District.

(H) Climb on, mutilate, tie any object to, or in any
other way harm, disturb or remove any buoy or marker placed by
the District.

(I) 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 of which
shall be grounds for revocation of the permit without refund.

(J) Remain or sleep overnight in any boat except with
the written permission of the District.

(K) Swim or float further than 100 feet from the
shoreline, except while engaging in aquaplaning, and except at
designated beach areas where the beach is protected by a floating
barrier and so long as the swimmer or floater stays between the
beach and the barrier.

(L) Use any hard or sharp objects while swimming or
floating in the designated areas.

(M) Land any airplane except in an emergency.

(N) Pull any airborne kite.

(O) Operate a boat or aquaplane at a speed in
excess of a posted speed limit.
SECTION 4: VEHICLE USE REGULATIONS

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

(A) Operate any vehicle at a speed in excess of the limit posted by the District 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 other areas without permission, may be towed away and stored by the District and said 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.

SECTION 5: 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 (14) consecutive days without special permission from the District.

SECTION 6:

No person shall, without permission of the District,
within the Lake McClure Recreation Area or the 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, mark, paste or fasten to any
tree, fence, wall, building, monument or other object, any bill,
advertisement or inscription.

(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,
waste paper, 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 the same shall at all times be under the actual and
physical control of the owner or person having custody.

(H) Engage in soliciting, selling or peddling any
goods or services or to distribute any circulars.

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SECTION 7:

Any person who violates any of the provisions of this ordinance is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than $500.00 or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.

SECTION 8:

If any section, subsection, paragraph, sentence, clause or phrase of the ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Mariposa hereby declares that it would have this ordinance and section, sub-section, paragraph, sentence, clause or phrase irrespective of the fact that any one or more other sections, subsections, paragraphs, sentences, clauses or phrases thereof be declared invalid or unconstitutional.

SECTION 9:

The County of Mariposa will furnish through the Sheriff's office of Mariposa County the necessary police protection and services to enforce all state and federal laws and county rules and regulations as the same come within the knowledge and notice of the members of the Mariposa County Sheriff's Office in respect to said 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 ordinance; any such designated Park Ranger shall have law enforcement 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.

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's Park Rangers pursuant to the provisions of this ordinance.

PASSED AND ADOPTED, this 7th day of June, 1977, by the following vote:

AYES: Dalton, Long, Walton, Owings
NOES: None
ABSENT: Clark
NOT VOTING: None

FRANK L. LONG, JR., Chairman

ATTEST:

ELLEN BRONSON, County Clerk
and Ex-Officio Clerk of the Board