ORDINANCE NO. 311

AN ORDINANCE REGULATING THE PUBLIC USE OF LAKE MCCLURE AND LAKE MCSWAIN RECREATION AREAS

The Board of Supervisors of the County of Mariposa does
ordain as follows:

SECTION 1. DEFINITIONS, INCLUDING MEANINGS OF WORDS AND EFFECT 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. "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 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 McClure 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 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.

(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 or the Lake McSwain 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. 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 Recreation 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.

(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 or aquaplane so as not to allow at least 250 feet clearance beyond any trolling fishing boat displaying a white flag not less than two feet by two feet in size; or operate any trolling fishing boat unless there is displayed therefrom a white flag not less than two feet by two feet in size.

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

(f) Operate any boat equipped with a siren, except patrol boats authorized by the District.

(g) 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.

(h) 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.

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

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

(k) Engage in boat races without special permission of
the District. Special permission may include provisions, the
non-compliance of which shall be grounds for revocation of the
permit without refund.

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

(m) Swim or float further than 100 feet from the shore-
line, 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.

(n) Use any hard or sharp object while swimming or
floating in the designated beach areas.

(o) Land any airplane except in an emergency.

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 Dis-
trict 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.

(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 Lake McClure Recreation Area or the Lake McSwain 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.

SECTION 7:

Any person who violates any of the provisions of this
ordinance is guilty of a misdemeanor and upon conviction thereof
shall be punished 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, subdivision, paragraph, sentence,
clause or phrase of the ordinance is, for any reason, held to
be invalid or unconstitutional, such invalidity or unconstitu-
tionality 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 passed this ordinance
and each 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.

PASSED AND ADOPTED this 10th day of June
1969, by the following vote:

Ayes: Davis, Hurlbert, Long, Moffitt, Richardson
Noes: None
Absent: None
Not Voting: None

[Signature]
Herbert K. Davis, Jr., Chairman
of the Board of Supervisors of
Mariposa County

[Signature]
Gabrielle Wilson, County Clerk and
Ex-officio Clerk of the Board of
Supervisors

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