

ORDINANCE NO. 3552

AN ORDINANCE AMENDING VARIOUS SECTIONS IN ARTICLE 1 OF CHAPTER 3 OF PART II OF THE TULARE COUNTY ORDINANCE CODE, PERTAINING TO GENERAL PROVISIONS OF THE USE OF PUBLIC RIVERS AND STREAMS, ARTICLE 5 OF CHAPTER 3 OF PART II OF THE ORDINANCE CODE OF TULARE COUNTY PERTAINING TO BOATING AND SWIMMING, AND ARTICLE 3 OF CHAPTER 5 OF PART II OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO BOATING, WATER SKIING AND SWIMMING.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

[No changes proposed to sections 2-03-1000 through 2-03-1020:]

[§2-03-1000. PURPOSE]

[§2-03-1005. DEFINITIONS]

[§2-03-1010. NOT EXCLUSIVE REGULATION]

[§2-03-1015. STATE LAWS AND REGULATION]

[§2-03-1020. ADMINISTRATION AND ENFORCEMENT]

**Section 1.** Section 2-03-1025 of the Tulare County Ordinance Code is amended to read as follows:

**§2-03-1025. PERMITS:**

- (a) Authority to issue permits: The Resource Management Agency Director is authorized to issue permits following a Board resolution authorizing the Director to consider an application for an activity identified in this Chapter. Once the Board has passed the resolution, subsequent applications from the same applicant, for the same activity and location do not require additional Board authorization. The Resource Management Agency Director shall require approval from the Tulare County Sheriff prior to the issuance of permits for activities identified in this Chapter.
- (b) Permit required: It shall be unlawful for any person to hold, manage, conduct, carry on, or cause or permit to be held, managed, conducted or carried on any activities identified in this Chapter without first obtaining a written permit to do so from the Resource Management Agency Director.

- (c) Application for permit: Any person who wants to hold, manage, conduct, carry on, or cause or permit to be held, managed, conducted or carried on any activities identified in this Chapter shall first make a written application for and secure a written permit from the Resource Management Agency Director. The application must be submitted 60 days prior to the date of the activity. The Director may exercise discretion to shorten this time period. Applications from individuals shall be signed by the individual applying for the permit. Applications from business entities, or organizations shall be signed by the managing agent. The applications shall be on forms prescribed by the Resource Management Agency Director, and shall specify the time, place and purpose for which the permit is desired. Upon receipt of a first-time, properly executed application the Resource Management Agency Director shall seek a Board Resolution authorizing the Director to proceed with consideration of the application within a reasonable time.
- (d) Consideration of resolution: When considering whether to pass a resolution authorizing consideration of an application for an activity identified in this Chapter, the Board of Supervisors shall hear any evidence offered that concerns the place where the activity is to be held and its relation to the public peace, health and safety of the community.
- (e) Consideration of application: When the Resource Management Agency Director considers an application for a permit for an activity identified in this Chapter, the Director shall require approval from the Tulare County Sheriff regarding the health, safety and welfare of the community. The Resource Management Agency Director may grant or deny the application, in whole or in part, and place restrictions on the permit as deemed necessary.
- (f) Fees: The Resource Management Agency Director may impose reasonable fees for the cost of the application.
- (g) Insurance: Prior to the issuance of a permit an applicant shall file with the Resource Management Agency Director policies or certificates of general liability insurance covering the activities under the permit and in form and amount acceptable to the County Risk Manager. The insurance policies shall name the County, its officers, employees and agents as additional insureds, may contain other requirements as deemed necessary by the County Risk Manager and shall be maintained without modification for the term of the permit.
- (h) Judicial review of Board resolution: Judicial review of a decision of the Board of Supervisors made after a hearing pursuant to this Chapter, if the decision denies the Resource Management Agency Director's request to review the permit application, shall be made pursuant to section 1094.6 of the Code of Civil Procedure of the state of California. The method of judicial review, the time limits for judicial review, and all of the other provisions of said section 1094.6 shall govern such judicial review. When giving written notice to the applicant that the permit has been denied or revoked, the

Board of Supervisors shall provide notice to the applicant that the time within which judicial review must be sought is governed by said section 1094.6.

- (i) Appeal of permits: Any interested person may appeal any decision by the Resource Management Agency Director to grant, deny or condition a permit to the Board of Supervisors in accordance with section 165 of this Ordinance Code, and upon any fee established by the Board of Supervisors.
- (j) Duration: All permits issued pursuant to this Chapter shall be non-transferable and non-assignable. A permit shall be restricted in its application to a single event at a designated time and specific location.

**Section 2.** The heading of Article 5 of Chapter 3 of Part II of the Tulare County Ordinance Code is amended to read as follows:

**BOATING AND SWIMMING ON THE KINGS RIVER**

[No changes proposed to section 2-03-1030]

[§ 2-03-1030. Application]

**Section 3.** Section 2-03-1135 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-03-1135. KINGS RIVER: BOATING AND SWIMMING DURING HIGH WATER:**

The Tulare County Sheriff may close or restrict the use of any portion of the Kings River to swimmers and/or any or all classes or types of boats when necessary to protect the public health or safety, including, but not limited to, situations when excessively high or low water levels and debris present an unreasonable danger to swimmers, boaters and/or adjacent property. It shall be unlawful for anyone, other than a person engaged in emergency activities carried out with the authorization and under the control of the Tulare County Sheriff or his duly authorized representatives, to use any portion of the Kings River in a manner that is contrary to a posted or signed closure or restriction under this section. Appeal of an action taken by the Tulare County Sheriff to close or restrict any use of the Kings River under this section may be made by any interested person in accordance with section 165 of this Ordinance Code.

[No changes proposed to section 2-03-1140:]

[§2-03-1140. KINGS RIVER: BOATING GENERALLY]

**Section 4.** Section 2-03-1145 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-03-1145. SUPERVISED BOAT RACES, SPECIAL EVENTS, WATER SHOWS AND GROUP OUTINGS:**

- (a) It shall be unlawful to sponsor, hold, conduct, participate in, or to cause, aid, advise or encourage the conduct of any races, boat races, speed contests, exhibitions of speed, time trials, record runs or trial runs in preparation of any such event on the River unless a permit is issued for such activities as set forth in § 2-03-1025. The foregoing events are unlawful, without permit, regardless of whether or not entry fees are charged or prizes are awarded.
- (b) It shall be unlawful to sponsor, hold, conduct, participate in, or to cause, aid, advise or encourage, or to operate any equipment or facilities in any parasailing or hang gliding activity or in any activity in which three or more water skiers or aquaplaners are towed behind any boat on the River unless a permit is issued for such activities as set forth in § 2-03-1025.
- (c) It shall be unlawful to sponsor, hold, conduct, participate in, or to cause, aid, advise or encourage the conduct of any water carnivals, boat regattas, music festivals, dramatic presentations, water shows, group sporting events or group outings on the River unless a permit is issued for such activities as set forth in § 2-03-1025.
- (d) It shall be unlawful to place or operate any boat on the River for a fee or profit without a permit issued as set forth in § 2-03-1025.
- (e) It shall be unlawful to engage in, sponsor, hold, conduct, participate in, or to cause, aid, advise or encourage in any stunt riding on the River unless a permit is issued for such activities as set forth in § 2-03-1025.

**Section 5.** Section 2-03-11550 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-03-1150. ESTABLISHMENT OF DESIGNATED AREAS:**

The Tulare County Sheriff may designate, and cause to be appropriately marked, boat launching areas, areas designated exclusively for swimming, areas where swimming is prohibited, areas where diving into the water is prohibited, areas where boats are prohibited, passageways for boats, areas of restricted speed or "slow" areas and other areas in which engaging in specified activities shall be prohibited or permitted, and may change the same from time to time as the public safety and welfare may require, and when so marked it shall be unlawful for any person to fail to comply with such designations.

[No changes proposed to section 2-03-1155:]

[§2-03-1155. INTERFERENCE WITH MARKERS]

**Section 6.** Section 2-03-1205 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-03-1205. Violations:**

- (a) The Tulare County Sheriff's Office, Boating Safety and Enforcement Unit, also utilizes the California Boating Law, established by California State Parks, Division of Boating Waterways. These are the laws and regulations concerning recreational boating, including access, safety and education, marine law enforcement, and consumer and environmental protection. The California Boating Law book includes excerpts from the Harbors and Navigation, Business and Professions, Corporations, Education, Fish and Game, Government, Health and Safety, Public Resources Vehicle and Water Codes, the California Code of Regulations, and the Federal Inland Navigation Rules as they relate to recreational boating. The laws and regulations in the California Boating book also apply to the use of public waters in Tulare County. The Sheriff's Office enforces these laws and regulations, in addition to the County Boating Ordinances. The general public is expected to have knowledge of these laws and regulations, and to comply with them.
- (b) Any person violating any provision of this Chapter shall be guilty of a misdemeanor and shall be punishable as provided in section 125 of this Ordinance Code.

[No changes proposed to section 2-05-1060:]

[§ 2-05-1060. STATE LAWS AND REGULATIONS]

**Section 7.** Section 2-05-1065 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1065 SPEED: DISTANCE: COURSE:**

- (a) It shall be unlawful for any person to operate any boat on any lake in a County Park or Recreation Area in excess of five (5) statute miles per hour in any of the following areas:
  - (1) Within any area designated by a sign or buoy as a "slow area."

- (2) Within one hundred (100) feet of any person who is swimming or is in the water.
  - (3) Within one hundred (100) feet of the shore at any place except while in the act of launching or landing an aquaplane or water skier in an area designated for that purpose.
  - (4) Within one hundred (100) feet of any sailboat, any other boat not under power, or any boat powered by an electric trolling motor.
  - (5) Within one hundred (100) feet of any person riding water skis or an aquaplane.
  - (6) Within two hundred (200) feet of any swimming float, diving platform, life line or designated swimming area.
  - (7) Within two hundred (200) feet of any dock, wharf, or landing float on or to which boats are landed or made fast or which is used for the embarkation or discharge of passengers.
- (b) It shall be unlawful to operate a boat at a speed in excess of five (5) statute miles per hour on any lake in a County Park or Recreation area during the hours between sunset of any day and sunrise the next morning
  - (c) It shall be unlawful to cause a motorboat to cross the wake of another boat within one hundred feet of the other boat.
  - (d) Travel shall be in a counter-clockwise direction only. It shall be unlawful to operate a boat at any time on any portion of any lake within a County Park or Recreation Area in a clockwise direction of travel in relation to the center of the lake or any island or obstruction encircled by the lake.

**Section 8.** Section 2-05-1070 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1070 PERMITS:**

- (a) Authority to issue permits: The Resource Management Agency Director is authorized to issue permits following a Board resolution authorizing the Director to consider an application for an activity identified in this Article. Once the Board has passed the resolution, subsequent applications from the same applicant, for the same activity and location do not require additional Board authorization. The Resource Management Agency Director shall require approval from the Tulare County Sheriff prior to the issuance of permits for activities identified in this Article.
- (b) Permit required: It shall be unlawful for any person to hold, manage, conduct, carry on, or cause or permit to be held, managed, conducted or carried on any activities identified

in this Article without first obtaining a written permit to do so from the Resource Management Agency Director.

- (c) Application for permit: Any person who wants to hold, manage, conduct, carry on, or cause or permit to be held, managed, conducted or carried on any activities identified in this Article shall first make a written application for and secure a written permit from the Resource Management Agency Director. The application must be submitted 60 days prior to the date of the activity. The Director may exercise discretion to shorten this time period. Applications from individuals shall be signed by the individual applying for the permit. Applications from business entities, or organizations shall be signed by the managing agent. The applications shall be on forms prescribed by the Resource Management Agency Director, and shall specify the time, place and purpose for which the permit is desired. Upon receipt of a first-time, properly executed application the Resource Management Agency Director shall seek a Board Resolution authorizing the Director to proceed with consideration of the application within a reasonable time.
- (d) Consideration of resolution: When considering whether to pass a resolution authorizing consideration of an application for an activity identified in this Article, the Board of Supervisors shall hear any evidence offered that concerns the place where the activity is to be held and its relation to the public peace, health and safety of the community.
- (e) Consideration of application: When the Resource Management Agency director considers an application for a permit for an activity identified in this Article, the Director shall require approval from the Tulare County Sheriff regarding the health, safety and welfare of the community. The Resource Management Agency Director may grant or deny the application, in whole or in part, and place restrictions on the permit as deemed necessary.
- (f) Fees: The Resource Management Agency Director may impose reasonable fees for the cost of the application.
- (g) Insurance: Prior to the issuance of a permit an applicant shall file with the Resource Management Agency Director policies or certificates of general liability insurance covering the activities under the permit and in form and amount acceptable to the County Risk Manager. The insurance policies shall name the County, its officers, employees and agents as additional insureds, may contain other requirements as deemed necessary by the County Risk Manager and shall be maintained without modification for the term of the permit.
- (h) Judicial review of Board resolution: Judicial review of a decision of the Board of Supervisors made after a hearing pursuant to this Article, if the decision denies the Resource Management Agency Director's request to review the permit application, shall be made pursuant to section 1094.6 of the Code of Civil Procedure of the state of California. The method of judicial review, the time limits for judicial review, and all of the other provisions of said section 1094.6 shall govern such judicial review. When

giving written notice to the applicant that the permit has been denied or revoked, the Board of Supervisors shall provide notice to the applicant that the time within which judicial review must be sought is governed by said section 1094.6.

- (i) Appeal of permits: Any interested person may appeal any decision by the Resource Management Agency Director to grant, deny or condition a permit to the Board of Supervisors in accordance with section 165 of this Ordinance Code, and upon any fee established by the Board of Supervisors.
- (j) Duration: All permits issued pursuant to this Article shall be non-transferable and non-assignable. A permit shall be restricted in its application to a single event at a designated time and specific location.

**Section 9.** Section 2-05-1075 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1075 USE OF BOAT AS RESIDENCE:**

It shall be unlawful for any person to use any boat as a place of habitation or residence within any County Park, Recreation Area, lake, river or Public Waters.

**Section 10.** Section 2-05-1080 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1080 INTERFERENC WITH MARKERS:**

It shall be unlawful to place any floating or stationary mooring facilities to, or interfering with, a buoy, channel marker or other navigational aid within a County Park, Recreation Area, lake, river or Public Waters.

**Section 11.** Section 2-05-1085 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1085 SWIMMING RESTRICTIONS:**

It shall be unlawful within any County Park, Recreation Area, lake, river Public Waters to swim, dive, snorkel or scuba dive:

- (a) Within one hundred (100) feet of any boat launching sites.



- (b) Within one hundred (100) feet of any bridge.
- (c) Within one hundred (100) feet of any marina.
- (d) Beyond one hundred (100) feet of shore, unless escorted by a boat.
- (e) Within any area marked or posted as a no swimming area by order of the Tulare County Sheriff

[No changes proposed to sections 2-05-1090 through 2-05-1100:]

[§2-05-1090. DIGGING; CONSTRUCTION]

[§2-05-1095. LITTERING PARKS]

[§2-05-1100. LITTERING FUELS]

**Section 12.** Section 2-05-1105 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1105 RESTRICTIONS ON USE:**

The Tulare County Sheriff, the Public Works Director, the District Engineer, and the General Services Director may close or restrict the use of any County Park or Recreation area or any Public Waters within the County, or of any part or portion thereof, when necessary to protect public health or safety; to perform or provide for maintenance, repair or replacement; or for other reasons in the public interest. The authority to close or restrict the use of the Kings River is governed by Ordinance Code § 2-03-1135. Entering or using any County Park, Recreation Area, lake, river\_or Public Waters, or any part or portion thereof, in a manner that is contrary to a posted or signed closure restriction is unlawful.

**Section 13.** Section 2-05-1110 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1110 DISTURBANCES:**

It shall be unlawful to create or maintain any loud, excessive or annoying noise between the hours of 10:00 p.m. and 6:00 a.m. within any County Park, Recreation Area, lake, river or Public Waters.

**Section 14.** Section 2-05-1115 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1115 Amplified Audio Devices:**

It shall be unlawful to operate or maintain in operation any amplifier, radio, siren, recording, audio or other noise producing or amplifying device with any County Park, Recreation Area, lake, river or Public Waters without a permit issued for such activities as set forth in § 2-05-1070.

**Section 15.** Section 2-05-1120 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1120 Commercial Activities:**

It shall be unlawful to solicit business or engage in any sale, trade or business within any County Park, Recreation Area, lake, river or Public Waters without a permit issued for such activities as set forth in § 2-05-1070.

[No changes proposed to sections 2-05-1125 through 2-05-1130:]

[§2-05-1125. PERMIT CONDITIONS]

[§2-05-1130. DESIGNATED SWIMMING AREAS]

**Section 16.** Section 2-05-1135 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1135 Repairing or Painting Boats:**

It shall be unlawful for any person to repair or paint any boat in a County Park, Recreation Area, lake, river or Public Waters except in an area designated for that purpose.

**Section 17.** Section 2-05-1140 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1140 DUMPING FOREIGN MATTER IN WATER:**

It shall be unlawful for any person to dump, place, discharge, or deposit in any County Park, Recreation Area, lake, river or Public Waters, any sewage, garbage, human waste, metal cans, trash, gasoline, oil, sawdust, pollutants, debris or other foreign matter, whether from a boat, the shore, or any other place.

**Section 18.** Section 2-05-1145 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1145 LEAVING BOATS UNATTENDED:**

It shall be unlawful for any person owning, possessing or in charge of any boat to leave such boat unattended on the water in a County Park, Recreation Area, lake, river or Public Waters. for a period of more than twenty four (24) consecutive hours, with the exception of boats owned or operated by any concessionaire authorized to operate boats on such waters and with the exception of boats berthed or stored with a concessionaire authorized to berth or store boats on such waters.

**Section 19.** Section 2-05-1150 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1150 SUPERVISED BOAT RACES, SPECIAL EVENTS, WATER SHOWS AND GROUP OUTINGS:**

- (a) It shall be unlawful to sponsor, hold, conduct, participate in, or to cause, aid, advise or encourage the conduct of any races, boat races, speed contests, exhibitions of speed, time trials, record runs or trial runs in preparation of any such event within any County Park, Recreation Area, lake, river or Public Waters unless a permit is issued for such activities as set forth in § 2-05-1070. The foregoing events are unlawful, without permit, regardless of whether or not entry fees are charged or prizes are awarded.
- (b) It shall be unlawful to sponsor, hold, conduct, participate in, or to cause, aid, advise or encourage, or to operate any equipment or facilities in any parasailing or hang gliding activity or in any activity in which three or more water skiers or aqua planers are towed behind any boat unless a permit is issued for such activities as set forth in § 2-05-1070.
- (c) It shall be unlawful to sponsor, hold, conduct, participate in, or to cause, aid, advise or encourage the conduct of any water carnivals, boat regattas, music festivals, dramatic presentations, water shows, group sporting events or group outings within any County Park or Recreation Area or upon any Public Waters unless a permit is issued for such activities as set forth in § 2-05-1070.
- (d) It shall be unlawful to place or operate any boat, vehicle, wagon or craft within a County Park or Recreation Area or upon any Public Waters for a fee or profit without a permit issued as set forth in § 2-05-1070.
- (e) It shall be unlawful to engage in, sponsor, hold, conduct, participate in, or to cause, aid, advise or encourage in any stunt riding upon any Public Waters unless a permit is issued for such activities as set forth in § 2-05-1070.

[No changes proposed to sections 2-05-1155:]

[§2-05-1155. ESTABLISHMENT OF DESIGNATED AREAS]

**Section 20.** Section 2-05-1157 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1157 INTERFERENCE WITH MARKERS:**

It shall be unlawful to secure any floating or stationary mooring facilities to, or interfering with, a buoy, channel marker, designated area marker or other navigational aid upon any lake, river or Public Waters. It shall be unlawful to move, remove or interfere with any buoy, channel marker, designated area marker or other navigational aid placed upon any Public Waters by under section 2-05-1155.

**Section 21.** Section 2-05-1160 of the Tulare County Ordinance Code is amended to read as follows:

**§ 2-05-1160 Violations:**

- (a) Any person violating any of the provisions of sections 2-05-1135 and 2-05-1145 of this Article shall be guilty of an infraction and shall be punishable as provided in section 125 of this Ordinance Code.
- (b) The Tulare County Sheriff's Office, Boating Safety and Enforcement Unit, also utilizes the California Boating Law, established by California State Parks, Division of Boating Waterways. These are the laws and regulations concerning recreational boating, including access, safety and education, marine law enforcement, and consumer and environmental protection. The California Boating Law book includes excerpts from the Harbors and Navigation, Business and Professions, Corporations, Education, Fish and Game, Government, Health and Safety, Public Resources Vehicle and Water Codes, the California Code of Regulations, and the Federal Inland Navigation Rules as they relate to recreational boating. The laws and regulations in the California Boating book also apply to the use of public waters in Tulare County. The Sheriff's Office enforces these laws and regulations, in addition to the County Boating Ordinances. The general public is expected to have knowledge of these laws and regulations, and to comply with them.
- (c) Any person violating any of the provisions of this Article which are declared to be unlawful, other than sections 2-05-1135 and 2-05-1145, shall be guilty of a misdemeanor and shall be punishable as provided in section 125 of this Ordinance Code.

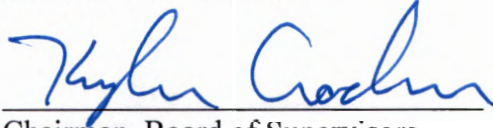
**Section 22.** The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof [a summary]

shall be published once in a newspaper of general circulation in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

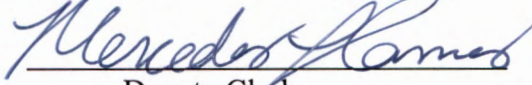
THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the   2   day of   April  , 2019, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES: SUPERVISORS CROCKER, VANDER POEL, SHUKLIAN, VALERO AND TOWNSEND  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

COUNTY OF TULARE

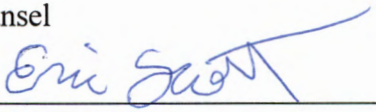
By:   
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT  
County Administrative Officer/  
Clerk of the Board of Supervisors

By:   
Deputy Clerk



Approved as to Form:  
County Counsel

By:   
Deputy  
Matter # \_\_\_\_\_