

ORDINANCE NO. 5313

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, REPEALING EXISTING CHAPTER 14.12 OF THE MONTEREY COUNTY CODE AND ADOPTING A REPLACEMENT CHAPTER 14.12 RELATING TO COUNTY PARKS

County Counsel Summary

This ordinance repeals the existing Chapter 14.12 of the Monterey County Code and adopts a replacement Chapter 14.12, which regulates County Parks. The ordinance updates all the existing County Parks regulations. The update primarily consists of non-substantive changes, such as revising references to the "Parks Director" to read "Director", as multiple County departments are responsible for oversight, and organizing the code by topic to make locating information easier. The ordinance also adds a new Section 14.12.120 that regulates smoking at County Parks. New topics addressed in the ordinance include the use of drones, scattering remains, metal detecting, and a process for review and approval of special events. Lastly, the ordinance makes minor modifications to existing regulations regarding payment of fees, consumption of beer and wine, use of electric bicycles, and pets. The ordinance will take effect on the thirty-first day after adoption.

The Board of Supervisors of the County of Monterey hereby ordains as follows:

SECTION 1. Chapter 14.12 of the Monterey County Code is hereby repealed in its entirety.

SECTION 2. Chapter 14.12 is hereby added to the Monterey County Code to read as follows:

Chapter 14.12 COUNTY PARKS

Sections:

- 14.12.010 Definitions.
- 14.12.020 Authority and responsibility.
- 14.12.030 Fees.
- 14.12.040 Park access, passes, and permits.
- 14.12.050 General park use guidelines.
- 14.12.060 Transportation.
- 14.12.070 Campgrounds.
- 14.12.080 Boating and watersports rules and regulations.
- 14.12.090 Fishing regulations.
- 14.12.100 Animals and pets.
- 14.12.110 Firearms, weapons, and explosives.

14.12.120 Smoking.

14.12.130 Enforcement.

14.12.010 Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below.

A. "Alcohol" means alcohol, spirits, liquor, Wine, Beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

B. "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof in water, and includes ale, porter, brown, stout, lager beer, small beer, and strong beer. Beer aged in an empty wooden barrel previously used to contain wine or distilled spirits shall be defined exclusively as "beer" and shall not be considered a dilution or mixture of any other alcoholic beverage.

C. "Bicycle" means any device with two or more wheels that is human powered, including but not limited to mountain bikes, cruisers, and street bicycles.

D. "Boat" means any thing, structure, object, device or contrivance designed to traverse across the surface of water, whether under mechanical or human power, including but not limited to, jet skis, wave runners, canoes and kayaks, but not including water skis, wake board, skurfers, tube floats, inner tubes, or wind surfers.

E. "Contractor" means a third-party individual or entity and its employees under contract with the County and designated to manage and/or operate County Park facilities.

F. "County" means the County of Monterey.

G. "County Park" or "County Parks" means land and facilities owned, operated, or managed by the County of Monterey and/or other public entity for which the Board of Supervisors acts as the governing body for purposes of recreation, habitat management, or open space.

H. "Cremated Remains" means the ashes and/or bone fragments of a human body or animal that are left after cremation; the term "Cremated Remains" includes ashes from the cremation container.

I. "Day Volunteer" means an individual who comes to the County Park to assist with all types of activities and tasks as directed by Parks Personnel but does not live at the park. Duties may include but are not limited to: gardening, weed abatement, general clean-up, trash pick-up and entry station's operation.

J. "Director" means the County official designated to manage one or more County Parks, or designee.

K. "Electric Bicycle" means a Bicycle equipped with fully operable pedals and an electric motor.

L. "Electronic Smoking Device" means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic Smoking Device" includes any such device, whether manufactured distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

M. "Firework" 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.

N. "Horse" means any member of the equine family including a mule or donkey.

O. "Lake San Antonio" means the reservoir created by the Lake San Antonio Dam in Monterey County, owned by the Monterey County Water Resources Agency.

P. "Lake Nacimiento" means the reservoir created by the Lake Nacimiento Dam in San Luis Obispo County, owned by the Monterey County Water Resources Agency in Monterey County.

Q. "LSRA" means that County Park known as the Laguna Seca Recreation Area.

R. "Open Space Camping Areas" means any area within a County Park which has been designated by the Director for walk-in tent campers with no Vehicle entry.

S. "Park Host" means a volunteer who provides basic operational services and information to the visiting public for a minimum number of hours per week and stays at a designated volunteer site within the assigned County Park. Duties may include, the following: opening and closing park, entry gate operation, greet visitors, provide directions, answer questions, clean and restock restrooms, pick up litter, grounds and equipment maintenance, maintain records and visitation statistics.

T. "Parks Personnel" means County employees, including Rangers, assigned to work in County Parks.

- U. "Pass" means a placard, certificate, decal, receipt or other proof of purchase issued by the Director, granting access to a County Park.
- V. "Pass Holder" means any Person issued a Pass.
- W. "Permit" means approval by the Director, in a form prescribed by the Director, for a specific use or event in a County Park.
- X. "Permittee" means a Person applying for or issued a Permit under this Chapter.
- Y. "Pet" means a commonly domesticated household animal.
- Z. "Person" means any natural person, cooperative association, employer, personal representative, receiver, trustee, assignee, or any other legal entity including a government agency.
- AA. "Raceway" means the area at LSRA that includes the race track and associated buildings, land and facilities.
- BB. "Ranger" means a uniformed employee of the County having a Ranger job classification and designated as having peace officer powers as defined in Section 830.31b of the Penal Code. Rangers may be subdivided by classification as Armed and Unarmed Rangers. Armed Rangers are those County Park Ranger job classifications which are authorized to carry firearms.
- CC. "Service Animal" means:
1. Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability; or
 2. A miniature horse not exceeding 34 inches in height, or 100 pounds in weight, that has been individually trained to perform tasks for the benefit of an individual with a disability. Whether a miniature horse may be allowed within any building, or enclosed or indoor facility at a County Park will be determined by Parks Personnel on a case by case basis by evaluation of the totality of following factors: the type, size, and weight of the miniature horse and whether the facility can accommodate those features; whether the handler has sufficient control of the miniature horse; whether the miniature horse is housebroken; and whether the miniature horse's presence within the specific facility compromises legitimate safety requirements that are necessary for the safe operation of the facility.
 3. Any other species of animal, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
- DD. "Shooting Range" means the public rifle and pistol range at LSRA.

EE. "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, Electronic Smoking Device as defined by this chapter, or any plant product intended for human inhalation.

FF. "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" or "Electric Bicycle".

GG. "Volunteer" means any individual has entered into a written agreement with the County to provide Day Volunteer or Park Host volunteer services within a County Park without compensation. For the purposes of this definition, an individual performing work in County Parks without compensation on behalf of an organization as part of an approved Permit is not considered a Volunteer. County employees may not serve as Volunteers during normal work hours, and the County employees department head must approve in writing the service of the County employee as a Volunteer with an explicit waiver of any right of compensation of any form, or entitlement to worker's compensation benefits.

HH. "Wine" means the product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage to which is added grape brandy, fruit brandy, or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made and other rectified wine products and by whatever name and which does not contain more than 15 percent added flavoring, coloring, and blending material and which contains not more than 24 percent of alcohol by volume, and includes vermouth and saké (otherwise known as rice wine.)

14.12.020 Authority and responsibility.

A. The Board of Supervisors may adopt rules, regulations and policies that provide for the health, safety, proper management and good order of County Parks. The Director shall have authority to implement these rules, regulations and policies.

B. Notwithstanding anything to the contrary herein, use of the Raceway shall be pursuant to rules, regulations and policies adopted by the Director of LSRA, and shall be consistent with the Use Permit for LSRA and historical practice in the staging of events. The use of LSRA outside of the Raceway, including the campgrounds and Shooting Range, shall be governed by the provisions of this chapter.

C. Notwithstanding anything herein to the contrary, park and open space areas owned by the East Garrison Community Services District shall be governed by this chapter until rules, regulations and policies are adopted by the Board of Supervisors by resolution, or until such time as the parks and open space areas are under the jurisdiction of an independent Community Services District. While the East Garrison Community Services District is under the authority of the Board of Supervisors, rules, regulations and policies developed for the park and

open space areas shall be submitted to the East Garrison Advisory Committee for input and recommendation prior to adoption.

D. In all matters regarding the use of Boats on, or water contact of any type in, Lake San Antonio or Lake Nacimiento, the Director shall consult with the General Manager of the Monterey County Water Resources Agency, or designee, with respect to the adoption of rules and regulations pursuant to subsection 14.12.080.

E. Parks Personnel, and Volunteers and Contractors under the direction of Parks Personnel, are authorized to direct the visiting public in County Parks as to the use of all facilities in the parks in accordance with the Monterey County Code and applicable rules and policies.

F. In the event of an emergency, Parks Personnel may direct the public as conditions may require, to expedite traffic, to ensure safety, or to prevent pollution of any lake, stream, environmentally sensitive natural area, open water-way, body of water, or riparian area notwithstanding any other provision of this chapter or the Monterey County Code.

G. The Director and/or Monterey County Sheriff's Office sworn personnel are authorized to close any County Park, or portion thereof, or any lake or stream therein, 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 the Director or Sheriff's Office, as the case may be, deems there is good cause to take any of said actions to safeguard the health or safety of the public or the safety of the park or any of its facilities. Good cause includes, but is not limited to, the following: unreasonable fire hazard; dangerous weather or water conditions; sanitary or ecological (biological) protection of a watershed; construction or repairs in a park; conservation of fish and game; excessive Boat traffic; unsafe or unsuitable shoreline, ramp, parking, or road conditions; prevention of damage to the County Park or any of its facilities; or any dangerous, unsafe, or unhealthy condition.

H. Parks Personnel may, at their discretion, refuse to admit to a County Park any Vehicle, Boat, or equipment which has been lawfully expelled from a County Park within the prior six months.

I. Armed Rangers or Monterey County Sheriff's Officers may cause to be moved or removed any Vehicle, Boat or trailer which has been illegally parked in violation of this chapter or other provision of the Monterey County Code.

J. Parks Personnel are authorized to revoke any issued Permit or Pass when:

1. Such Permit or Pass was issued unlawfully, erroneously, or under false pretenses; or

2. Parks Personnel have reasonable grounds to believe that the Person in possession of such Permit or Pass has violated any provision of this chapter, Monterey County Code, or of State law.

14.12.030 Fees.

A. The Board of Supervisors may set applicable fees for admission to or use of County Parks to recover the cost of administration of this chapter. Fees specified by this chapter shall be as established by the Board of Supervisors and as set forth in the Monterey County Master Fee Resolution, Article V – Park User Fees, pursuant to Chapter 1.40 of the Monterey County Code, as amended from time to time.

B. No Person shall enter or use any County Park, or any of its facilities, without first paying all prescribed fees, if any, to the County as set forth in this chapter.

C. All fees are due at the time of reservation, or at the time of use, when no reservation is required by the County.

D. The Director is authorized to establish special discount programs and/or reduce fees for County Park facilities for promotional purposes.

E. County employees shall be eligible for any County Park fee discounts available to the public. County employees shall not be eligible for exclusive discounts on County Park fees.

F. The Board of Supervisors may establish standards for refunds of County Park fees based on the following conditions, and the Director shall have authority to review and issue refunds on a case-by-case basis under these standards:

1. Type of fee (e.g., administrative fees, reservation fee, entry fee, etc.);
2. Time between reservation date and receipt of the refund request;
3. Amount of refund (e.g., full refund, half refund, etc.);
4. Extraordinary circumstances such as weather, family emergency or hardship.

G. The following Persons are exempt from the fee requirements of this chapter for any Pass or Permit: officers, employees, agents, and contractors (and employees of the latter) of any governmental entity, while engaged in the performance of their official duties; concessionaires of the 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; and such other Persons as may be designated by the County Board of Supervisors.

H. The following Persons are exempt from the fee requirements of this chapter for any Pass or Permit: Persons entering the park for a limited time for the purposes of set-up or drop-off (e.g., setting up a bounce house or dropping off attendees at an event). Such Persons shall complete a Visitor Drop Off Pass or sign a Visitor Log as provided by the County and exit the Park within one (1) hour of entering for set-up, or twenty (20) minutes for attendee drop-off.

Persons who exceed the allowed set-up or drop-off time shall pay all applicable Pass or Permit fees upon exiting the Park.

14.12.040 Park access, passes and permits.

A. No Person shall enter or use any County Park, or any of its facilities, without obtaining all required Permits and/or Passes as required by this chapter.

B. The Director is authorized to issue Permits and Passes for the use of County Parks.

C. Unless otherwise provided in this chapter, a Pass shall be required for entry into all County Parks.

1. A Pass shall be issued when all associated fees have been paid.

2. A Pass issued for day use is not valid for reentry into a County Park on a different day.

D. A Permit is required for the following activities:

1. Reservation of County Park facilities;

2. Possession or consumption of alcohol;

3. Camping;

4. Boating

5. Commercial activities including photography;

6. Amplified sound;

7. Any assembly of more than fifty (50) people; or

8. All other activities as required in this chapter.

E. Any Permit for an event with an expected attendance greater than five thousand (5,000) people requires final approval by the Board of Supervisors.

F. No Person shall refuse to show Parks Personnel, Volunteers or Contractors any Pass or Permit when requested for inspection of said Pass or Permit for the purpose of enforcing compliance with this chapter.

G. Pass Holders or Permittees may be required to show valid photo identification.

H. Whenever a Permit is required by the provisions of this chapter, an application shall be filed with the Director in a form prescribed by the Director stating:

1. The name and address of the Permittee (responsible party);
2. The name of the Person, group, organization or corporation sponsoring the activity;
3. A description of the proposed activity, including any special activities (such as inflatables, rock climbing walls, food trucks/services, live or amplified music);
4. The date(s), hours, and County Park for which the Permit is desired;
5. The estimated total number of people expected to attend the event; and,
6. Any other information relevant to the public health, safety and welfare, or risk to the County, which the Director finds reasonably necessary to make a fair determination whether a Permit should be issued.

I. The Director shall issue a Permit when it is determined that the proposed use of the County Park as submitted in an application meets all of the following criteria:

1. Will not unreasonably impact the County Park or use thereof.
2. Will not unreasonably interfere with or detract from the public health, welfare, safety and recreation.
3. Is not reasonably anticipated to incite violence, crime, or disorderly conduct.
4. Will not entail unusual, extraordinary, or burdensome expense or security operations by the County.
5. Will not conflict with County Park facilities that have been reserved for use by others.
6. All applicable fees to reserve the County Park have been paid in full, including deposits.
7. All Permits or plans as required by federal, state or local regulations for the use of the County Park have been obtained by the Permittee.
8. All other information requested per Section 14.12.040.H.6.

J. The Director may require a cash bond to be deposited with the County for an amount equal to fifty percent (50%) of the anticipated gross receipts due the County, if gross receipts for an event requiring a Permit are expected to exceed \$2,000.

K. The Director may charge a deposit as a condition of Permit approval in accordance with the deposit fees as may be approved in the Monterey County Master Fee Resolution. If a cash bond is required, the deposit may be included in the amount of the cash bond. The Director shall refund all or any unused portion of the deposit after completion of the event and the final costs have been determined.

L. The Director may limit access to all or a portion of a County Park by a Permittee during any part of a Permit term when the Director determines that the permitted event will negatively impact the general public's ability to safely access and use the County Park while avoiding the area of the permitted event. The Director may close the County Park to the public under extraordinary circumstances when a permitted event will make access to any portion of the County Park by the general public unsafe. In such case, the Director may charge the Permittee a fee that compensates the County for any lost revenue as a direct result of closing the County Park.

M. Permits shall be in a form prescribed by the Director and may include additional details about the event including the activities to take place during the event, the final permits required by federal, state, or local regulations, plans including medical, safety, communications traffic, sanitation, security or other supplemental plans as needed, insurance and indemnification requirements approved by the Office of County Counsel-Risk Management, local law enforcement, and any other information which the Director finds reasonably necessary to ensure the public health, safety and welfare, and limit risk to the County.

N. The Director 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.

O. Any Person whose application for a Permit has been denied or granted conditionally may appeal to the Board of Supervisors, in writing, within ten (10) days after any such denial or conditional granting. Such appeal shall specify the grounds upon which it is taken, and shall be accompanied by a filing fee as adopted by the Board of Supervisors. The Clerk of the Board shall set such appeal for hearing at the earliest practicable time, and shall notify the appellant and Director, in writing, of the time so set at least five days prior to the hearing of the appeal. After such hearing, the Board of Supervisors may reverse, wholly or partly, or may modify the order or determination from which the appeal was taken.

P. Permits may not be transferred except with the express written permission of the Director.

Q. Allocation of Costs to Permittee. In the event that the County incurs costs exceeding the average daily expense for the operation of the County Park as a result of a Permitted event, those costs shall be paid by the Permittee. Such costs may include, but not be

limited to, overtime for Parks Personnel when the event includes non-park hours, directing traffic and parking, providing security, providing trash/sewer disposal services, or utilization of County equipment in support of Permittee activities. Actual costs to County for labor and materials and equipment rental rates shall be charged as currently established within County agreements.

R. Alcohol in County Parks

1. No Person shall, within a County Park, drink, use, consume, or be in possession of any opened, sealed, or unsealed container of any Alcohol unless such possession or consumption has been specifically authorized by first obtaining a valid Permit issued by the Director specifically allowing such use or consumption.

2. Alcohol other than Beer and Wine shall be prohibited in all County Parks except for Laguna Seca Recreational Area, Lake San Antonio North Shore, Lake San Antonio South Shore, Lake Nacimiento, within a reserved campsite in San Lorenzo Park, or within residential areas within a County Park (e.g. Parks Personnel housing, live-on volunteer housing sites).

3. Alcohol shall be prohibited in youth overnight area camping areas.

4. A Permit allowing use or consumption of Alcohol shall not be required for the Laguna Seca Recreation Area, Lake San Antonio North Shore, Lake San Antonio South Shore, Lake Nacimiento, or within a reserved campsite in San Lorenzo, or within residential areas within County Parks (e.g. Parks Personnel housing, live-on volunteer housing sites).

S. Noise and Amplified Sound

1. No Person shall, within a County Park, operate any machine, mechanism, device, or contrivance which produces sound exceeding fifty (50) decibels as measured at a distance of fifty (50) feet from the source on a sound level meter using the A-weighted network without a Permit issued by the Director specifically allowing such activity.

2. The Shooting Range at Laguna Seca Recreation Area and Boating activities on San Antonio Lake are excluded from the provisions of this Subsection 14.12.040.S.

14.12.050 General park use guidelines.

A. No Person within a County Park shall:

1. Throw, dump, or deposit or in any manner dispose of any trash, refuse, garbage, litter, or waste material except in appropriate containers designated for that type of waste (e.g. trash, recycle,) placed by the County.

2. Throw, dump, deposit or in any manner dispose of, or cause or permit to be in any manner disposed, any crude or refined petroleum, engine oil, cooking oil, or oily byproduct thereof.

3. Throw, dump, or deposit into the waters of any lake, creek or stream, or upon the shore or banks thereof, any trash, refuse, garbage, litter, waste material or petroleum product of any kind.
4. Bring into such County Parks any Vehicle or vehicle parts or tires, trash, refuse, garbage, litter, or waste material for the purpose of leaving it therein.
5. Throw or deposit any burning substance into or onto any combustible place or area, except into an authorized fire pit or incinerator.
6. Repair or perform maintenance on a Vehicle.
7. Build, kindle or use any cooking or similar fire, except in a designated camping or picnicking area in a fire pit, stove, incinerator, or other similar facility receptacle provided by, or approved by, Parks Personnel.
8. Leave unattended any fire kindled by the Person.
9. Hunt, kill, injure, or molest any animal or bird, or allow any child or animal in their care and custody to do so.
10. Land any aircraft in any County Park, except in an emergency or when authorized.
11. Sell or advertise any product or service, 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 carry on any other commercial activity without a Permit.
12. Enter or remain in any County Park area after the posted closing time unless authorized by a Permit.
13. Enter any area of the County Park where signs have been erected by Parks Personnel forbidding such entry.
14. Cut, pick, mutilate, remove, or destroy any vegetation, or remove soil or rock or natural material, except as authorized by the Director.
15. 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 utility.

16. Commit any act of vandalism, including, but not limited to, cutting fence, removing fixtures or equipment, or destroying, painting, marking, tagging, or defacing any building, sign, fixture, or other equipment.

17. Engage in any riotous, boisterous, threatening, or incendiary conduct, or use obscene language, or operate a remote-controlled aircraft system (drone), model airplane, radio or musical instrument in such a manner as to disturb other Persons.

18. Play or practice golf or archery or operate motor-driven model airplanes except in areas specifically designated and posted by the Director for such purpose.

19. Operate or land remote-controlled aircraft systems (drones) or model airplanes of any size without a Permit. Approval may only be provided on a one-time use, case by case basis.

20. Scatter or otherwise deposit Cremated Remains within or over County Parks.

21. Engage in scuba or free diving without a Permit specifically authorizing such activity.

22. Operate or cause to operate any generator in an area designated by the Director as a no generator area or during posted no generator hours.

23. Engage in any activity that is reasonably likely to cause injury or death of the participant or any other Person or damage property.

B. Metal detecting is only permitted in County Parks if all of the following are met:

1. The use of metal detector is limited to developed County Parks except in historical and cultural sites as determined by the Director in accordance with applicable law.

2. Operators of a metal detector shall wear or carry a litter apron or bag, and all litter found is to be disposed of properly in an approved trash receptacle.

3. Turf areas and ball fields, including open playfields utilized for practice, trails, and other County Park amenities may not be disturbed. Any disturbed ground must be restored and the digging location returned to its original condition.

4. Digging tools are limited to a small trowel or hand rake, such as a small gardening claw. Shovels or picks are not allowed.

5. Metal detector operators may keep any non-identifiable items with an estimated nominal value of less than twenty-five dollars (\$25). Identifiable items such as rings, watches, and all other items of value exceeding twenty-five dollars (\$25) are to be turned in to Parks Personnel. These provisions apply to all lost-and-found articles including those found

without the aid of a metal detector. All articles turned in to Park Personnel shall be held at a designated lost and found location for ninety-five (95) days from the date received. All items not claimed shall be disposed of in accordance with California law.

14.12.060 Transportation.

A. No Person shall drive a Vehicle within a County Park unless they possess a valid driver's license issued to them by the State of California, another state, or foreign jurisdiction of which they are a resident.

B. No Person shall drive any Vehicle or ride a Bicycle within a County Park in willful or wanton disregard for the safety of Person or property.

C. No Person shall drive a Vehicle within a County Park which has not been licensed by the motor vehicle licensing authority of the State of California, another state, or a foreign jurisdiction.

D. No Person shall drive a motorcycle within a County Park 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.

E. No Person shall drive a Vehicle within a County Park at a speed greater than posted limits. If not posted, speed limits shall be as follows:

1. Maximum five miles per hour (5 mph) in a picnic area, campground, or parking lot;
2. Maximum fifteen miles per hour (15 mph) in any other non-posted area.

F. No Person shall drive a Vehicle within a County Park on any surface other than established vehicular roads, parking areas or Boat launching areas.

G. No Person shall park or leave unattended within a County Park any Vehicle or trailer in other than a single parking stall or area designated for such parking; or on any Boat launching ramp or so near thereto as to hinder or impede the drivers of other Vehicles.

H. No Person within a County Park shall ride a Bicycle on any trail not authorized for such use.

I. Electric Bicycles are prohibited from all County Park dirt trails, unless authorized by the Director.

J. No Person within a County Park shall ride a bicycle on any authorized dirt trail without wearing a protective helmet that is certified by American National Standards Institute (ANSI), Snell Memorial Foundation (SNELL), or both.

K. The following Persons are exempt from the requirements of subsections C through H of this Section 14.12.060: Parks Personnel, Volunteers and Contractors while in the performance of their duties; officers, employees, agents, and contractors (and employees of the latter) of any governmental entity, while engaged in the performance of their official duties; employees of public utilities while in the performance of their duties; and such other Persons as may be designated by the County Board of Supervisors.

14.12.070 Campgrounds.

A. No Person shall camp within a County Park without a valid, unexpired, unrevoked Permit specifically allowing such use. Parks Personnel may, at any time, revoke such Permit if the campsite occupied by a Permittee is not maintained in a reasonably clean and sanitary manner.

B. Rangers and Contractors (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.

C. The Director may issue Permits allowing camping for a maximum of fifteen (15) consecutive days, and campground occupancy by the same Person(s), equipment, or Vehicle(s) at any one County Park shall not exceed thirty (30) total days per year, unless otherwise extended at the discretion of the Director. The occupant(s) equipment, and Vehicle(s) must vacate the campground for a minimum of two (2) consecutive days after the first fifteen (15) day Permit has expired, before a second Permit may be issued.

D. All Permits allowing camping expire at the time noted on the Permit.

E. No Person shall camp within a County Park except within camping areas designated by the Director.

F. No more than two (2) Pets are allowed per campsite.

G. The holder of a Permit allowing camping shall affix it to his or her campsite marker. No Person shall move, mutilate, or destroy any campsite marker or Permit.

H. No Person shall, without prior approval of Parks Personnel, exceed the posted Vehicle limit for a campsite, with a maximum of two (2) Vehicles, or one (1) Vehicle and one (1) Boat trailer, at any one (1) campsite in a County Park.

I. Quiet hours shall be observed in all camping areas of County Parks between the hours of 10 p.m. and 7 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, including but not limited to amplified music, dog barking, or voice levels that extend beyond the subject campsite.

J. No Person (minor) under the age of eighteen (18) shall camp within a County Park unless accompanied by an adult.

K. No Person shall camp below the high-water line of any lake in a County Park unless authorized by Parks Personnel or a Contractor.

L. Campsites must be physically occupied at least once every twenty-four (24) hours by the Permittee, or his or her designee.

M. Permits issued for Open-Space Camp Areas shall be valid only for camping in areas designated as Open-Space Camp Areas and may not be used in other camp sites.

14.12.080 Boating and watersports rules and regulations.

A. The Director is authorized to establish and designate such restricted Boating areas and speed zones on any lake in County Parks as are reasonably necessary for the safety of Persons and property, and to designate parts of a lake in a County Park for the exclusive use of specific classes of Boats and during specific times.

B. The Director is authorized to establish and designate health, sanitation and pollution standards for Boats operating within County Parks. It shall be unlawful for any Person to have, use or operate a Boat or Boat trailer within a County Park that does not meet such minimum health, sanitation and/or pollution standards, and that does not have an annual or daily Boat Permit and any required local inspection certification, unless otherwise exempted.

C. Any inanimate object, including Boats, water skis, wake boards, skurfers, tube floats, innertubes and windsurfers, shall be inspected for invasive species by Parks Personnel prior to entering the water at either Lake San Antonio or Lake Nacimiento. If the object or thing passes the local inspection certification process, it shall receive a local inspection certification permitting it to be used on or in either Lake. The owner or user of the object must present the certificate upon request by Parks Personnel.

D. Parks Personnel and employees of the Monterey County Water Resources Agency are authorized to board and inspect or re-inspect any Boat, Boat trailer, or vehicle transporting or towing said Boat in a County Park 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 Lake San Antonio or Lake Nacimiento, and related infrastructure. If, after a Permit for a Boat and/or any required local inspection certification is issued, a Boat, Boat 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, Rangers are authorized to revoke, for noncompliance, any Permit previously issued and may remove said Boat, Boat trailer or vehicle from the water. Any Person who refuses to allow such inspection shall immediately remove his/her Boat, Boat trailer and/or vehicle from the water. It shall be unlawful for any Person to operate a Boat in a County Park when the Boat does not comply with all applicable local, state, and federal laws, rules or regulations.

E. Permits allowing the use of a Boat shall be affixed to the outboard side of the Boat, approximately mid-Boat on the port side, or on the port side of the Boat windshield, and

are not transferable to other Boats owned concurrently by the same or other owners. Permits allowing use of a Boat, and any required local inspection certification, must be carried on the Boat at all times. Permits allowing use of Boats and any required local inspection certification are for the exclusive noncommercial use of the Boat for which the Permit was issued by the Director. No Person shall move, mutilate, alter, or destroy any Permit allowing use of a Boat without the prior consent of the Director.

F. Boats owned or used by the County may not be required to obtain Permits or other local inspection certifications but shall be subject to all other provisions of this chapter.

G. Boats owned by governmental agencies or by concessionaires of the County shall not be required to obtain Permits under this chapter but shall be subject to all other provisions of this chapter.

H. No Person shall place, use, or operate any Boat on a lake or stream in a County Park which:

1. Fails to comply with all safety requirements;
2. Fails to comply with noticed restrictions for invasive species (e.g., quagga mussels);
3. Lacks a valid decal, state registration, license and County Permit;
4. Is not in a clean and sanitary condition;
5. Is not, in the judgment of Parks Personnel, of safe design and construction;
6. Possesses an operable sink drain or toilet, unless the Boat is a permitted houseboat as defined in Section 14.22.010 of the Monterey County Code; or
7. Is of such size as to constitute, in the judgment of Parks Personnel, an unreasonable hazard, in which case it may, at the direction of Parks Personnel, be confined to designated areas.

I. No Person within a County Park shall do any of the following:

1. Operate a Boat without a valid and unrevoked Permit or any required local inspection certification.
2. Use on or in either Lake San Antonio or Lake Nacimiento any inanimate object without a required local inspection certification.
3. Operate a Boat within a prohibited area when such area has been so designated by official waterway markers.

4. Operate a Boat in violation of navigation rules as established, and may be changed from time to time by the United States Coast Guard, and buoy markings.
5. Operate a Boat at a speed greater than five (5) miles per hour within two hundred (200) feet of any Boat landing dock, ramp, logboom, or regular beaching area; or within one hundred (100) feet of any Boat that is not under way, or in such a manner as to create a wake.
6. Operate a Boat in a restricted or special speed zone at a speed in excess of that posted by official waterway markers.
7. Operate a Boat within two hundred fifty (250) feet astern of any trolling fishing Boat.
8. Operate or occupy any Boat while afloat during hours of darkness, without prior approval of Parks Personnel.
9. Keep any Boat on shore overnight, except in a designated area.
10. Anchor or moor a Boat which is in his or her care, custody and control unattended, at a dock, for a period of more than fifteen (15) minutes; or, at any other place while afloat, for a period of more than eight (8) hours, without prior approval of Parks Personnel.
11. Launch any Boat at any place other than a designated launching area.
12. Land or beach any Boat, except at designated docks, ramps, or other designated locations.
13. Launch any Boat that is polluted, infested with invasive aquatic species, or is not seaworthy or sanitary. All Boats must be "clean, drained, and dry" in order to receive an annual and/or daily Permit and any required local inspection certification to operate on Lake San Antonio or Lake Nacimiento. Any Boat trailer coming into contact with Lake San Antonio or Lake Nacimiento shall be free of all invasive aquatic species.
14. Operate any Boat bilge pump in a manner that causes a discharge of material into the lake except in an emergency which presents an immediate and serious threat to life, health, or safety.
15. Allow waste from Boat washing to discharge into a lake or stream or onto any shore or bank thereof, except at such designated locations.
16. Engage in any Boat race, regatta, tournament, or exhibition, or operate a Boat for hire, or engage in sales promotion activities of any kind, without first obtaining the consent of Parks Personnel.

17. Allow any Boat that is in his or her custody, care, or control to be operated by any Person who is not competent or legally allowed to do so safely.

18. Use a Boat in a reckless or negligent manner so as to endanger the life, limb, or property of any Person.

19. Operate any Boat contrary to the lawful directions given by a Ranger or a Sheriff's Officer.

J. No Person operating a motorized Boat shall tow more than two (2) water-skiers, tubes or other towable equipment at the same time, unless prior approval to do so has been granted by Parks Personnel.

K. Any Boat which has been left unattended in violation of a provision of this chapter may be towed to a suitable storage area by Parks Personnel, at the expense of the owner or other Person responsible for such Boat. The charges made for such towing and storage shall be those established by resolution of the Board of Supervisors; pursuant to the provisions of the Harbors and Navigation Code, as it may be amended from time to time, and this chapter, the County may have a possessory special lien on such Boat until such charges are paid. Such lien may be foreclosed in the manner provided by law.

14.12.090 Fishing regulations.

A. No Person within a County Park shall do any of the following:

1. Clean fish, except at designated places.
2. Bring into, or receive in, any recreation area any fish, amphibian animal, or aquatic plant for the purpose of propagation or use as fish bait, without the approval of Parks Personnel and the California Department of Fish and Wildlife.
3. Fish within a distance of three hundred (300) feet from a point where fish have been planted within a period of twenty-four (24) hours after such plant.

B. Parks Personnel shall post areas where fish have been planted with appropriate and visible "No Fishing" signs at the time of plant. Such signs shall remain in place during the period in which fishing in such area is prohibited.

14.12.100 Animals and Pets.

A. Any Person who proposes to enter with a Pet must exhibit, upon request by Parks Personnel, Volunteers or Contractors, either a current license or a certificate of rabies inoculation of the Pet as applicable. Service Animals shall be exempt from any fees pertaining to Pets as part of the Fee Schedule for use of County Parks.

B. Parks Personnel may refuse to admit to any County Park any Person who possesses:

1. More than two (2) Pets; or
2. A Pet which threatens the life, health, or safety of other Pets or Persons in such County Park.

C. No Person within a County Park shall do any of the following:

1. Allow any Pet in his or her custody to run unrestrained or upon a secure leash over seven (7) feet long or, to be upon any beach, trail, or other posted public assembly area, except for designated no-leash areas (e.g. dog park) as established by the Director. Service Animals are subject to this provision, unless the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the Service Animal's safe, effective performance of work or tasks, in which case the Service Animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
2. Allow any Pet or Service Animal in his or her custody to molest, harass or endanger any Person.
3. Allow any 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
4. Abandon in the County Park any Pet in his or her custody.
5. Ride a Horse in willful or wanton disregard for the safety of Persons or property.
6. Allow any Horse, permitted to be in a County Park, to be in any part of such park outside of established equestrian trails or designated equestrian areas.

14.12.110 Firearms, weapons, and explosives.

A. No Person shall, within a County Park, possess, use, or discharge any firearm, pellet gun, bow and arrow, crossbow, slingshot, or missile launching device (e.g. model rocket), except:

1. A peace officer while on duty.
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.
3. As otherwise provided in this chapter.

B. Shooting Range:

1. For any Person who is not prohibited from firearm possession, it is lawful to possess, use, or discharge a firearm or firearms thereon during such times as the Shooting Range is open for public use, and it is lawful to transport an unloaded firearm or firearms between such range and the County Park entrance.
2. Drugs and Alcohol are prohibited at the Shooting Range and adjacent parking area. Any Person under the influence of, or suspected to be under the influence of, drugs or alcohol or both, in those areas shall be subject to arrest and removal from the Shooting Range area.
3. No Person may carry a loaded firearm on his or her Person or in a Vehicle under his or her control while entering or leaving the Shooting Range area or County Park.
4. Fully automatic firearms and armor-piercing, incendiary, or tracer ammunition are prohibited at the Shooting Range.
5. Parks Personnel are authorized to inspect and prohibit the use of all firearms and ammunition that are, in the judgment of Parks Personnel, unsafe or hazardous at the Shooting Range.
6. Minors under six (6) years of age are not permitted to use firearms at the Shooting Range and are not permitted inside the firing enclosure.
7. Minors under fourteen (14) years of age are permitted inside the firing enclosure and may discharge firearms at the Shooting Range but are not permitted to discharge handguns.
8. Minors under sixteen (16) years of age are not permitted to use the Shooting Range unless accompanied by an adult.
9. The Director is authorized to establish and post notices of the times when the Shooting Range shall be open or closed to public use.
10. No Person shall, within a County Park, possess or use any Fireworks or other explosives without a Permit.
11. If an archery range has been established in a County Park, it shall be lawful to possess, use, or discharge a bow and arrow, or crossbow, within designated areas 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 County Park entrance. The Director is authorized to establish and post notices of the times when the archery range shall be open or closed to public use.

14.12.120 Smoking.

A. Except as otherwise provided by this chapter or by state or federal law, Smoking shall be prohibited everywhere in County Parks.

B. Except where prohibited by state or federal law, Smoking may be permitted in the following locations within County Parks notwithstanding Section 14.12.120.A:

1. Designated smoking areas ("DSAs") in Laguna Seca, Lake San Antonio and Lake Nacimiento parks, when such DSAs have been approved by the Director and developed and maintained as such by the County;

2. Smoking areas at events within a County Park with an estimated attendance of greater than 5,000 people, which areas have been approved as part of a Permit issued by the County;

3. Within a Volunteer's private residence located within a County Park; and

C. The Director is authorized to temporarily prohibit Smoking in all designated smoking areas when Parks Personnel have determined that area to be a hazardous fire area, provided signs are in place giving notice thereof.

D. Each incident of Smoking in violation of this chapter is an infraction.

14.12.130 Enforcement.

A. It is the duty of Park Personnel and safety employees of the Sheriff's Office to enforce the provisions of this chapter.

B. Pursuant to Section 836.5 of the Penal Code, Armed Rangers and safety employees of the Sheriff's Office are authorized to arrest a Person without a warrant whenever the Director, uniformed Parks Department employees, or safety employees of the Sheriff's Office have reasonable cause to believe that the Person to be arrested has committed a misdemeanor or felony in his or her presence.

C. In any case in which a Person is arrested for a misdemeanor pursuant to Subsection B of this Section, and the Person arrested does not demand to be taken before a magistrate, the arresting officer or employee 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 California Penal Code. Notwithstanding the foregoing, nothing in this chapter shall be construed as prohibiting an arresting officer from taking a Person before a magistrate instead of being released, in accordance with Penal Code Section 853.6(i). The provisions of that Penal Code chapter shall thereafter apply with reference to any proceeding based upon the issuance of a notice to appear pursuant to this chapter.

D. Violation of this chapter or any other established rule or regulation approved by the Board of Supervisors shall be grounds to terminate any user's right, permission, or privilege to use or occupy any County Park or facility.

E. Any Person found to be under the influence of or suspected to be under the influence of Alcohol, or in the possession of any opened, sealed, or unsealed container of Alcohol in a County Park without a required valid, unexpired, unrevoked Permit allowing the use or consumption of Alcohol issued by Parks Personnel shall be subject to arrest, citation, and/or removal from the County Park.

F. If there are reasonable grounds to believe that any Person has violated any provision of this chapter, or of state or federal laws, Parks Personnel may expel such Persons forthwith from the County Park. No Person who has been ordered expelled from a County Park shall remain therein.

1. It is unlawful for any Person to enter any County Park for a period of six months when the permission for such entry has been suspended, revoked, or when such Person has been expelled from the County Park.

2. A Person whose permission to be in a County Park has been suspended or revoked pursuant to subsection 14.12.130.F.1, may appeal such suspension or revocation pursuant to the provisions of subsection 14.12.040.O.

G. No Person shall willfully fail or refuse to comply with any lawful order, signal, or direction of any authorized Parks Personnel, Volunteer or Contractor or refuse to submit to any lawful inspection under this chapter.

H. Parks Personnel are authorized to issue administrative citations for violations of County ordinances, subject to fines as established pursuant to Chapters 1.20 and 1.22 of the Monterey County Code.

I. Except as otherwise provided, enforcement of this chapter is at the sole discretion of the County. Nothing in this chapter shall create a right of action in any Person against the County, its Officers, agents, or employees, or compel public enforcement of this chapter against private parties.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 201_, by the following vote:

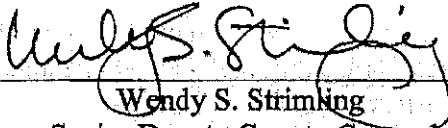
AYES:
NOES:
ABSENT:
ABSTAIN:

Chair
Monterey County Board of Supervisors

ATTEST:

Valerie Ralph
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM BY:


Wendy S. Strimling
Senior Deputy County Counsel

**Item
#57
on
BOS
6-7-19**

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Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
www.co.monterey.ca.us

Board Order

Ordinance No. 5313

A motion was made by Supervisor Luis A. Alejo, seconded by Supervisor Chris Lopez to:

Adopted Ordinance No. 5313 repealing Chapter 14.12 of the Monterey County Code (County Parks) and adopting a replacement Chapter 14.12 (County Parks), relating to lands and facilities owned, operated, or managed by the County, or where the Board of Supervisors acts as the governing body, for the purpose of recreation, habitat management, or open space.

Proposed CEQA action: Categorically exempt from environmental review pursuant to Section 15301.

PASSED AND ADOPTED on this 25th day of June 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

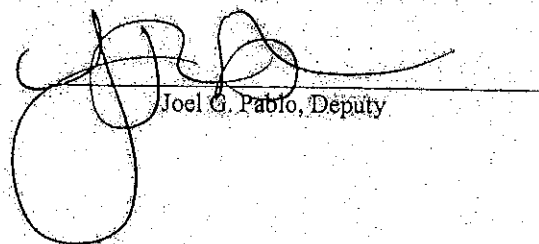
NOES: None

ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting June 25, 2019.

Dated: June 26, 2019
File ID: ORD 19-020
Agenda Item No. 24

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Joel G. Pablo, Deputy