

TITLE 11, CHAPTER 11.20

OF THE COUNTY CODE

Chapter 11.20

NACIMIENTO LAKE

Sections:

- 11.20.05 Preamble and Purposes.**
- 11.20.10 Definitions.**
- 11.20.20 Penalty for violation.**
- 11.20.30 Permit and fee schedules.**
- 11.20.40 Permit and fee required – refund.**
- 11.20.50 Permit and fee – exemptions.**
- 11.20.60 Annual vehicle and vessel permits.**
- 11.20.70 Permit revocation.**
- 11.20.80 Shoreline camping and day use limitations.**
- 11.20.90 Camping and day use regulations.**
- 11.20.100 Camping prohibited on public property.**
- 11.20.110 Vessel operation in prohibited areas.**
- 11.20.120 Vessel regulations.**
- 11.20.130 Vessel speed limits – posted zones.**
- 11.20.140 Motor vehicle operation regulations.**
- 11.20.150 Motor vehicle parking regulations.**
- 11.20.160 Bicycle regulations.**
- 11.20.170 Pets.**
- 11.20.180 Firearms and other weapons.**
- 11.20.190 Sign posting – structure and buoy construction**
- 11.20.200 Urinate or defecate in public.**
- 11.20.210 Miscellaneous prohibited acts.**
- 11.20.220 Fireworks prohibited.**
- 11.20.230 Swimming regulations.**
- 11.20.240 Aerial activities.**
- 11.20.250 Enforcement – power to direct public.**
- 11.20.260 Enforcement – park closure.**
- 11.20.270 Enforcement arrest – arrest and citation authority.**
- 11.20.280 Delegation of powers by San Luis Obispo County of Board of Supervisors.**
- 11.20.290 Fees.**

11.20.05 Preamble and Purposes.

This Chapter is enacted in order to establish rules and regulations for the safe and peaceful use and enjoyment of Nacimiento Lake, to advance the public health, safety and welfare at the lake, for the protection and preservation of property and natural resources, and for the general safety and welfare of the public. The County of San Luis Obispo and the San Luis Obispo County Flood Control and Water Conservation District reserve all rights and interests each may have at Nacimiento Lake, as they exist under any federal, state or local law.

11.20.10 Definitions.

As used in this Chapter the following terms shall have the following meanings, unless otherwise apparent from the context that a different meaning is intended:

1. "Aquaplane" or "Aquaplaning" means any aquaplane, plank, surfboard, water ski, wakeboard, or other device used for transportation, conveying or carrying a person who is being towed or pulled by a Vessel or other watercraft by means of a rope, chain, cable, wire, or other flexible connection.
2. "Bicycle" means any device as defined by the California Vehicle Code as a "bicycle," "motor driven cycle," motorized bicycle or moped," "motorized quadricycle and motorized tricycle" and/or "motorized scooter."
3. "Fireworks" 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.
4. "Horse" means any member of the equine family and includes mule and donkey, or other rideable animal.
5. "Lake" means Nacimiento Lake.
6. "Log Boom" means the continuous floating barrier than spans fully across Nacimiento Lake from the north to the south shores in the vicinity of Nacimiento Dam.
7. "Monterey County" means the County of Monterey.
8. "Motorcycle" means that device as defined by the California Vehicle Code.
9. "Nacimiento Dam" means the dam which forms the Lake.

10. "Nacimiento Lake" or "Lake" means the reservoir created by Nacimiento Dam, and lands flooded up to elevation 825 feet – NGVD29, located in the County of San Luis Obispo.

11. "Nacimiento Recreation Area" means that portion of Nacimiento Lake and the land owned or leased by the Monterey County Water Resources Agency and/or the County of Monterey located in San Luis Obispo County.

12. "Operator" means any concessionaire of the Monterey County Parks Department contracted to provide services at the Nacimiento Recreation Area. Authority for the Operator shall be limited to that provided in the contract or agreement between Monterey County and the Operator.

13. "Parks Director" means the Chief Ranger or Director of the Monterey County Parks Department or any employee to whom such authority is delegated to by the Parks Director.

14. "Monterey County Parks Department" means the Monterey County Parks Department and its uniformed employees.

15. "San Luis Obispo County" means the County of San Luis Obispo.

16. "San Luis Obispo County Flood District" means the San Luis Obispo County Flood Control and Water Conservation District as created under Chapter 1294 of the Statutes of 1945.

17. "Sheriff's Department" means safety employees of the San Luis Obispo County Sheriff's Department.

18. "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."

19. "Vehicle Code" means the California Vehicle Code. Whenever any reference is made to any portion of the Vehicle Code or of any other law including, without limitation, the Penal Code and Health and Safety Code, such reference shall apply to all amendments and additions hereafter made to such sections.

20. "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

- a. A seaplane on the water;
- b. A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to, or guided on, such permanently

fixed course by a mechanical device that restricts the watercraft's movement to the fixed course; and

c. A floating structure which is designed and built to be used as a stationary waterborne residential dwelling which does not have and is not designed to have a mode of power on its own and is dependent for utilities upon a continuous utility linkage to a source originating on shore and has a permanent, continuous hookup to a shoreside sewage system..

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. Section headings, when contained in this Chapter shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section. "Shall" is mandatory and "may" is permissive.

21. "Vessel Trailer" means any trailer or equipment used to transport a Vessel and which is placed in the water to launch the Vessel.

11.20.20 Penalty for violation.

Every person who violates any of the provisions of this Chapter, except for peace officers acting under their scope and authority, and personnel of the San Luis Obispo County District, San Luis Obispo County, and/or Monterey County Parks Department when in the course of the performance of their official duties, may be deemed guilty of a misdemeanor and upon conviction thereof is punishable by imprisonment in the San Luis Obispo County Jail for not more than one year, or by a fine of not more than one thousand dollars, or by both. A peace officer issuing a citation for a violation may at his or her discretion reduce any offense charged under this Chapter to an infraction.

11.20.30 Permit and fee schedules.

All permits, certificates, or decals issued by the Monterey County Parks Department authorizing the use of the Nacimiento Recreation Area and its facilities, and the fees, if any, for the same, shall be in accordance with schedules adopted, from time to time, by resolution of the Monterey County Board of Supervisors.

11.20.40 Permit and fee required – refund.

No person shall enter or use the Nacimiento Recreation Area without first paying the prescribed fee, if any, to the Monterey County Parks Department at an established point of entry or collection and receiving an appropriate permit, certificate, or decal unless exempted under this Chapter. No person shall, upon leaving the Nacimiento Recreation Area, refuse to exhibit to the Monterey County Parks Department, upon its demand, any permit, certificate, or decal which has been

issued to him or her. No fee shall be refunded unless refunds have been authorized by resolution of the Monterey County Board of Supervisors.

11.20.50 Permit and fee – exemptions.

The following persons are exempt from the permit and fee requirements of this Chapter: officers, employees, agents, and contractors (and employees of the latter) of any governmental entity, while engaged in the performance of their duties; concessionaires of Monterey 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; such other persons as may be designated by resolution of the Monterey County Board of Supervisors.

11.20.60 Annual vehicle and vessel permits.

1. Annual Vehicle and Vessel permits shall be valid for the calendar year in which issued, terminating on December 31st thereof, unless sooner revoked.
2. Annual Vehicle permits shall be issued to an individual for noncommercial use by him or her and/or his or her immediate family only.
3. Annual Vessel permits are issued for a single Vessel and may not be transferred to another Vessel.
4. The annual Vessel permit shall be affixed to the outboard side of the Vessel approximately midboat on the port side, or on the port side of the Vessel windshield, and is not transferable to other Vessels owned concurrently by the same or other owners. No person shall move, mutilate, alter, or destroy any annual Vessel permit without the prior consent of the Monterey County Parks Department.

11.20.70 Permit revocation.

The Monterey County Parks Department and the San Luis Obispo County Sheriff's Department are each authorized to revoke any permit, certificate, or decal which has been issued when:

1. Such permit, certificate, or decal was issued unlawfully or erroneously; or
2. Such personnel has reasonable grounds to believe that the person to whom such permit, certificate, or decal was issued, or any person who enters the Nacimiento Recreation Area using such permit, certificate, or decal, has violated any provision of this Chapter or any applicable local, state, or federal law, rule or regulation. In such cases, the Monterey County Parks Department and San Luis Obispo County Sheriff's Department may expel such persons from the Nacimiento Recreation Area and cause such Vessels to be removed from Nacimiento Lake and the Nacimiento Lake Recreation Area.

No person who has been ordered expelled from the Nacimiento Recreation Area shall remain therein. The Monterey County Parks Department may, in its discretion, refuse to admit to the Nacimiento Recreation Area any person who or Vehicle, Vessel, trailer, Vessel Trailer or other equipment which has been expelled from Nacimiento Lake or the Nacimiento Recreation Area within the immediately preceding six (6) months.

11.20.80 Shoreline camping and day use limitations.

It is unlawful at any time to picnic or at any time after dark to camp on any land adjacent to the shoreline of Nacimiento Lake, except at areas specifically designated for picnicking or for overnight camping by the owner of such areas and which are also approved for such uses by the San Luis Obispo County Planning and Building Department and the San Luis Obispo County Health Agency. For the purposes of this section, "after dark" means any time from one-half hour after sunset to one-half hour before sunrise. "Camping" means erecting a tent or shelter or arranging bedding and/or both, or the use of a recreational vehicle for the purpose of, or in such a way as will permit, remaining overnight.

11.20.90 Camping and day use regulations.

1. No person shall enter or camp within the Nacimiento Recreation Area without a valid, unexpired, unrevoked permit for such entrance or day-use. The Monterey County Parks Department and Sheriff's Department may, at any time, revoke the camping or day-use permit of any person if the campsite or day-use area occupied by such person is not maintained by him or her in a reasonably clean, sanitary, and attractive manner.

2. No person shall camp within the Nacimiento Recreation Area except within designated camping areas. No person shall enter or remain in any day-use park area after the posted closing time without prior approval of the Monterey County Parks Department.

3. The holder of a camping or day-use permit shall maintain possession of the permit at all times and present it when requested by personnel of the Monterey County Parks Department or San Luis Obispo County Sheriff's Department. No person shall move, mutilate, alter, or destroy any campsite marker or permit without the prior consent of the Monterey County Parks Department.

4. Camping permits may be issued so as to expire after a maximum of fifteen (15) consecutive days, and campground occupancy by the same person(s), equipment, or Vehicle(s) at any camping facility within the Nacimiento Recreation Area shall not exceed thirty (30) total days per year, unless otherwise extended at the discretion of the Monterey County Parks Director or designee. After the first fifteen (15) day permit has expired, the occupant(s) equipment, and Vehicle(s) must vacate

the campground for a minimum of two (2) consecutive days before a second permit may be issued. All camping permits expire at the time noted on the permit.

5. No person shall, without prior approval of the Monterey County Parks Department, park more than two Vehicles, or one Vehicle and one Vessel Trailer, at any one campsite at the Nacimiento Recreation Area.

6. Quiet shall be observed in all areas of the Nacimiento Recreation Area between the hours of ten p.m. and seven 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.

7. No person under the age of eighteen (18) shall camp within the Nacimiento Recreation Area unless accompanied by an adult.

8. No person shall camp below the high water line at the Nacimiento Recreation Area unless authorized by the Monterey County Parks Department.

9. Campsites or day-use areas must be physically occupied at least once every twenty-four (24) hours by the permittee or designee. The Monterey County Parks Department, the San Luis Obispo County Sheriff's Department, and/or an Operator (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.

10. No person shall occupy any day-use area or campsite that is not maintained in a reasonably clean, attractive, safe or sanitary manner. It shall be the responsibility of any person using such an area to notify the Monterey County Parks Department immediately upon arrival of any deficiencies noted.

11.20.100 Camping prohibited on public property.

No person shall camp within the Nacimiento Recreation Area between the hours of six p.m. and six a.m. on any:

1. Public road; or
2. Public property, except when the public property is expressly designated and posted for overnight camping.

11.20.110 Vessel operation in prohibited areas.

It is unlawful for any person within Nacimiento Lake to operate a Vessel within a prohibited area designated by official standard waterway markers on the Lake. The Monterey County Parks Department is authorized to designate such prohibited areas, as needed, to protect the safety and property of visitors to Nacimiento Lake. No person shall operate a recreational Vessel between the Log Boom and Nacimiento Dam.

11.20.120 Vessel regulations.

1. The Monterey County Parks Department is authorized to establish and designate such restricted boating areas and speed zones at Nacimiento Lake as are reasonably necessary for the safety of persons and property.
2. The Monterey County Parks Department is authorized to designate parts of Nacimiento Lake for the exclusive use of such specific classes of Vessels and during such specific times as will, in its judgment, best serve the safety, welfare, and/or interests of the boating public.
3. The Monterey County Parks Department is authorized to establish and designate health, sanitation and pollution standards for Vessels operating at Nacimiento Lake. It shall be unlawful for any person to have, use or operate a Vessel or Vessel Trailer at Nacimiento Lake that does not meet such minimum health, sanitation and/or pollution standards, and that does not have an annual or daily Vessel permit and any required local inspection certification, unless otherwise exempted.
4. The Monterey County Parks Department, the San Luis Obispo County Sheriff's Department, and other peace officers with concurrent jurisdiction are authorized to inspect, upon entry to Nacimiento Lake and/or the Nacimiento Recreation Area, all Vessels, Vessel Trailers and Vehicles transporting or towing said Vessels, to determine that such Vessels, Vessel Trailers and Vehicles are in compliance with this Chapter, and all other applicable local, state, and federal rules, laws and regulations, including, without limitation, those pertaining to the health and safety of the visiting public, and the health, safety, and sanitation of Nacimiento Lake and related infrastructure.
5. The Monterey County Parks Department, the San Luis Obispo County Sheriff's Department, and other peace officers with concurrent jurisdiction are authorized to board and inspect or re-inspect any Vessel, Vessel Trailer or Vehicle transporting or towing said Vessel at Nacimiento Lake and the Nacimiento Recreation Area, 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 Nacimiento Lake and related infrastructure.
6. If, after a Vessel permit and/or any required local inspection certification is issued, a Vessel, Vessel 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, then the Monterey County Parks Department, the San Luis Obispo County Sheriff's Department, and other peace officers with concurrent jurisdiction are authorized to revoke, for noncompliance, any annual or daily Vessel permit previously issued and may remove said Vessel, Vessel Trailer or Vehicle from the waters of Nacimiento Lake and/or the Nacimiento Recreation Area. Any person who refuses to allow such inspection shall immediately remove his/her Vessel, Vessel Trailer and/or Vehicle from the waters of Nacimiento Lake. It shall be unlawful for any person to operate a Vessel on Nacimiento

Lake when the Vessel does not comply with all applicable local, state, and federal laws, rules and or regulations.

7. Annual Vessel permits shall be affixed to the outboard side of the Vessel, approximately midvessel on the port side, or on the port side of the Vessel windshield, and are not transferable to other Vessels owned concurrently by the same or other owners. Daily Vessel permits and any required local inspection certification must be carried on a Vessel at all times. Vessel permits and any required local inspection certification are for the exclusive noncommercial use of the Vessel for which the permit was issued by the Monterey County Parks Department. No person shall move, mutilate, alter, or destroy any Vessel permit without the prior consent of the Monterey County Parks Department.

8. Vessels owned or used by the San Luis Obispo County Sheriff's Department, the Monterey County Parks Department, governmental agencies, and Operators at Nacimiento Lake may not be required to obtain Vessel permits or other local inspection certifications, but shall be subject to all other provisions of this Chapter.

9. No person shall place, use, or operate, without a daily or annual Vessel permit from the Monterey County Parks Department, any Vessel on Nacimiento Lake which:

- a. Fails to comply with all safety requirements.
- b. Lacks a valid state registration decal, and a valid Monterey County daily or annual Vessel permit.
- c. Is not in a clean, safe, and sanitary or seaworthy condition.
- d. Is not, in the judgment of the Monterey County Parks Department or the San Luis Obispo County Sheriff's Department, of safe design and construction.
- e. Possesses an operable sink drain or toilet.
- f. Is of such size as to constitute, in the judgment of the Monterey County Parks Department or the San Luis Obispo County Sheriff's Department, an unreasonable hazard, in which case it may, in the discretion of said personnel, be confined to certain areas of the Lake.

10. No person shall do any of the following within Nacimiento Lake:

- a. Operate a Vessel without a valid and unrevoked annual or daily Vessel permit from the Monterey County Parks Department, or any required local inspection certification.

- b. Operate a Vessel within a prohibited area when such area has been so designated by official Monterey County Parks Department waterway markers.
- c. Operate a Vessel in violation of sailing patterns and buoy markings posted or placed by the Monterey County Parks Department.
- d. Operate a Vessel within two hundred fifty (250) feet astern of any trolling fishing Vessel.
- e. Operate or occupy any Vessel for the purpose of camping while afloat during hours of darkness, without prior approval of the Monterey County Parks Department.
- f. Keep any Vessel on shore within the Nacimiento Recreation Area overnight, except in areas designated by the Monterey County Parks Department.
- g. Leave a Vessel which is in his or her care, custody and control unattended, at a dock or public launch ramp, on a trailer or afloat, 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 written approval of the Monterey County Parks Department.
- h. Launch, land, or beach any Vessel other than at docks, ramps, or other launching areas designated by the Monterey County Parks Department.
- i. Launch any Vessel that is polluted, infested with invasive aquatic species, or is not seaworthy or sanitary. All Vessels must be “clean, drained, and dry” in order to receive an annual and/or daily Vessel permit and any required local inspection certification to operate on Nacimiento Lake. Any Vessel Trailer coming into contact with Nacimiento Lake shall be free of all invasive aquatic species.
- j. Operate any Vessel bilge pump causing a discharge of material into the Lake, except in an emergency.
- k. Allow waste from Vessel washing to discharge into the Lake, any stream within or onto any shore or bank thereof, except at such places as may be designated by the Monterey County Parks Department.
- l. Engage in any Vessel race, regatta, tournament, or exhibition, or operate a vessel for hire, or engage in sales promotion activities of any kind, rent or deliver a rental Vessel, without first obtaining the prior written consent of the Monterey County Parks Department.

m. Use a Vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

n. Operate any Vessel contrary to the lawful directions given by the Monterey County Parks Department or the San Luis Obispo County Sheriff's Department.

11. Any Vessel which has been left unattended in violation of any provision of this Chapter may be towed to a suitable storage area by the Monterey County Parks Department and/or the San Luis Obispo County Sheriff's Department, at the expense of the owner or other person responsible for such Vessel. The charges made by the Monterey County Parks Department for such towing and storage shall be those established by the Monterey County Parks Director, and Monterey County shall have a possessory special lien on such Vessel until such charges are paid. Such lien may be foreclosed in the manner provided by law which may include, without limitation, selling the Vessel at a public auction. From the proceeds of such sale, the cost of impounding and auction may first be deducted and retained.

12. No person shall leave, abandon or store any Vessel within the Nacimiento Recreation Area or on the waters of Nacimiento Lake that is not in a safely operable condition. It is the owner of record's responsibility to immediately remove any Vessel that the Monterey County Parks Department determines to be in violation of this section. In the event the owner cannot be contacted, or is not able to immediately remove the Vessel from the Nacimiento Recreation Area and/or Nacimiento Lake, the Monterey County Parks Department and/or the San Luis Obispo County Sheriff's Department may take action to remove the Vessel and charge the owner for all such costs of removal and an administrative fee of twenty percent (20%).

11.20.130 Vessel speed limits – posted zones.

It is unlawful for any person to operate a Vessel on Nacimiento Lake in a prohibited, restricted or special speed zone at speeds in excess of that posted by official Monterey County Parks Department waterway markers. In addition, the following specific speed restrictions shall apply:

1. Within two hundred (200) feet of any Vessel landing dock, ramp, Log Boom, or regular beaching area: five (5) nautical miles per hour or in such a manner as to create a wake.

2. Within one hundred (100) feet of any Vessel that is not under way: five (5) nautical miles per hour, or in such a manner as to create a wake.

The provisions of Harbors and Navigation Code section 655.2 shall also apply. The San Luis Obispo County Board of Supervisors has designated, by resolution, restricted speed zones for Nacimiento Lake. A copy of the resolution is kept on file in the County of San Luis Obispo Office of the Clerk-Recorder and in

the office of the San Luis Obispo County Sheriff's Department. No person shall violate any speed zone so designated provided; however, the speed zone is posted by official standard waterway markers. In addition to the areas which the San Luis Obispo County Board of Supervisors have designated as restricted speed zones, the Monterey County Parks Department is authorized to designate additional restricted speed zones, as needed, as well as closed and restricted areas, which may include relocating buoys to provide the necessary safety zone, in order to protect the safety and property of visitors to Nacimiento Lake. Such designations shall be posted by official standard waterway markers.

11.20.140 Motor vehicle operation regulations.

No person shall do any of the following within the Nacimiento Recreation Area:

1. Drive a Vehicle at a speed greater than five (5) miles per hour in a picnic area, campground, or parking lot, or at a speed greater than fifteen (15) miles per hour in any other area, unless a different maximum speed, not more than thirty-five (35) miles per hour, has been established by the Monterey County Parks Department and signs have been erected giving notice thereof.
2. Drive a Vehicle on other than established vehicular roads, trails, parking areas or Vessel launching areas.
3. Drive a Vehicle unless he or she then holds a valid driver's license issued to him or her by this State, another State, or foreign jurisdiction of which he or she is a resident.
4. Drive a Vehicle which has not been licensed by the motor vehicle licensing authority of California, another State, or a foreign jurisdiction.
5. Drive any Vehicle in willful or wanton disregard for the safety of person or property.
6. Drive a motorcycle 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.

11.20.150 Motor vehicle parking regulations.

The following may be cited as parking infractions at the discretion of the peace officer issuing such a citation:

1. Park any Vehicle within the Nacimiento Recreation Area without displaying a valid day-use or camping permit issued by the Monterey County Parks Department for camping or day use;

2. Park or leave unattended any Vehicle, trailer, or Vessel Trailer in other than a single parking stall or area designated by the Monterey County Parks Department for such parking; or on any Vessel launching ramp or so near thereto as to hinder or impede the drivers of other Vehicles;

3. Park or leave unattended any Vehicle, trailer, or Vessel Trailer so as to block or restrict the free flow of traffic on an established dirt or paved road; or

4. Park or leave unattended any Vehicle, trailer, or Vessel Trailer for more than fourteen (14) days unless a valid long-term parking permit for such parking is affixed on the Vehicle in a location readily seen by a peace officer.

The Monterey County Parks Department and the San Luis Obispo County Sheriff's Department each are authorized to move or remove any Vehicle, trailer, or Vessel Trailer which has been illegally parked or left unattended in violation of this Chapter.

11.20.160 Bicycle regulations.

No person shall do any of the following within the Nacimiento Recreation Area:

1. Ride, use, or be in possession of a bicycle on any trail not authorized for such use by the Monterey County Parks Department.

2. Ride, use, or be in possession of a bicycle without having identification in his or her possession.

3. Ride a bicycle on any authorized dirt trail without wearing a protective helmet that is certified by ANSI, SNELL, or both.

4. Ride a bicycle or animal in willful or wanton disregard for the safety of persons or property.

11.20.170 Pets.

1. The Monterey County Parks Department may refuse to admit into the Nacimiento Recreation Area any person who proposes to enter with a dog, unless such person can exhibit either a current license or a certificate of rabies inoculation of the dog. Upon presentation of either such license or such certificate, the Monterey County Parks Department may register such dog and collect a fee for its admission.

2. The Monterey County Parks Department may refuse to issue a camping permit when it appears that there will be more than two dogs per campsite.

3. The Monterey County Parks Department may refuse to admit into the Nacimiento Recreation Area any person who possesses:

- a. A pet that appears to be dangerous;
- b. More than two pets per Vehicle; or
- c. A pet which, in the judgment of the Monterey County Parks Department, is likely to disturb other persons.

4. No person shall do any of the following within the Nacimiento Recreation Area:

- a. Allow any dog or other pet in his or her custody to run unrestrained or upon a secure leash over seven feet long, except in the case of an authorized service dog.
- b. Allow any dog or other pet to be upon any beach, trail, or other public assembly area posted to the contrary by the Monterey County Parks Department.
- c. Allow any dog or other pet in his or her custody to molest or annoy any person.
- d. Allow any dog or other 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.
- e. Abandon any animal in his or her custody.
- f. Allow any livestock under their ownership or care to enter the Nacimiento Recreation Area without the written permission of the Monterey County Parks Department. Such owners shall be responsible for cost recovery for all damage done to the Nacimiento Recreation Area property and environment.

5. The Monterey County Parks Department is authorized within the Nacimiento Recreation Area to impound animals or pets involved in any violation of the provisions of this section and to charge the custodian of said animal or pet a reasonable fee or fees for the release of the animal or pet. Such fee or fees are established by the Monterey County Parks Department.

11.20.180 Firearms and other weapons.

1. No person shall, within the Nacimiento Recreation Area, possess, use, or discharge any firearm, pellet gun, bow and arrow, crossbow, slingshot, or missile launching device, except for:

- a. A peace officer; or
- b. 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.

2. If an archery range is established by Monterey County at Nacimiento Lake, it is lawful to possess, use, or discharge a bow and arrow or crossbow 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 the entrance of the Nacimiento Recreation Area.

3. The Monterey County Parks Department is authorized to establish and post notices of the times when the range may be open or closed to public use.

11.20.190 Sign posting – structure and buoy construction.

It is unlawful for any person other than the Monterey County Parks Department and the San Luis Obispo County Sheriff's Department to post or erect any sign, set or maintain any buoy or to construct any temporary or permanent structure within the Nacimiento Recreation Area without the prior written permission of the Monterey County Parks Department and/or the Monterey County Water Resources Agency. The Monterey County Parks Department and/or Monterey County Water Resources Agency may remove and dispose of any such signs and structures and recover all costs from the person(s) who placed the signs and structures including a 20% administrative fee.

11.20.200 Urinate or defecate in public.

It is unlawful for any person over the age of ten (10) years to intentionally urinate, defecate or otherwise discard or dispose of human waste or excretion in a public place other than in a toilet receptacle or urinal provided for such purpose within the structure of any restroom, bathroom, or similar enclosure, or in a place open to public view, or upon the private property of another without the consent of the owner.

11.20.210 Miscellaneous prohibited acts.

No person shall do any of the following at Nacimiento Lake and the Nacimiento Recreation Area:

1. Throw, dump, or deposit upon the surface of the ground, except in containers placed by the Monterey County Parks Department, any trash, refuse, garbage, litter, or waste material.
2. Bring a Vehicle, trash, refuse, garbage, litter, or waste material to Nacimiento Recreation Area for the purpose of dumping.

3. Throw, dump, or deposit into the waters of Nacimiento Lake, or upon the shore or banks of Nacimiento Lake, any trash, refuse, garbage, litter, waste material, petroleum or other chemical product.
4. Throw or deposit any burning substance into or onto any combustible place or area, except into an authorized fire pit or incinerator.
5. Build, kindle or use fire, except in a camping or picnicking area in a fire pit, stove, incinerator, or other similar facility provided by, or approved by, the Monterey County Parks Department.
6. Leave unattended any fire kindled by him or her.
7. Smoke in any area of the Nacimiento Recreation Area which the Monterey County Parks Department has determined to be a nonsmoking area, provided signs are in place giving notice of the restricted area.
8. Hunt, kill, injure, or molest any animal or bird, or allow any child or animal in his or her care and custody to do so.
9. Operate any noise-producing equipment, whether or not electrically amplified, which is likely to disturb other people, except in accordance with the terms and conditions of a permit issued by the Monterey County Parks Department.
10. Sell or advertise any product or service, rent or deliver for rental any Vehicle or Vessel in any area of the Nacimiento Recreation Area or carry on any other commercial activity; or distribute any handbill, tract, or other literature, without authorization by the Monterey County Parks Director.
11. Perform or participate in any political rally or meeting, religious service or function, or any fund raising activity, without prior approval of the Monterey County Board of Supervisors; for the purposes of this section a wedding service or reception shall not be considered a religious service or function, provided however a permit for a wedding service or reception shall be obtained in advance from the Monterey County Parks Director.
12. Bring or allow a Horse to enter into the Nacimiento Recreation Area without first obtaining a valid equestrian permit from the Monterey County Parks Department.
13. Allow any Horse which is permitted to be at Nacimiento Lake to be in any camping or picnicking area thereof, or in any part of the Nacimiento Recreation Area outside of established equestrian trails or designated equestrian areas.
14. Cut, pick, mutilate, remove, or destroy any vegetation, or grade, disturb or remove soil or rock or natural material, except as authorized by the Monterey

County Parks Department.

15. Clean fish, except at such places as are designated by the Monterey County Parks Department.

16. Fish off public docks or commercial marinas within the Nacimiento Recreation Area. 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. The Monterey County Parks Department shall post such areas with appropriate and visible "No Fishing" signs at the time of plant, and such signs shall remain in place during the period fishing in such area is prohibited.

17. Possess or use live bait, or bring or receive any fish, amphibian animal, or aquatic plant for the purpose of propagation or use as fish bait, without the approval of the Monterey County Parks Department and the California Department of Fish and Game.

18. Enter any area of public property when signs have been erected forbidding such entry.

19. 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 public utility.

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

21. Engage in any riotous, boisterous, threatening, or indecent conduct, or use profane or indecent language, or operate a radio, noise producing device or musical instrument in such a manner as is likely to disturb other persons.

22. Willfully fail or refuse to comply with any lawful order, signal, or direction of any authorized safety employee of the Monterey County Parks Department employee or San Luis Obispo County Sheriff's Department.

23. Engage in scuba or free diving without prior written permission from the Monterey County Parks Department.

24. Operate or cause to operate any generator in an area designated as a no generator area by the Monterey County Parks Department or during posted no generator hours.

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

11.20.220 Fireworks prohibited.

No person shall use, discharge, or possess for the purpose of sale, use or discharge any Fireworks or other explosives within the Nacimiento Recreation Area. Excluded from the prohibition of Fireworks under this Chapter are the following types of Fireworks if written approval is first secured from the responsible fire jurisdiction:

1. Agricultural and wildlife fireworks (as defined in Health and Safety Code section 12503).
2. Emergency signaling devices when used for non-emergency purposes (Health and Safety Code section 12506).
3. Exempt fireworks (Health and Safety Code section 12508).
4. Model rocket engines (Health and Safety section 12520).
5. Special effects (Health and Safety Code section 12532).

11.20.230 Swimming regulations.

It is unlawful for any person within the Nacimiento Recreation Area to do any of the following:

1. To swim or float farther than one hundred (100) feet from the shoreline except while on an Aquaplane and except at designated areas signed for swimming.
2. To swim within three hundred (300) feet of public docks or commercial marinas.
3. To engage in swimming, rafting or other water contact activity between the Log Boom and Nacimiento Dam.

11.20.240 Aerial activities

It is unlawful for any person to land, take-off, or use any seaplane, aircraft, or any other device capable of carrying a person in the air, including, without limitation, a hang glider, hot air balloon, and paraglider, except in an emergency, or when authorized in writing and in advance by the Monterey County Parks Department, or as may be otherwise permitted by the Monterey County Parks Department in specially designated areas.

11.20.250 Enforcement – power to direct public.

The Monterey County Parks Department and San Luis Obispo County Sheriff's Department each are authorized to direct the visiting public in their use of the lake and all facilities within the Nacimiento Recreation Area according to applicable statutes, ordinances and rules and regulations. In the event of fire, flood, earthquake, or other

natural catastrophe or emergency, or to expedite traffic, ensure safety of the public, or to prevent pollution of Nacimiento Lake, the Monterey County Parks Department and San Luis Obispo County Sheriff's Department may each direct the public as conditions may require notwithstanding the provisions of this Chapter. If written rules and regulations are established by the Monterey County Parks Department for the good order, health and safety of the people and waters of Nacimiento Recreation Area, such rules and regulations, once promulgated shall be complied with by all users of Nacimiento Lake.

11.20.260 Enforcement – park closure.

1. The Monterey County Parks Department and San Luis Obispo County Sheriff's Department each are authorized to close to public use the Nacimiento Recreation Area, or portion thereof, or any lake or stream within Nacimiento Lake, 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, in its judgment, it deems it prudent to take any of said actions in order to safeguard the health or safety of the public or the health and/or safety of the Nacimiento Recreation Area, its waters, or any of its facilities.

2. Good cause to take any of the actions outlined in this section shall include, but not be limited to, the following: unreasonable fire hazard; dangerous weather or water conditions; sanitary protection of a watershed; construction or repairs; conservation of fish and game; excessive Vessel traffic; unsafe or unsuitable shoreline, ramp, parking, or road conditions; the prevention of damage to the Nacimiento Recreation Area, its waters, or any of its facilities; or any dangerous, unsafe, or unhealthful condition.

11.20.270 Enforcement – Arrest and citation authority.

1. Pursuant to the authority vested in the San Luis Obispo County Board of Supervisors pursuant to section 5380 of the Public Resources Code, all persons duly appointed as peace officers including, but not limited to, uniformed employees of the Monterey County Parks Department and the San Luis Obispo County Sheriff's Department, are empowered to enforce the provisions of this Chapter. Pursuant to section 836.5 of the Penal Code, the Monterey County Parks Director, uniformed Monterey County Parks Department employees, and safety employees of the San Luis Obispo County Sheriff's Department are authorized to arrest a person without a warrant whenever the Monterey County Parks Director, uniformed Monterey County Parks Department employees, or safety employees of the San Luis Obispo County Sheriff's Department have reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence that is a violation of any statute, law, or ordinance that he/she has the duty to enforce.

2. In any case in which a person is arrested for a misdemeanor pursuant to this section, and the person arrested does not demand to be taken before a magistrate, the public officer or employee making the arrest 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 Penal Code. Notwithstanding, nothing in this Chapter shall be construed as prohibiting an officer from taking a person before a magistrate instead

of being released, in accordance with Penal Code section 853.6(i). The provision of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a notice to appear pursuant to this Chapter.

11.20.280 Delegation of powers by San Luis Obispo County Board of Supervisors.

Powers granted to Monterey County Parks Department, the San Luis Obispo County Sheriff's Department and other uniformed personnel under this Chapter shall be construed to be powers delegated by the San Luis Obispo County Board of Supervisors for the purpose of issuing citations at Nacimiento Lake in accordance with section 853.6, Title 3, Part 2 of Penal Code (and pursuant to Public Resources Code section 5380), for misdemeanor violations of the laws of this State or this Chapter, maintaining the peace, protecting the property of visitors, and general enforcement of the ordinances of the San Luis Obispo County. The San Luis Obispo County Board of Supervisors, in enacting this Chapter, does not waive any authority or rights that the County of San Luis Obispo and/or the San Luis Obispo County Flood District may otherwise have under the law within the Nacimiento Recreation Area and Nacimiento Lake.

11.20.290 Fees.

1. Nacimiento Lake Schedule of Fees. A schedule of fees will be established by Monterey County for the use of the Nacimiento Recreation Area. These fees will be approved and adopted by the Monterey County Board of Supervisors by resolution. The schedule may include, without limitation, day use fees, campsites (regular), campsites (hookup – electric and water), campsites (full utility), motorcycle, group picnic areas, extra Vehicles accompanying campers, dogs, youth group camping, firewood sales, disposal site fees for non-registered campers, for each sewage dump, group reservations, group camping, Vessels (annual and daily), bicycles, reservation fees, vessels (inspection), and photography permits.

2. General Provisions.

a. Annual day-use Vehicle permits may not be valid when a special event fee is being charged.

b. The Monterey County Park Director is authorized to approve limited term special discount programs and to reduce and/or waive fees for facilities used for promotional purposes.

c. A penalty fee may be established and collected for nonpayment of day-use, camping, and boating fees.

d. A fee for use of facilities during non-operating hours at the Nacimiento Recreation Area, based upon the hourly cost of employees along with associated benefits, may be charged if supervision is required.

3. Daily Fees for use of the Nacimiento Recreation Area for Commercial Activities. Monterey County has or will establish fees for use of the Nacimiento Recreation Area and/or Nacimiento Lake for the purposes of:

- a. Feature motion picture; or
- b. Television series pilots, productions, specials, television shorts, or advertisements.

4. Special Conditions.

a. The fee for any size production involving pyrotechnic or high-speed stunts for any site/time not generally available for filming shall be the maximum for each activity.

b. A damage deposit equal to not less than fifty (50) percent of the first full day's fee or a minimum of five hundred dollars (\$500.00), whichever is greater.

5. Concession Agreement or Special Event Permit Fees.

a. For special events sponsored by the Monterey County Parks Department, or for events coordinated by the Monterey County Parks Department with less than five thousand (5,000) participants, the Monterey County Parks Director is authorized to approve admissions, concessions and other related fees for each specific event.

b. User fees not less than the current user fees approved for the Nacimiento Recreation Area shall apply. This includes day-use, camping, boating, and other miscellaneous fees as listed on the current Monterey County Parks Department fee schedule. The Monterey County Parks Director may waive user fees in the event that there is a special event or concession agreement fee for which a percentage of the gross receipts is to be paid to Monterey County and which includes the day-use fee.

c. Registration fees will be established proportional to the number of anticipated participants in the special event. The Monterey County Parks Department will collect the registration fee in advance and such fees are not refundable.

d. Permittee shall pay to Monterey County a minimum of seven percent of the gross receipts for the sale of food, beverages, and merchandise items, and a minimum of five percent of the gross receipts for admission tickets or for revenue received for services rendered. The Monterey County Parks Director is authorized to negotiate above this minimum when it is in Monterey County's best interest depending on the situation and the event.

e. In the event that the Monterey County Parks Department incurs excess costs for the operation of the Nacimiento Recreation Area as a result of a special event, these costs shall be allocated to permittee. Such costs shall include, without limitation, directing traffic and parking, providing security, providing trash disposal

services or utilization of Monterey County equipment in support of permittee activities. Monterey County will charge for labor, materials, and equipment rental rates as currently established by the Monterey County Department of Public Works.

e. If the anticipated percentage of gross receipts which Monterey County will receive from the special event exceeds two thousand dollars (\$2,000.00), permittee may be required to deposit a cash bond with Monterey County.

f. A damage deposit may be charged proportionate to the number of anticipated participants in the special event. It may be included in the amount of the cash bond described above. Upon completion of the event, all or any unused portion of the damage deposit will be refunded to permittee after final cost out of the special event.

SECTION 2: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage; and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Telegram Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 6th day of April, 2010, and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 11th day of May, 2010, by the following roll call vote, to wit:

AYES: Supervisors Bruce S. Gibson, James R. Patterson, Adam Hill,
K.H. 'Katcho' Achadjian and Frank Mecham

NOES: None

ABSENT: None

ABSTAINING: None

FRANK MECHAM
Chairperson of the Board of Supervisors,
County of San Luis Obispo, State of California

ATTEST:

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors, County
of San Luis Obispo, State of California
By: /s/ Sandy Currens
[SEAL] Deputy Clerk

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

WARREN R. JENSEN
County Counsel

By: Shannon G. Matvismann
Deputy County Counsel

Dated: 4/23/2010