

## **Title 6**

### **LANDS AND RESOURCES**

#### **Chapters:**

- 6.04 Acquisition of Real Property**
- 6.08 Lease of District Real Property**
- 6.12 Grants of Easements and Licenses on District Property**
- 6.14 Easements, Leases or Licenses on Property Owned by a Third Party**
- 6.16 Disposal of District Real Property**
- 6.20 Rules and Regulations for Use of District Real Property**
- 6.24 Public Use and Maintenance of U.S. Bureau of Reclamation Right-of-Way**
- 6.28 Real Property Document Recording**
- 6.32 Retention of Real Property Documents**
- 6.36 Real Property Database**
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**Chapter 6.04****ACQUISITION OF REAL PROPERTY****Sections:**

- 6.04.010     Procedures.**
- 6.04.020     Information.**
- 6.04.030     Relocation Assistance.**

**6.04.010     Procedures.**

The acquisition of real property shall be in accordance with the provisions of Government Code Sections 7267 through 7267.8. (Res. 01-32 Exh. A (part))

**6.04.020     Information.**

Prior to the acquisition or disposition of real property, the District shall submit to the county of Contra Costa or the city having planning jurisdiction the location, purpose and extent thereof as required by Section 65402 of the Government Code. (Res. 01-32 Exh. A (part))

**6.04.030     Relocation Assistance.**

Relocation assistance and payments under the provisions of Chapter 16 of Division 17 of Title 1 of the Government Code (commencing with Section 7260) shall be administered and implemented in conformity with the guidelines adopted by the Commission of Housing and Community Development. (Res. 01-32 Exh. A (part))

**Chapter 6.08****LEASE OF DISTRICT REAL PROPERTY****Sections:****6.08.010 Conditions.****6.08.020 Execution.****6.08.010 Conditions.**

All District properties may be leased to others under the following conditions:

- A. The use does not interfere with District operations and maintenance.
- B. The use does not preclude future use or sale of the property.
- C. The use does not impose unacceptable levels of liability.
- D. The revenues received from the lease are at fair market value.

E. The lessee is not a District employee, Board member, or family member of a Board member or District employee. ("Family member" is defined to include spouse, domestic partner, child, parent, sibling and stepchild, stepbrother, stepsister, stepmother, and stepfather.) An exception to this exclusion is if the lease is awarded on the basis of a competitive auction, bid or proposal process. (Res. 01-32 Exh. A (part))

**6.08.020 Execution.**

A. Execution of leases shall be approved by the Board of Directors or, as delegated by the Board.

B. General Manager or his designee may execute leases for terms of five years or less and except for grazing leases, no more than ten thousand dollars in total revenue. (Res. 01-32 Exh. A (part))

## Chapter 6.12

### GRANTS OF EASEMENTS AND LICENSES ON DISTRICT PROPERTY

**Sections:**

- 6.12.010      Conditions.**
- 6.12.020      Execution.**
- 6.12.030      Requests.**
- 6.12.040      Documents Required.**
- 6.12.050      Application—Fee.**
- 6.12.060      Consideration for Easement.**
- 6.12.070      Indemnification.**
- 6.12.080      Conditions and Limitations on Use.**
- 6.12.090      Easements across District Right-of-Way.**
- 6.12.100      Encroachment onto District Right-of-Way.**

**6.12.010      Conditions.**

Whenever possible, the District will grant licenses for a specified period of time in lieu of perpetual easements. (Res. 01-32 Exh. A (part))

**6.12.020      Execution.**

A. Execution of easements and licenses shall be approved by the Board of Directors or, as delegated by the Board.

B. General Manager or his designee may execute licenses for terms of five years or less and except for grazing leases, no more than ten thousand dollars in total revenue. (Res. 01-32 Exh. A (part))

**6.12.030      Requests.**

Requests for easements shall be made to engineering services administrator, Contra Costa Water District, 1331 Concord Avenue, Concord, California 94520. (Res. 01-32 Exh. A (part))

**6.12.040      Documents Required.**

Request shall be in writing and shall include three copies of each of the following:

- A. Location and site map on an eight and one-half by eleven-inch sheet.
- B. Legal description of easement.
- C. Plat map of easement.
- D. Plans and specifications for any construction, grading or other work to be done within the easement, including profile drawings.
- E. An environmental impact statement or negative declaration if required by CEQA and the guidelines of the state and District.
- F. If the easement is to be granted or transferred to a public entity, the consent of such agency to accept the easement. (Res. 01-32 Exh. A (part))

**6.12.050      Application—Fee.**

A non-refundable charge of two hundred dollars shall be paid to the District at the time an easement is requested to cover the District's usual costs of processing the request. Any costs incurred by the District in

excess of two hundred dollars, including costs of labor, materials, engineering, surveys, appraisals and overhead expenses shall be paid by the party requesting the easement. (Res. 01-32 Exh. A (part))

**6.12.060 Consideration for Easement.**

The District shall determine the fair market value of the easement which shall be paid to the District in full at the time of conveyance of the easement. The District may, in its discretion, assign a value of twenty-five cents per square foot to easements covering an area not in excess of four thousand square feet, unless the grantor objects, in which event the District will obtain an appraisal of the easement. Any easement, with a term of five years or less and a fair market value of less than ten thousand dollars, may be granted by the General Manager or designee without additional authorization of the Board of Directors. The granting of all other easements shall be specifically authorized by the Board of Directors. (Res. 01-32 Exh. A (part))

**6.12.070 Indemnification.**

The grantee of an easement shall agree in writing to indemnify and hold harmless the District and its officers, employees and agents from liability or claim of liability to any person for property damage and personal injury (including death) arising out of use of the easement. The grantee shall promptly reimburse the District for any damage to property of the District caused by use of the easement. (Res. 01-32 Exh. A (part))

**6.12.080 Conditions and Limitations on Use.**

Easements shall be for such limited purposes and subject to such conditions as the District shall specify in the grant of easement. Unless otherwise expressly specified in the grant, the easement shall be subject to the following conditions:

A. The use of the easement shall be subordinate to the paramount right of the District to use its lands for water utility purposes. No use of the easement shall cause any substantial interference with the District's use of the land or with the operation, maintenance, repair, or installation of District facilities therein.

B. All construction within the easement shall be in accordance with plans and specifications approved by the District and shall be performed by licensed contractors in a good and workmanlike manner.

C. Any subsurface right that may be granted by easement shall be non-exclusive.

D. No building or portion of a building shall be within the easement area.

E. Not less than twenty-four hours advance notice shall be given to the District prior to commencing any work within the easement.

F. The type, size, depth, and location of all underground structures shall be identified by markers of a type and at locations satisfactory to the District.

G. No vehicles shall be parked, and no materials shall be stockpiled on District property outside the easement area. Within the easement area, vehicles may be parked, and materials stockpiled only to the extent reasonably necessary for prompt and efficient construction authorized by the grant of easement.

H. Upon completion of construction within an easement, the ground surface shall be restored as near as possible to the condition it was in prior to the construction with all rubbish and foreign materials removed and the area left in a safe and clean condition.

I. Within thirty days after completion of any construction within the easement, an accurate, detailed, and reproducible "as built" drawing thereof shall be delivered to the District. (Res. 01-32 Exh. A (part))

**6.12.090 Easements Across District Right-of Way.**

Easements within the District's right-of-way for pipelines shall, unless otherwise specified in the grant, be subject to the following conditions:

A. The easement shall cross the District's right-of-way at approximately a right angle.

- B. Facilities installed in the easement shall cross the District's right-of-way on a constant grade with a minimum vertical clearance of one foot from any facility of the District.
- C. No tower, pole, guy, or other support for overhead wires shall be installed within the easement area.
- D. All cables in the easement area shall be in conduit and encased in concrete. Electric power cables shall be encased in red concrete. (Res. 01-32 Exh. A (part))

**6.12.100 Encroachment onto District Right-of-Way.**

The following charges shall be paid by those individuals encroaching onto the District's right-of-way:

An Access Permit Fee the greater of \$300.00 for the first year and an annual renewal fee of \$175.00, or fair market value. A fair market value assessment will be used to determine costs for the more extensive encroachments that are in excess of one thousand square feet. The fair market value may be determined by using comparable encroachments developed by District staff or by completing a formal appraisal process (paid by the encroacher). (Res. 21-002 Exh A (part); Res. 19-002 Exh. A (part))

**Chapter 6.14****EASEMENTS, LEASES OR LICENSES ON PROPERTY OWNED BY A THIRD PARTY****Sections:****6.14.010 Conditions.****6.14.020 Execution.****6.14.010 Conditions.**

The District may be required to enter into grants and acceptances of easements, leases or licenses in order to access property owned by a third party for the purpose of conducting District business. (Res. 14-31 Exh. A)

**6.14.020 Execution.**

A. Acceptance and execution of easements, leases or licenses shall be approved by the Board of Directors or as delegated by the Board.

B. The General Manager, or his designee, may accept and execute easements, leases, or licenses in order to access third-party owned property for terms of five years or less and for at a total cost of no more than ten thousand dollars. (Res. 14-31 Exh. A)

## Chapter 6.16

### DISPOSAL OF DISTRICT REAL PROPERTY

#### Sections:

- 6.16.010 Surplus Real Property.**
- 6.16.020 Government Code Requirements.**
- 6.16.030 Approval of Sales of Real Property.**
- 6.16.040 Funds from Sale of Los Vaqueros Project Lands.**
- 6.16.050 Funds from Sale of Non-Los Vaqueros Project Lands**
- 6.16.060 Exchange of Surplus Property.**
- 6.16.070 Quit Claims.**

#### **6.16.010 Surplus Real Property.**

District real property is considered surplus when designated as such by the Board of Directors. (Res. 01-32 Exh. A (part))

#### **6.16.020 Government Code Requirements.**

Sale of District real property shall be in conformance with Government Code Sections 65402 and 54222. (Res. 01-32 Exh. A (part))

#### **6.16.030 Approval of Sales of Real Property.**

The Board shall approve any sale of real property. (Res. 01-32 Exh. A (part))

#### **6.16.040 Funds from Sale of Los Vaqueros Project Lands.**

Funds derived from the sale of Los Vaqueros project lands, including the LV diversion, pipeline and pumping plant properties, watershed land tributary to Los Vaqueros reservoir and watershed land that was purchased as part of the Los Vaqueros project, which is not tributary to Los Vaqueros reservoir, shall be separately accounted for by the Finance department and used for the purposes of acquiring additional land related to the Los Vaqueros project, retiring bonds or paying debt service for the Los Vaqueros project, or for any capital improvement project related to the Los Vaqueros project. (Res. 01-32 Exh. A (part))

#### **6.16.050 Funds from Sale of Non-Los Vaqueros Project Lands.**

Funds from the sale of non-Los Vaqueros project land shall be separately accounted for by the Finance department and deposited in the District's general fund. (Res. 01-32 Exh. A (part))

#### **6.16.060 Exchange of Surplus Property.**

A. Findings. Any proposed exchange of surplus property will require a finding-in-fact by the General Manager that there is greater overriding benefit from the property received than from the surplus land being exchanged.

B. Approval. The exchange of surplus property shall be approved by the Board of Directors or, as delegated by the Board, to the General Manager or his or her designee. (Res. 01-32 Exh. A (part))

#### **6.16.070 Quit Claims.**

A. Approval. Quit claims of real property shall require the recommendation of the Directors of Operation and Maintenance, Planning, Engineering, and the General Manager.

B. Execution. Execution of the quit claims shall be approved by the Board of Directors or, as delegated by the Board, to the General Manager or his or her designee.

C. Financial consideration. The financial consideration for the quit claim shall be fair market value or at a minimum the price paid by the District to originally purchase the property. (Res. 01-32 Exh. A (part))

## Chapter 6.20

### RULES AND REGULATIONS FOR USE OF DISTRICT REAL PROPERTY

#### Sections:

- 6.20.010 Purpose.**
- 6.20.020 Definitions.**
- 6.20.030 General Provisions.**
- 6.20.040 Permits and Fees.**
- 6.20.050 Protection of Persons, Resources and Property.**
- 6.20.060 Public Access.**

#### **6.20.010 Purpose.**

A. The Board of Directors of the Contra Costa Water District (District) adopted these rules and regulations after finding and determining that they are necessary:

1. To prevent water pollution or contamination.
2. To protect the health and safety of the District's customers and other members of the public.
3. For the control, operation and protection of the reservoirs and surrounding and related lands the District owns, operates, or controls.
4. For the control, operation and protection of structures, facilities and equipment used in connection with the reservoirs and surrounding and related lands.
5. For the protection of property, watershed, and watercourses, including the Contra Costa Canal, its lands, buildings, and facilities the District owns, operates, or controls.

B. Policy. Senate Bill 467 amended Section 30546 of the Water Code to allow any regular employee of the District, who is a deputy sheriff or who has successfully completed the peace officer training course described in subdivision (a) of Section 832 of the Penal Code and is designated by appropriate resolution of the Board of Directors, the authority to issue citations in accordance with the provisions of Section 853.5 of the Penal Code for violation of state laws, city, county or District ordinances, respecting trespass upon, damage to, interference with or contamination of any water, watercourse, land, structure or facility owned, used or controlled by the District for any purpose.

The Board of Directors adopted Ordinance 14-01 on May 14, 2014, Ordinance 01-01 on September 5, 2001 and Resolution No. 98-03 on April 1, 1998, establishing rules and regulations related to property owned or controlled by the District and authorizes the General Manager to assign certain qualified individuals the authority to issue citations for violations of such laws and ordinances and to perform all acts necessary to administer the District's citation program.

It is the intention of the Contra Costa Water District Board of Directors that such misdemeanor violations may be treated as misdemeanors, or as lesser offenses punishable as infractions, or both, at the District's discretion. If any challenge is brought to the prosecution of any offense as an infraction, the offense shall thereupon be treated as a misdemeanor as provided by Sections 117070 and 117120 of the California Health and Safety Code, or as may otherwise be provided for in the California Water Code or California Penal Code. (Ordinance 14-01 Exh. A (part)).

#### **6.20.020 Definitions.**

Definitions. As used in this title:

"Aquaplane" means any aquaplane, plank, surfboard, water ski or other device used for the transporting, conveyance or carrying of a person or animal that is towed or pulled by a boat by means of a rope, chain, cable, wire or other connection.

"Attempted violation." Every person who attempts to commit any violation of the Contra Costa Water District ordinance, but fails, or is prevented or intercepted in its perpetration, will be considered to have performed the violation.

"Authorized personnel/representative" means the General Manager of the District, any peace officer, authorized employees of any public agency with whom the District has an agreement for operation, security, or law enforcement, or other persons and/or employees of the District acting under the authority of the General Manager or as designated by appropriate resolution of the Board of Directors. (Water Code 30546 and 30547).

"Bicycle" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.

"Board" means the Board of Directors of the Contra Costa Water District.

"Boat" means any device in or upon which persons or property may be carried over, on or beneath the surface of water.

"Concessionaire" means any person who through contract, lease or other written agreement with the District is authorized to operate recreation facilities or activities on District lands and waters.

"Contractor" means a properly licensed and qualified person with whom the District has an agreement to furnish goods or services, or to perform work on District property.

"Dangerous weapon" means any device used or intended to cause harm, injury, or death to another individual. This specifically includes matches or cigarette lighters in the possession of a minor under sixteen years of age.

"Dimensions of vessel" means the overall width of the hull as measured on the horizontal plane at the widest section of the hull excluding any attachments. The length is measured from end to end over the deck, excluding the sheer.

"District property" means the Contra Costa Water District lands, interests in land, waters, reservoirs, watersheds and facilities owned, operated, controlled or managed by the Contra Costa Water District, including the Contra Costa Canal, its land, buildings and facilities.

"Group activity" means any activity engaged in by more than nine participants and spectators.

"Motorboat" means any vessel capable of being propelled by an internal combustion engine or electric motor, whether or not such engine or motor is operative or the principal source of propulsion.

Permit and Permission. Unless otherwise expressly provided herein, "permit(s)" or "permission" means written permission granted by the District's General Manager or his or her designee.

"Person" means any natural person, firm, corporation, club municipality, District or public agency, and associations or combinations of persons whenever acting for themselves or by any agent, servant, or employee.

"Personal watercraft" means a vessel less than twelve feet in length, propelled by machinery, that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel.

"Possess" or "in possession" mean to own or have immediate control, influence, or custody over an item.

"Recreation area" means those parts of District-owned controlled or managed lands, water and facilities that have been designated as a "recreation area" by the District, which may be subject to special rules or use restrictions.

"Reservoir" means Los Vaqueros Reservoir, Mallard Reservoir, Contra Loma Reservoir, Martinez Reservoir, including the Contra Costa Canal and surrounding and related lands used, operated, managed or controlled by the District in connection with the reservoirs to provide raw and treated water service.

"Right(s)-of-way" means all lands, interest in lands, and waterways owned, operated, controlled, or managed by the District.

"Road" means a paved, graveled, or graded route or right-of-way that is maintained and open to vehicle travel.

"Site and use" mean criteria established by the District and posted in the recreation area which regulate health and safety standards, occupancy and use conditions.

"Sunrise" and "sunset" means those times respectively designated as "sunrise" and "sunset" in the published tide table predictions of the National Oceanic and Atmospheric Administration and adjusted according to pacific daylight savings time.

"Trail" means all District-approved and designated hiking trails, staging areas, and related trail system facilities.

"Vehicle" means a device by which any person or property may be propelled, moved or drawn on any District roadway, trail or land, excepting a device moved exclusively by human power or an electric-powered conveyance used to transport the physically handicapped.

"Vessel" means and includes any device used or capable of being used as a means of transportation on water and includes every description of watercraft or boat.

"Waste matter" means any bottles, cans, wastepaper, litter, waste products, trash, motor oil, debris, human or animal excrement and contaminating, hazardous or polluting substances of any kind.

"Waterbody" means any reservoir, pond, stream, creek, canal (including the Contra Costa Canal) or other waterway or other body of water, whether seasonal or year round, or part thereof, within lands or interest in lands owned, operated, controlled or managed by the District.

"Watershed" means all lands, interest in lands, waters and facilities owned, controlled, or managed by the District which are or may be used to gather, store, transport, treat, distribute or otherwise process water for use as a public water supply and/or for environmental mitigation.

#### **6.20.030 General Provisions.**

A. The following regulations shall apply to all persons except:

1. District employees, contractors, concessionaires, or employees of District's contractors and concessionaires acting within the scope of their authorized duties.
2. Employees of federal, state, county or municipal governments or other agencies or Districts acting within the scope of their authorized duties and with the knowledge of the District.
3. Persons possessing current District permits to the extent that such permits specifically suspend a section or sections of the regulations, so long as the holder of the permit is in compliance with all conditions of the permit and all other District regulations.
4. Persons who hold an interest in District property who are engaged in activities expressly authorized in the terms and conditions of the instrument that created such interest.

B. Violation—Penalty.

1. Pursuant and subject to this title, any violation or attempted violation of these rules and regulations is an infraction and punishable by a fine. Citations for such violations will be issued by the District's authorized personnel.
2. Authorized District personnel may withdraw or revoke the privilege of access to District property for any person violating any provision of these rules and regulations or any applicable statute or regulations.
3. Notwithstanding any other provision in this title, any violation of this title that also constitutes a misdemeanor under the California Water Code, California Health and Safety Code or California Penal Code may, at the sole discretion of the District, be prosecuted as a misdemeanor in addition to, or in the place of, enforcement under this title. Activities prohibited under this title may constitute multiple violations of these rules and regulations and may be independently, or collectively, prosecuted in the District's sole discretion.
4. Violations of this title may be enforced by authorized employees of any public agency with whom the District has an agreement for operation, security, or land enforcement.

C. Employees to abide by laws. District employees, contractors, concessionaires, and employees of the District's contractors and concessionaires shall abide by the laws of the United States, the state of California and all applicable county and municipal ordinances.

D. Special regulations do not preclude general regulations. Special regulations enacted by the District's Board do not preclude the application of these general regulations unless expressly stated in the special regulation.

E. Violation Prior to Effective Dates. Where a section or a subsection hereof is amended or repealed by the District's Board, violations prior to the effective date of the amendment or repeal shall be prosecuted as though the section or subsection had not been so amended or repealed.

F. Indemnification of District. All persons to whom a permit has been granted, authorizing exclusive use of a designated area or authorizing staging of a special event, must agree in writing to indemnify and hold the District harmless for injury or damage caused by the activity sponsored by the permittee, and such person shall be liable to the District for any and all injury to persons or damage to lands and facilities owned by the District which results from the activity of the permittee or is caused by any participant in such activity, and shall provide insurance coverage at levels set by Board resolution sufficient to provide reasonable insurance coverage for such use or event.

G. Compliance with Rules and Regulations Required. Any person entering upon District property shall abide by the rules and regulations of the District, the regulations or provisions of any sign or posted notice, the conditions of any permit, the lawful order or instructions of authorized persons, the laws of the United States and the state of California and all applicable county and other local ordinances.

H. Prohibited Activities. It is unlawful for any person:

- 1. To conduct or participate in "hardball" baseball games or to play "catch" with a hardball baseball or use a hardball baseball in any other sporting manner unless the area has been specifically designated for that use. .... Fine \$50.00
  - 2. To climb, dive, jump or purposefully fall into any waterbody or waterway, or from bluffs, cliffs, rocks, or structures. .... Fine \$100.00
  - 3. To enter, climb or attempt to enter or climb any bluffs, cliffs, rocks, or structure in order to dive, jump or purposefully fall therefrom, including into any waterbody or waterway. .... Fine \$100.00
  - 4. To land with any type of aircraft or parachute on any District property except in the case of an emergency landing or with prior written authorization from the District. .... Fine \$100.00
  - 5. To operate or cause to be operated any aircraft at a ground clearance of less than five hundred feet or which otherwise disturbs or causes harm to any of the flora or fauna or their habitat..... Fine \$100.00
  - 6. To clean fish, except at places designated and equipped with fish cleaning facilities and receptacles for the deposit of the waste substances. .... Fine \$25.00
  - 7. To operate or use on any District waterbody, any kayak, canoe, rowing scull or racing shell without a District special use permit. .... Fine \$50.00
  - 8. To hang-glide, parachute, parasail or engage in any human flight on, over or onto District lands or waterways except by express written permission from the District. .... Fine \$100.00
- (Res. 01-32 Exh. A (part))

**6.20.040 Permits and fees.**

A. General Provisions. It is unlawful for any person:

- 1. To enter upon any District property without a permit in possession and without the payment of the required fee when a fee is required. .... Fine \$25.00
- 2. To use, occupy or otherwise remain in a building, structure, facility, parking area, picnic area or other area within District property for which a fee is charged and a permit required unless that person has paid the required fee and possesses a current and valid permit. .... Fine \$25.00

- 3. To fail to exhibit and/or surrender any permit when requested by authorized personnel. .... Fine \$100.00
- 4. To permit unauthorized use of any permit by any person or to display or in any manner use an expired or otherwise invalid permit. .... Fine \$25.00
- 5. To use any permit issued to another person for entry upon and/or use of District property..... Fine \$25.00
- B. Specific Permits. It is unlawful for any person:
  - 1. To fish on any District property or reservoir shoreline specifically designated for fishing without a valid daily fishing access pass in possession or to fish in any other area at any time..... Fine \$25.00
  - 2. To operate or use any vessel on any District waterbody without a valid permit in possession. .... Fine \$25.00
  - 3. To hold or conduct any group activity such as a picnic, hike or other activity on District property involving more than nine participants without prior written approval of the District. .... Fine \$25.00
  - 4. To permit any animal to graze on any District property except with written permission of the District. The District can assess a fee of not more than one hundred dollars per day for each animal remaining without written permission..... Fine \$25.00
  - 5. To park or store a vehicle, equipment, supplies or materials on District property without a valid permit. .... Fine \$25.00
  - 6. To take a commercial photograph or make a commercial, movie, recording or video on District property without a valid permit in possession and payment of any required fees. .... Fine \$25.00
  - 7. To sell or offer to sell, give or to engage in the business of soliciting, selling, giving, or peddling any food, beverage, goods, wares, merchandise, or service(s) on District property without a valid permit in possession. .... Fine \$25.00
  - 8. To advertise or solicit any services by means of handouts and/or handbills, on District property without a valid permit in possession. .... Fine \$25.00
  - 9. To import, fill or alter the grade on any District property without a valid permit..... Fine \$25.00
  - 10. To install or maintain a gate or access point without a valid permit. .... Fine \$25.00
  - 11. To install, maintain or construct any drain which diverts surface water onto District property without a valid permit. .... Fine \$25.00
  - 12. To install or maintain landscaping or a garden on any District property without a valid permit. .... Fine \$25.00
  - 13. To open any valve or fire hydrant, or by other means, take or draw any water from any reservoir, pipe, canal, hydrant, or other facility owned or operated by the District without prior authorization..... Fine \$250.00 plus, the cost of the water taken at the then applicable rate for the first offense, and \$500 plus the cost of water taken for any subsequent violations. (Ordinance 14-02; Res. 01-32 Exh. A (part))

**6.20.050 Protection of Persons, Resources and Property.**

- A. Protection of Water Resources. It is unlawful for any person:
  - 1. To pollute or in any manner contaminate or attempt to pollute or contaminate any reservoir or other waterbody, waterway, spring, well or other water source or water supply..... Fine \$100.00
  - 2. To make bodily contact or permit one's clothing, boots, waders, or other garments to make contact with the water of any District waterbody, except at approved and designated swimming locations. .... Fine \$100.00
  - 3. To operate a hydraulic dredge, monitor or similar device within any District waterway or waterbody. .... Fine \$25.00

4. To permit any animal to swim, wade, drink from or otherwise come into bodily contact with any waterway or waterbody, including Los Vaqueros Reservoir. .... Fine \$100.00

B. Protection of Watershed. It is unlawful for any person:

1. To deposit, place, dispose of, discharge or allow to enter any District property or waterbody any debris, trash, used appliances or equipment, waste matter or litter or other similar material except at receptacles or sanitary facilities designated and provided for such use. .... Fine \$100.00

2. To cause or allow to be discharged any hazardous materials or petroleum products in any manner to contaminate in any way whatsoever any District property, watershed, or waterbody. .... Fine \$100.00

3. To fail to promptly remove from any District property to an appropriate receptacle any fecal matter deposited thereon by a dog or any other animal in such person's charge. .... Fine \$25.00

C. Protection against Fire. It is unlawful for any person:

1. To smoke on District property except in designated locations. .... Fine \$25.00

2. To sell, possess, allow, or use fireworks of any kind on District property. .... Fine \$100.00

3. To light, build or maintain any type of fire, including portable barbecues and camp stoves on District property except within designated sites and in units constructed and provided for that use; the District representative may prohibit all fires due to actual or predicted high, very high or extreme fire hazard conditions. .... Fine \$100.00

4. To gather or attempt to gather wood or other fuel within any District property. .... Fine \$25.00

5. To operate any internal combustion engine of any kind on any District property without an efficient, operative muffler and spark arrester approved by the California Department of Forestry and Fire Protection, with the exception of passenger vehicles with operating mufflers that are turbo-charged diesel engines in approved areas. .... Fine \$25.00

6. To leave a fire, a lit portable barbecue, or a lit camp stove unattended on any District property..... Fine \$100.00

D. Protection of Terrestrial Resources. It is unlawful for any person:

1. To disturb, injure, damage, collect, remove, take or attempt to disturb, injure, damage, collect, remove or take any rock, mineral, plant, vertebrate or invertebrate or human-made feature, or to disturb a habitat without a valid District permit in possession. .... Fine \$25.00

2. To damage, injure, collect, or remove or attempt to damage, injure, collect, or remove any object of paleontological, archeological, or historical interest or value as determined by the District. .... Fine \$100.00

3. To hunt, trap, shoot at, pursue, injure, harass or kill any animal or to attempt to hunt, trap, shoot at, pursue, injure, harass or kill any animal on any District property without a valid permit in possession..... Fine \$100.00

4. To damage or otherwise disturb the natural environmental including the cutting and gathering of trees or part of tress and/or the removal of wood from District property without a valid permit in possession. ... Fine \$25.00

5. To disturb, molest, damage, injure, take, place, plant, collect, remove or interfere with any animals, plants or other native and non-native species including livestock, wildlife and protected species, or to harass or otherwise harm any kind of animal, including saddle animals, or eggs of any animal, whether living or dead. .... Fine \$100.00

6. To release, abandon or allow the release of or attempt to release or abandon any animal within any watershed or other District property without a valid permit in possession. .... Fine \$25.00

E. Protection of Facilities. It is unlawful for any person:

1. To cut, carve, paint, mark, paste or fasten upon any object or building within District property, any bill, advertisement or inscription, except the placement of paper messages on message boards provided by the District and specifically identified by the District for public use. .... Fine \$25.00

- 2. To install, erect or maintain any temporary or permanent access gate, structure, monument, or facility on District property without a valid permit..... Fine \$25.00
- 3. To cause any damage to any District building, structure, or other facility..... Fine \$25.00
- F. Protection of Property and Resources. It is unlawful for any person:
  - 1. To fish within fifty yards of any marina, dock or shoreline not specifically designated for fishing..... Fine \$25.00
  - 2. To fish in any waterbody other than within designated areas of the Los Vaqueros Reservoir..... Fine \$50.00
  - 3. To possess or use any live fish or other aquatic life, amphibian or reptile, living or dead, as bait in any District waterbody in which fishing is permitted (other than salmon eggs and worms) unless specifically approved by the State Department of Fish and Game and Contra Costa Water District. .... Fine \$100.00
  - 4. To fish within fifty yards of a fish planting truck in the process of planting fish and for three hours after the same planting of fish. .... Fine \$25.00
  - 5. To attach any rope, wire or other object to any tree or plant except as provided in Section 9.05.02(c) of the California State Fish and Game Code. .... Fine \$25.00
  - 6. To operate any vehicle on District surfaced or un-surfaced roadways or other areas on the Los Vaqueros watershed except Walnut Boulevard, Los Vaqueros Road, and the Los Vaqueros marina access road. .... Fine \$50.00
  - 7. To feed any wild animal at any time on District property. .... Fine \$25.00
- G. Vehicles Prohibitions. It is unlawful for any person:
  - 1. To cause or permit a vehicle or person to remain within any designated recreation site beyond the posted closing time without written permission from the District. .... Fine \$50.00
  - 2. To park a vehicle on District property outside of posted public access hours unless the vehicle operator has a valid written permit from the District. .... Fine \$50.00
  - 3. To permit any person to ride in or on any towed trailer or in or on any boat being transported by trailer on District property..... Fine \$100.00
  - 4. To use or operate power generators, chainsaws, or other power equipment on District property without written permission from the District..... Fine \$50.00
  - 5. To fail to immediately move a vehicle that is obstructing foot or vehicle traffic when told to do so by District personnel, concessionaire staff or District agents. .... Fine \$100.00
- H. Commercial Uses Prohibitions. It is unlawful for any person to drive, operate or leave standing, or enter District property with any vehicle for the purpose of doing business thereon, except in the service of the District, its contractors, or its concessionaires. .... Fine \$100.00
- I. Miscellaneous Prohibitions. It is unlawful for any person:
  - 1. To engage in any activity or operate any device recklessly or negligently so as to endanger the life, limb or property of any person or the life or habitat of any animal or plant species. .... Fine \$25.00
  - 2. To carry, set, leave, deposit, use or possess or discharge any gun, ammunition, firearm, paint gun, spear, bow and arrow, fishing bow, crossbow, slingshot, air or gas weapon, or any other dangerous weapon on, within, or into any District property, or to attempt to do so. .... Fine \$100.00
  - 3. To consume controlled substances or alcoholic beverages at any time on District property or operate any vehicle on District property or operate any vehicle on District property under the influence of alcohol or controlled substances..... Fine \$100.00
  - 4. To possess, allow, consume, or sell any alcoholic beverage within any District property. .... Fine \$100.00
  - 5. To expose or permit to be exposed to public view a woman's breasts or the genital or anal portion of a person's body. .... Fine \$100.00
  - 6. To use or occupy restrooms set apart for members of the opposite sex..... Fine \$100.00

- 7. To use any threatening, abusive, boisterous, loud, insulting or indecent language or gesture, to engage in conduct that unreasonably and unnecessarily impairs the lawful use and enjoyment of District property by other persons or impairs the ability of authorized personnel or District's contractors or concessionaire's employees to perform their authorized duties. .... Fine \$25.00
- 8. To use or operate any radio, musical instrument, phonograph, television set, public address system or other machine or device for producing or reproducing sound in such a manner as to disturb the peace and quiet as determined by authorized personnel. .... Fine \$25.00
- 9. To use a metal detector or similar device on District property without a valid permit in possession. .... Fine \$25.00
- 10. To possess or operate a bicycle, skateboard, roller skates, roller blades or similar conveyance except in areas designated for such purposes, or to operate any such conveyance in any location on District property in an unsafe manner..... Fine \$25.00
- 11. To operate any wind-driven, self-propelled, radio-controlled model airplanes, boats, automobiles or other model craft, or any kind or description, including kites, on any District property, except within areas designated specifically for such use. .... Fine \$25.00
- 12. To operate or cause to be operated over any District property any aircraft which disturbs or causes harm to any of the flora or fauna or their habitats, or at an altitude of less than five hundred feet. . Fine \$100.00
- 13. To bring an injured or diseased animal onto District property..... Fine \$100.00
- 14. To bring any animal, except a service dog, onto any District property except on trails designated for such use or in areas designated for such use, and only if the animal is under the control of the owner at all times and restrained by a leash not exceeding six feet in length. .... Fine \$25.00
- 15. to knowingly report or cause to be reported, or in any other manner communicate any false report of an emergency or other information to any District employee, authorized representative, peace officer or an employee of District's contractor or concessionaire which such person knows to be false. .... Fine: \$25.00
- 16. To allow or cause a horse, llama, cow, bull, other pack animal or other livestock to enter, travel through or occupy any portion of District property, including a designated recreation site, except for horses being ridden on a designated trail, being transported by trailer to a designated trail staging site or staged in the equestrian unit of the Walnut staging area. Any unauthorized animals may be impounded under the provision of this section and confined. The District may assess a reasonable impound fee for such confinement. This fee shall be paid before the impounded animal is returned to its owner(s)..... Fine \$25.00
- 17. To drive, chip or in any other manner play or practice golf or hit golf balls on any district property.. .... Fine \$25.00

(Res. 01-32 Exh. A (part))

**6.20.060 Public Access.**

A. General Provisions. It is unlawful for any person:

- 1. To camp on District property..... Fine \$25.00
- 2. To leave or store any personal property unattended on District property; any such personal property may be impounded and subject to an impound fee and/or disposed of as abandoned property..... Fine \$25.00
- 3. To drive, operate or enter District property with any vehicle for the purpose of doing business thereon, except in the service of the District, its contractors, or its concessionaires. .... Fine \$25.00

B. Restricted Areas. It is unlawful for any person:

- 1. To enter, use, remain in or travel through District property not specifically designated for public access, including areas that are posted "NO TRESPASSING" in accordance with provisions of the California Penal Code or "RESTRICTED" by the District and closed to the public (whether temporarily or permanently), or

to enter upon any District property except at points designated by the District for entry, unless appropriate permits have been obtained which expressly authorize such activities..... Fine \$100.00

2. To enter the Contra Costa Canal or the area alongside the Contra Costa Canal that is within the canal lining security fencing, or to damage or breach the canal lining security fencing, gates screens, or other facility designed to exclude the public from the Contra Costa Canal. .... Fine \$500.00

3. To drive, park or leave standing or attempt to drive, park or leave standing a vehicle upon any road, trail, path, lawn, landscaped area, thoroughfare, parking space or other portion of any District property designated by the District as closed to vehicle entry or public use..... Fine \$25.00

4. To park a motor vehicle in any restricted parking zone, along or on a roadway or other area not designated by the District for parking, or to park longer than the designated time period beyond the posted parking time limits, or in more than one space..... Fine \$25.00

5. To operate a vessel on any District waterbody, or portion thereof, which has been designated closed to public use..... Fine \$25.00

C. Road/Trails. It is unlawful for any person:

1. To fail to stay on designated trails or to leave trail gates open. .... Fine \$25.00

2. To access any trail from other than a designated entry point. .... Fine \$25.00

3. To block, restrict or otherwise interfere with the use of a road, trail, gate, or other area open to the public on District property. .... Fine \$25.00

4. To park in front of or otherwise obstruct the use of a District entry point or fire road gate, or to obstruct the flow of any traffic..... Fine \$25.00

5. To cause any damage to, modify, change, extend or leave in a damaged condition any District road, trail, or segment thereof..... Fine \$25.00

D. Vehicles. It is unlawful for any person:

1. To exceed the posted vehicle speed limit on District property..... Fine \$25.00

2. To operate any vehicle in a careless and reckless manner on District property. .... Fine \$25.00

3. To perform any vehicle maintenance on any District property, unless specifically approved by a District authorized representative. .... Fine \$25.00

4. To operate any vehicle on District property not licensed for use on public roads or to operate any vehicle other than within roads, trails, or designated parking areas..... Fine \$25.00

E. Boating. It is unlawful for any person to place or launch or attempt to place or launch a vessel within any waterbody except at areas designated for such use by the District. .... Fine \$25.00

F. Unlawful Acts Designated. It is unlawful for any person:

1. To be within any portion of any District property designated as being open for recreation during any time other than the designated operating hours..... Fine \$50.00

2. To use a gate card parking pass or other permit issued to another person for parking and use of District's property..... Fine \$100.00

3. To fail to surrender a gate card parking pass or permit when requested by designated District personnel. .... Fine \$25.00

4. To permit unauthorized use of any District gate card parking pass, or to permit or display an expired or otherwise invalid permit as current and valid. .... Fine \$100.00

5. To stand or wade, with or without waders, in any waterbody or waterway. .... Fine \$100.00

G. Public Use Sites. It is unlawful for any person:

1. Operations:

a. To park any vehicle at a recreation parking area where each of the spaces provided for the site is already occupied..... Fine \$25.00

b. To occupy a recreation site with more people than the maximum number established by the District for that site. .... Fine \$25.00

- c. To allow a horse or other pack animal to be within fifty feet of a picnic area. .... Fine \$25.00
- d. To permit any horse or other pack animal to enter or drink from any waterbody or waterway, except at designated equestrian watering sites, or go to or be upon any area below the high-water mark of any reservoir or pond. .... Fine \$100.00
- e. To violate any section or provision of the California Public Resources Code, California Harbors and Navigation Code, the California Vehicle Code, the California Code of Regulations or the Health and Safety Code while operating, using or launching any vessel on any District waterbody or operating a vehicle on any District roadway..... Fine \$100.00
- f. To tie or attach a vessel or other floating device to any buoy, buoy line, log boom, float or dock placed in Los Vaqueros Reservoir, or to place any private mooring facilities on any District waterbody..... Fine \$50.00
- g. To operate or use any vessel on any District waterbody which is powered by any means other than oars, paddles, or electric motors, except as authorized by the District..... Fine \$50.00
- h. To launch, operate or use on any District waterbody, any vessel not approved or designated by the District. .... Fine \$50.00
- i. To operate or attempt to operate a vessel on any District waterbody or portion thereof which has been designated closed to public use or to beach a vessel on any shoreline designated as closed to public access. .... Fine \$50.00
- 2. Time Restrictions.
  - a. To operate any vessel on any District waterbody except during the hours open for vessel operation and posted at the recreation area for vessel operation. .... Fine \$50.00
  - b. To moor, anchor or beach any vessel on any District waterbody or shoreline outside of the posted public access hours. .... Fine \$50.00
  - c. To fail to immediately stop operating any vessel upon the direction of authorized personnel. ... Fine \$25.00
- 3. Speed Restrictions.
  - a. To operate or tow any vessel at a speed greater than five miles per hour within two hundred feet of any reservoir shoreline, fishing dock, boathouse, marina, launch ramp, landing float, floating restroom or in any designated "no wake" area..... Fine \$50.00
  - b. To operate any vessel in excess of the speed limits posted on any District waterbody..... Fine \$50.00
  - c. To allow or cause a vessel to operate in an unsafe manner endangering people, animals, or property. .... Fine \$100.00
- 4. Miscellaneous.
  - a. To enter or attempt to enter any District waterbody with a vessel when an authorized representative of the District has determined that the waterbody has reached the maximum number of vessels for safe and reasonable boating or the vessel is unsafe, overloaded or undersized, improperly equipped, unsanitary or not registered according to state law. .... Fine \$100.00
  - b. To ride or sit or allow any person to ride or sit in or on areas within or upon a vessel not designed for passengers. .... Fine \$100.00
  - c. To organize, hold, participate in or otherwise sponsor any boating, fishing or other event on any District waterbody unless authorized in writing by the District. .... Fine \$50.00
  - d. To operate or use any surf raft, aquaplane, surfboard, sail board, personal watercraft or similar device on any District waterbody whether used individually, towed, or used for towing, unless such use has been approved and authorized by the District..... Fine \$50.00
  - e. To operate any vessel or permit it to operate within any portion of a District waterbody not open to the public as designated by protective lines of buoys, log booms or regulatory signs, or to operate or permit

any vessel to pass through any lines of buoys, log booms or regulatory signs designating such area closed to the public. .... Fine \$50.00

f. To moor, anchor, or beach any vessel on the east shoreline of Los Vaqueros Reservoir (the contiguous shoreline on the east side of the reservoir from Los Vaqueros road to the dam) at any time. .... Fine \$50.00

g. To enter or operate a vessel on any District waterbody on which the District has posted or advised that conditions are unsafe for public use or to refuse or fail to immediately stop operating a vessel or to leave such an area immediately upon the request of Los Vaqueros operations personnel, concessionaire, law enforcement agency, or other authorized personnel. .... Fine \$100.00

h. To ride, drive or lead a saddle or pack animal in a reckless or negligent manner so as to endanger public property, or the life, limb or property of any person or animal. .... Fine \$100.00

i. To allow a saddle or pack animal to stand unattended or insecurely tied. .... Fine \$25.00

j. To operate a bicycle or similar device without wearing an American National Standards Institute (ANSI) or Snell-approved helmet for head protection. .... Fine \$10.00

k. To interfere with, restrict or prevent authorized permit holders from using, or to occupy or otherwise remain in a building, structure, facility, parking area, picnic area, or other area within the District for which a fee is charged and a permit required. .... Fine \$100.00

l. To remove any "RESTRICTED" signs) from any picnic area or facility which has been reserved, or to willfully occupy or hold or otherwise interfere with or restrict the use of a picnic area or facility which has been reserved by another person, or to fail to leave such an area when told to do so by District personnel, concessionaire staff, or District agents. .... Fine \$100.00

(Res. 01-32 Exh. A (part))

## Chapter 6.24

### PUBLIC USE AND MAINTENANCE OF U.S. BUREAU OF RECLAMATION RIGHT-OF-WAY

#### Sections:

- 6.24.010**     **Scope.**
- 6.24.020**     **Principles and Objectives.**
- 6.24.030**     **Actions by Board of Directors.**
- 6.24.040**     **Limitations on Rights.**
- 6.24.050**     **Structures and Encroachments.**
- 6.24.060**     **Canal Service Roads.**
- 6.24.070**     **Applications for Use—Advance Payments.**
- 6.24.080**     **Permits—Security Deposit—Forms.**
- 6.24.090**     **Canal Lining Fencing.**
- 6.24.100**     **Canal Property Line Fencing.**
- 6.24.105**     **Encroachments on Right-of-Way.**
- 6.24.110**     **Drainage.**
- 6.24.120**     **Access to Right-of-Way.**
- 6.24.130**     **Landscaping.**
- 6.24.140**     **Adjacent Properties.**

#### **6.24.010**     **Scope.**

The regulations codified in this chapter govern the use of the lands of the United States which comprise the right-of-way of the Contra Costa canal system by individuals, corporations, the District and public entities in accordance with the District's water supply agreement with the United States numbered 175r-3401 amended, its operation and maintenance agreement with the United States numbered 14-06-200-6072A and the recreational management agreement between the United States and East Bay Regional Park District numbered 14-06-200-6023A as amended. The regulations codified in this chapter also govern the District's use of lands owned by the State of California. (Res. 14-31, Exh. A (part); Res. 01-32 Exh. A (part))

#### **6.24.020**     **Principles and Objectives.**

The following principles and objectives shall control use of the right-of-way:

- A. The primary and paramount use and purpose of the right-of-way is for furnishing an adequate and reliable water utility service in a manner that protects the public health and safety. Any other use of the right-of-way is subordinate to, and shall not substantially interfere with, its primary use and purpose.
- B. Subject to the foregoing, the right-of-way shall be put to the optimum and maximum uses in the public interest.
- C. Subject to the foregoing, excavation, grading and construction on the right-of-way shall be held to the minimum reasonable under the circumstances.
- D. The following criteria must be considered and addressed prior to allowing a Contra Costa Water District facility not directly related to the operation of the Contra Costa canal system to be installed within the canal right-of-way.
  - 1. There is measurable economic benefit to either the District or to the surrounding community for the facilities to be in the right-of-way when compared to other alternative routes.
  - 2. There is no long-term effect that cannot be mitigated regarding the maintenance and usage of the right-of-way for canal system purposes.

3. The proposed facility, if for treated water purposes, shall be primarily for a transmission pipeline facility and appurtenances.

4. The location of the facility shall be selected to minimize visual impact and disruption of the public's use of the trail system. (Res. 14-31 Exh. A (part); Res. 01-32 Exh. A (part))

**6.24.030 Actions by Board of Directors.**

A. All proposals for conveyances, leases, grants of easement and authorization for construction on the right-of-way shall be reported to the Board of Directors of the District as soon as the preliminary plans therefore are submitted to the District and the District's estimated costs have been advanced in accordance with Section 6.24.080.

B. All licenses and permits for structures or construction on the right-of-way that may be granted by the United States or by the State of California shall be subject to the prior approval of the Board of Directors except for such licenses and permits as are authorized under Sections 6.08.020B and 6.12.020B and such other licenses and permits as the Board may, from time to time, authorize officers of the District to issue. (Res. 14-31 Exh. A (part); Res. 01-32 Exh. A (part))

**6.24.040 Limitations on Rights.**

A. No use of the right-of-way that results in degradation of the quality of the water in the Contra Costa canal system, creates an unreasonable hazard to persons on the right-of-way or causes damage or risk of damage to any property of the United States, the State of California or the District, shall be permitted.

B. All excavation, grading and construction on the right-of-way shall be in accordance with District's standard requirements for construction on the Contra Costa canal system right-of-way and all safety regulations and orders of the State of California and the United States.

C. The District may require the construction and maintenance, without cost to the District, of such fences, gates, guard rails and other safety devices as it considers necessary in connection with the proposed use. (Res. 14-31 Exh. A (part); Res. 01-32 Exh. A (part))

**6.24.050 Structures and Encroachments.**

A. Each structure and encroachment on the right-of-way shall be restricted to the smallest portion of the right-of-way reasonably required to accomplish its purpose.

B. Each permanent structure or encroachment on the right-of-way shall, to the greatest extent practical, be at right angles to the length of the right-of-way. Longitudinal use of the right-of-way will be permitted only when necessary to accommodate public works that cannot reasonably be located elsewhere.

C. All excavation, grading and construction on the right-of-way shall be in accordance with plans and specifications theretofore approved in writing by the District and shall meet or exceed all requirements of the United States, the state of California and local governmental entities with regulatory jurisdiction.

D. No excavation, grading or construction on the right-of-way shall be commenced unless and until all applicable requirements of the National Environmental Protection Act and the California Environmental Quality Act have been complied with, and all necessary District and county or city permits have been issued and are in effect. (Res. 01-32 Exh. A (part))

**6.24.060 Canal Service Roads.**

Use of service roads of the Contra Costa canal system may be authorized for the following purposes, subject to such conditions as the District shall consider appropriate under the circumstances:

A. Accommodation of construction on the canal right-of-way that has been authorized by the District or the United States.

- B. Accommodation of construction, tree removal, landscaping, cleanup, or other similar non-recurring use on land abutting the canal right-of-way where alternative means of access is limited.
- C. Ingress to and egress from parcels of land severed from public roads by the right-of-way.
- D. Travel by supervised groups of persons during single-day events, consisting of walking, jogging, or running activities sponsored by public entities or responsible organizations.
- E. Recreational use under the custody and responsibility of a public entity, as may be permitted by agreement or contract with the District and the United States. (Res. 01-32 Exh. A (part))

**6.24.070 Applications for Use--Advance Payments.**

Applicants for use of the right-of-way for construction activities, including public entities, shall advance to the District the District's estimate of its costs in connection with the application, including without limitation, engineering, inspection, administration, and overhead charges. When the District's actual costs have been computed, the applicant shall pay any excess thereof over the prepaid estimate and any overpayment shall be refunded. (Res. 01-32 Exh. A (part))

**6.24.080 Permits—Security Deposit—Forms.**

A. For a structure to be constructed on the right-of-way, both an easement or license and an encroachment permit are required before work can commence. For other uses of the right-of-way, only an encroachment permit is necessary. Encroachment permits shall be issued by District staff prior to the start of the activity authorized by the permit. A monetary security shall accompany the application for an encroachment permit and shall be deposited with the District to ensure that all work is completed to the District's satisfaction. The security shall be the amount of the total construction cost of the facilities within the canal right-of-way or an amount sufficient to repair potential damage to the right-of-way or facilities located thereon as determined by the General Manager or his designee. If the applicant fails to perform the work to the District's satisfaction, the District will then use the security to complete the proposed work.

B. All licenses, permits, and encroachments on the right-of-way shall be on forms approved by the District's legal counsel. (Res. 01-32 Exh. A (part))

**6.24.090 Canal Lining Fencing.**

Canal lining fencing (also referred to as "safety fencing") is generally a five-foot-high chain-link fence which is installed approximately two feet from the edge of the canal lining (normally on both sides) to protect the safety of the public and District personnel. Canal lining fencing includes four-foot-wide access gates at canal facilities and water diversion facilities, such as turnouts and pumps for canal (raw water) customers and shall be constructed and installed according to the District's standard fencing details and specifications. Responsibility for installation and maintenance is as follows:

A. Installation.

1. The District will install canal lining fencing consistent with public safety and the operation and maintenance of the canal system.
2. If a public agency has formally accepted operation and maintenance responsibilities for a portion of the canal right-of-way (licensed area), that public agency shall install canal lining fencing at their expense and as the District determines to be reasonably necessary. Canal lining fencing will be a condition of approval before the right-of-way may be opened to the public.
3. In areas where no public access is possible, such as within the area of the Concord Naval Weapons Station, canal lining fencing will not be installed.
4. In areas where no fencing exists and new development is proposed adjacent to the canal, canal lining fencing is to be installed as part of the development. Where District approval is required for the

development, fencing will be a condition of approval. When formal District approval is not required, the District will seek the cooperation of the local government agency to secure this requirement.

B. Maintenance.

1. Canal lining fencing installed by the District for public safety and for the operation and maintenance of the canal system will be maintained by the District on a continuing basis.

2. Canal lining fencing required in areas of public use shall be maintained by the public agency that has accepted responsibility for the licensed area. Fence maintenance will be reviewed by the District on an annual basis. (Res. 01-32 Exh. A (part))

**6.24.100 Canal Property Line Fencing.**

Canal property line fencing (also referred to as "security fencing") is generally a six-foot-high chain-link fence which is installed along the canal right-of-way boundary line (canal property line) to control unauthorized access to the canal right-of-way and delineate the canal right-of-way boundary (unless otherwise licensed). Canal property line fencing includes sixteen-foot-wide double gates for access to the canal right-of-way at canal crossings (bridges), public streets and other facilities, and shall be constructed and installed according to the District's standard fencing details and specifications. The District reserves the right to complete property line fencing in an orderly and planned manner to prevent the following (1) recurring problems of unauthorized public access, (2) vandalism, (3) recreational operation of motor vehicles within the canal right-of-way, (4) alternative access to private property, and (5) refuse disposal. Responsibility for installation and maintenance is as follows:

A. Installation.

1. District Installed. Canal property line fencing will be installed by the District along the canal right-of-way boundary unless fencing is installed by others prior to District scheduling.

2. Privately Installed. When property adjacent to the right-of-way is developed, fencing is to be installed at the property line as part of the development. Where District approval is required for the development, fencing will be a condition of approval. Where formal District approval is not required, the District will seek the cooperation of the appropriate local government agency to secure a requirement for fencing. New canal property line fencing in accordance with this policy shall be installed at the developer's expense.

a. Standard Canal Property Line Fencing. In general, six-foot-high chain-link fencing will be required. The fencing shall be placed within the canal right-of-way as close as possible to the property line and will become the property of the District. The District will assume permanent responsibility for maintenance of the fence.

b. Non-standard Fencing. If requested, the District may approve the use of other fencing materials, in specific instances, only when the alternative fencing material is shown to provide security equivalent to that of chain-link fence and only when a public agency has entered into a binding agreement with the District for the public agency to provide continuing inspection, maintenance and replacement on a permanent basis. The fencing shall be placed along the surveyed canal right-of-way boundary, usually six inches within the private property.

3. Other Public Agency Installed. The responsibility of developing new recreational trails shall include the installation and maintenance of canal property line fencing by other public agencies to prevent trespassing onto the canal right-of-way and to ensure the protection of adjacent private property along the public trails or where public access is prohibited along the canal right-of-way.

a. Standard Canal Property Line Fencing. A six-foot-high chain-link fence installed along the canal property line. Canal property line fencing shall be constructed and installed according to the District's standard fencing details and specifications. Canal property line fencing will be a condition of approval before the right-of-way may be opened to the public.

b. Trail Screen Fencing. Trail screen fencing generally has PVC slats interwoven in the chain-link fencing fabric. Only through specific agreements between the public agency/CCWD/USBR may trail screen fencing materials be substituted for standard canal property line fencing. The height may vary between six feet to twelve feet, depending on the specific requirements.

4. Existing Trails without Property Line Fencing. The District may install canal property line fencing along the existing areas open to the public as necessary to protect District facilities, eliminate recurring problems of trespassing onto the canal property (i.e., dumping, gardens, permanent structures, vehicles), and delineate the canal right-of-way boundaries.

B. Maintenance.

1. District Installed. The District will continue to annually inspect and maintain District-installed fencing at the property line abutting the canal right-of-way unless that portion of the right-of-way has been licensed to a public agency. However, the District will seek recovery of damages for fences damaged by activities of adjacent property owners.

2. Privately Installed.

a. Standard Canal Property Line Fencing. Where six-foot chain-link fencing has been installed by developers along the property line or within the canal right-of-way, the District will perform the necessary annual inspection and maintenance, unless that portion of the right-of-way has been licensed to a public agency.

b. Non-standard Fencing. Maintenance of privately installed property line fencing not meeting District specifications shall be the responsibility of the agency requesting the variance.

3. Other Public Agency Installed. During the term of a public agency/CCWD/USBR agreement, the public agency will, at its expense, maintain and promptly repair or replace all fencing in or adjacent to the public areas as necessary and in accordance with the terms of the agreement. (Res. 01-32 Exh. A (part))

**6.24.105 Encroachments on Right-of-Way.**

Existing encroachments onto canal property will be dealt with on a case-by-case basis. The goal is to eliminate all such encroachments on the right-of-way. A fee schedule for encroachment permits shall include an Access Permit Fee the greater of \$300.00 for the first year and an annual renewal fee of \$175.00, or fair market value. A fair market value assessment will be used to determine costs for the more extensive encroachments that are in excess of one thousand square feet. The fair market value may be determined by using comparable encroachments developed by District staff or by completing a formal appraisal process (paid by the encroacher). Achievement of this goal will be subject to the following:

A. Natural Conditions. No trees will be removed unless they are an endangerment to the canal. Every attempt will be made to minimize the impact of fencing on the existing landscape.

B. Non-structural Encroachments. Subject to a review of operational and maintenance concerns, an encroachment permit will be issued by the District with a specific time limit designed to ultimately phase out the encroachment when the use is no longer necessary, or the property ownership changes.

C. Structural Encroachment. A license, subject to review of operational and maintenance concerns and recommended by the Board, may be issued by the USBR. To the fullest extent possible, the ultimate goal is to phase out the encroachment or resolve the property issue within a specific time limit, not to exceed when property ownership changes.

A recordable agreement between the District and property owner will be required for structural and non-structural encroachments. (Res. 21-002 Exh. A (part); Res. 19-002 Exh. A (part); Res. 01-32 Exh. A (part))

**6.24.110 Drainage.**

The District's objective is to eliminate the discharge of surface water drainage into the Contra Costa Canal. Where development adjacent to the right-of-way required District approval, the District will continue to require

drainage facilities which achieve this objective while, additionally, protecting the canal system from flood damage. The District's staff will maintain contact with local agencies responsible for flood control to secure drainage facilities designed to meet this objective in connection with the development of lands remote from the canal system. (Res. 01-32 Exh. A (part))

**6.24.120 Access to Right-of-Way.**

A. The District will continue to permit public access to the right-of-way where appropriate safety fencing is installed adjacent to the canal lining and where a public agency has accepted maintenance responsibility, as in the case of recreational trails.

B. Access will be permitted where required for operation and maintenance of facilities for diversions of water from the canal by small users. Installation of diversion facilities within the right-of-way may be approved in specific instances when the installation is consistent with public safety and the operation and maintenance of the canal system. Maintenance and repair of facilities installed under this policy will remain the responsibility of the owner. Safety fencing at the canal linking will be maintained by the District in all such cases.

C. Access will be permitted for maintenance of landscaping installed for screening purposes adjacent to the recreational trail system on the canal right-of-way.

D. To protect public safety and to reduce the use of the right-of-way for private purposes, including alternative access to private property and such nuisance uses as recreational operation of motor vehicles and refuse disposal, the District will construct security fencing to prevent unauthorized access to the right-of-way. (Res. 01-32 Exh. A (part))

**6.24.130 Landscaping.**

A. With prior District approval, landscaping may be installed on the right-of-way for screening adjacent to the canal recreational trail system or for decorative purposes. Such landscaping will be permitted only under the terms of a formal agreement providing for its maintenance by others. (Res. 01-32 Exh. A (part))

**6.24.140 Adjacent Properties.**

The District shall review and comment on plans for development of properties adjacent to or near the Contra Costa canal system; and if appropriate, recommend conditions thereon to implement the provisions of this chapter. (Res. 01-32 Exh. A (part))

**Chapter 6.28****REAL PROPERTY DOCUMENT RECORDING****Sections:****6.28.010 Real Property Document Recording.****6.28.010 Real Property Document Recording.**

All documents affecting the title to, or possession of, real property owned by the District shall be recorded promptly upon execution by the authorized official of the District in accordance with the recording statutes of the State of California. (Res. 01-32 Exh. A (part))

**Chapter 6.32****RETENTION OF REAL PROPERTY DOCUMENTS****Sections:****6.32.010 Retention of Real Property Documents.****6.32.010 Retention of Real Property Documents.**

Original recorded real property documents shall be retained by the department designated by the General Manager, or his/her designee, and in a manner so as to prevent destruction from fire, flood, earthquake and other disasters. (Res. 01-32 Exh. A (part))

**Chapter 6.36****REAL PROPERTY DATABASE****Sections:****6.36.010 Real Property Database.****6.36.010 Real Property Database.**

The District shall maintain an inventory of all properties owned in fee simple interest by the District, and each property shall be identified by use: operating, held for future use, and surplus. (Res. 01-32 Exh. A (part))

**Chapter 6.40****PROPERTY ASSESSMENTS****Sections:****6.40.010 Property Assessments.****6.40.010 Property Assessments.**

The General Manager or his/her designee shall indicate the District's support of or opposition to proposed assessments on District-owned real property. (Res. 01-32 Exh. A (part))

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