

ORDINANCE NO. 99-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF CONTRA COSTA WATER DISTRICT AMENDING ORDINANCE 98-01 FOR THE PROVISION OF RECREATION AND THE PROTECTION OF PUBLIC SAFETY IN THE LOS VAQUEROS WATERSHED

WHEREAS, the Contra Costa Water District ("District") is the owner and operator of the Los Vaqueros Reservoir Project, an off-stream reservoir surrounded by watershed lands in Contra Costa and Alameda Counties, and operates numerous other facilities used to provide water service to its customers, including the Contra Costa Canal and related facilities such as the Contra Loma and Martinez Reservoirs; and

WHEREAS, the District is required, pursuant to permits, agreements, and approvals of federal and state agencies empowered to regulate the Los Vaqueros Project, to implement measures to protect biological, cultural, historical, and other environmental resources in carrying out that Project; and

WHEREAS, the District is authorized, pursuant to Article XI, Section 9 of the California Constitution, the county water district law and the irrigation district law (Divisions 11 and 12 of the Water Code) and Chapter 7 of Part 12 of Division 104 of the Health and Safety Code, to establish and enforce rules and regulations for the control, operation, and protection of the reservoirs described above, surrounding land, and structures, facilities, and equipment used in connection with the reservoirs; to act in conjunction with other public agencies for the protection of property, watersheds, and watercourses, and for the use, operation, management or control of public works and property; and to enact regulations to prevent water pollution and to otherwise protect the health and safety of its customers and other members of the public; and

WHEREAS, the District on April 1, 1998 adopted Ordinance 98-01, an ordinance of the Board of Directors of Contra Costa Water District establishing rules and regulations respecting trespass upon, damage to, interference with, or contamination of, any water, watercourse, land, structure, or facility owned, used or controlled by the District; and

WHEREAS, at the time that Ordinance 98-01 was adopted, the District determined that the rules and regulations governing the provision of recreation and the protection of public safety at the Los Vaqueros Watershed would be established by a subsequent ordinance following the Board adopting a Preferred Recreation Alternative that took place on September 2, 1998.

NOW THEREFORE BE IT ORDAINED by the Board of Directors of Contra Costa Water District as follows:

1. The rules and regulations attached hereto as Attachment 3 are necessary or convenient for the control, operation, and protection of the reservoirs and surrounding land Contra Costa Water District owns, operates, or controls; for the control, operation, and protection of structures, facilities, and equipment used in connection with the reservoirs; for the protection of

property, watersheds, and water courses, and for the use, operation, management or control of public works and property; to prevent water pollution; and to protect the health and safety of its customers and other members of the public.

2. The rules and regulations attached hereto as Attachment 3 are hereby incorporated herein and adopted as part of this Ordinance in accordance with the procedures set forth in applicable law.

3. Although sections 11070 and 117120 of the Health and Safety Code declare that every violation of the rules and regulations attached hereto as Attachment 3 is a misdemeanor, it is the intention of the Board that such violations be treated as lesser included offenses and be punishable as infractions. In accordance with the provisions of Section 4 of this Ordinance, 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 the above-referenced sections of the Health and Safety Code.

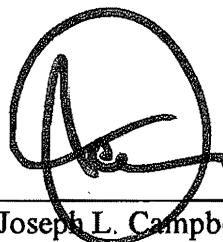
4. If any provision of this Ordinance, including the rules and regulations attached hereto and incorporated herein, or any part thereof, is for any reason held to be ultra vires, invalid, or unconstitutional, the remaining provisions of this Ordinance shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Ordinance are severable.

5. This Ordinance shall take effect immediately upon adoption except those provisions related to boating, specifically Sections 6.05 through 6.22, inclusive, Section 9.07, and Section 6.24.050, which shall take effect on the 31st day after its adoption. The General Manager is authorized and directed to cause the rules and regulations established hereby to be inserted in Title 6 of the Contra Costa Water District Code of Regulations.

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The foregoing Ordinance was duly and regularly adopted at a meeting thereof held on December 8, 1999 by the Board of Directors of Contra Costa Water District by the following vote of the Board:

AYES: Pretti, Elcenko, Anello, Boatmun, & Campbell
NOES: None
ABSENT: None



Joseph L. Campbell, President
Contra Costa Water District

ATTEST:


Dianne R. Aicardi
District Secretary

CONTRA COSTA WATER DISTRICT PROVISIONS OF ORDINANCE NO. 99-01

The following provisions shall be added to Title 6.0 of the Contra Costa Water District Code of Regulations, which was adopted on April 1, 1998 as Ordinance 98-01. The rules and regulations established by Ordinance 99-01 have been divided into two parts: Part 1 comprises entirely new rules and regulations being added to Title 6.0. Part 2 comprises additions and modifications to existing language in Title 6.0.

PART 1: NEW RULES OR REGULATIONS

I. DEFINITIONS

- 1.01 “Aquaplane” - 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.
- 1.02 “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.
- 1.03 “Dangerous Weapon” – 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 16 years of age.
- 1.04 “Dimensions of Vessel” - the overall width of the hull is measured on a 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.
- 1.05 “Group Activity” – means any activity engaged in by more than nine participants and spectators.
- 1.06 “Motorboat” - 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.
- 1.07 “Possess” – to own or have immediate control, influence, or custody over an item.
- 1.08 “Personal Watercraft” - A vessel less than 12 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.

- 1.09 "Recreation Area" - 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.
 - 1.10 "Site and Use" - Criteria established by the District and posted in the Recreation Area which regulate Health and Safety standards, occupancy and use conditions.
 - 1.11 "Sunrise and Sunset" - 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.
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II. GENERAL PROVISIONS

- 2.01 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 said 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 said activity, and shall provide insurance coverage at levels set by Board resolution sufficient to provide reasonable insurance coverage for such use or event.
 - 2.02 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.
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III. PROTECTION OF PROPERTY AND RESOURCES

It shall be unlawful for any person:

- 3.01 To fish within 50 yards of any marina, dock or shoreline not specifically designated for fishing.
- 3.02 To fish in any Waterbody other than within designated areas of the Los Vaqueros Reservoir.

- 3.03 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.
- 3.04 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.
- 3.05 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.
- 3.06 To operate any vehicle on District surfaced or unsurfaced roadways or other areas on the Los Vaqueros watershed except Walnut Boulevard, Los Vaqueros Road, and the Los Vaqueros Marina Access Road.
- 3.07 To feed any wild animal at any time on District property.

IV. PUBLIC ACCESS

It shall be unlawful for any person:

- 4.01 To be within any portion of any District property designated as being open for recreation during any time other than the designated operating hours.
- 4.02 To use a gate card parking pass, or other permit issued to another person for parking and use of District's property.
- 4.03 To fail to surrender a gate card parking pass or permit when requested by designated District personnel.
- 4.04 To permit unauthorized use of any District gate card parking pass, or permit, or to display an expired or otherwise invalid permit as current and valid.
- 4.05 To stand or wade, with or without waders, in any waterbody or waterway.

V. TRAILS

It shall be unlawful for any person:

- 5.01 To enter or use any designated trail without a valid daily Watershed Access Pass in possession.

- 5.02 To enter or to remain upon any designated trail outside of posted public access hours without the express written permission from the District in possession.
- 5.03 To enter District property with or ride on any horse less than four years of age, or a stallion of any age, or to enter with or ride on any other horse on any trail not designated for equestrian use.
- 5.04 To exceed the maximum speed for all trail uses which is 15 miles per hour, unless otherwise posted; however, speeds shall be reduced as conditions warrant. Bicyclists and equestrians shall slow to 5 miles per hour when passing other trail users or approaching blind turns. In no case shall a person operate a bicycle, or ride a horse or other animal at a speed greater than what is reasonable, prudent, or safe under all of the conditions.

VI. PUBLIC USE SITES

It shall be unlawful for any person:

OPERATIONS

- 6.01 To park any vehicle at a recreation parking area where each of the spaces provided for the site is already occupied.
- 6.02 To occupy a recreation site with more people than the maximum number established by the District for that site.
- 6.03 To allow a horse or other pack animal to be within 50 feet of a picnic area.
- 6.04 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.
- 6.05 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 & Safety Code while operating, using, or launching any vessel on any District water body or operating a vehicle on any District roadway.
- 6.06 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 water body.

- 6.07 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.
- 6.08 To launch, operate or use on any District waterbody, any vessel not approved or designated by the District.
- 6.09 To operate or attempt to operate a vessel on any District water body 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.

TIME RESTRICTIONS

- 6.10 To operate any vessel on any District water body except during the hours open for vessel operation and posted at the Recreation Area for vessel operation.
- 6.11 To moor, anchor or beach any vessel on any District waterbody or shoreline outside of the posted public access hours.
- 6.12 To fail to immediately stop operating any vessel upon the direction of authorized personnel.

SPEED RESTRICTIONS

- 6.13 To operate or tow any vessel at a speed greater than 5 MPH 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.
- 6.14 To operate any vessel in excess of the speed limits posted on any District water body.
- 6.15 To allow or cause a vessel to operate in an unsafe manner endangering people, animals or property.

MISCELLANEOUS

- 6.16 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.
- 6.17 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.

- 6.18 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.
- 6.19 To operate or use any surf raft, aquaplane, surfboard, sail board, personal water craft 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.
- 6.20 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 to permit any vessel to pass through any lines of buoys, log booms, or regulatory signs designating such area closed to the public.
- 6.21 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.
- 6.22 To enter or operate a Vessel on any District water body 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, or law enforcement agency.
- 6.23 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.
- 6.24 To allow a saddle or pack animal to stand unattended or insecurely tied.
- 6.25 To operate a bicycle or similar device without wearing an American National Standards Institute (A.N.S.I.) or Snell-approved helmet for head protection.
- 6.26 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.
- 6.27 To remove any "RESERVED" sign(s) 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.

VII. VEHICLES

It shall be unlawful for any person:

- 7.01 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.
- 7.02 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.
- 7.03 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.
- 7.04 To use or operate power generators, chainsaws, or other power equipment on District Property without written permission from the District.
- 7.05 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.

VIII. COMMERCIAL USES

It shall be unlawful for any person:

- 8.01 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.

IX. PROHIBITED ACTIVITIES

It shall be unlawful for any person:

- 9.01 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.
- 9.02 To climb, dive, jump or purposefully fall into any waterbody or waterway, or from bluffs, cliffs, rocks or structures.

- 9.03 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 water body or waterway.
- 9.04 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 District.
- 9.05 To operate or cause to be operated, any aircraft at a ground clearance of less than 500 feet or which otherwise disturbs or causes harm to any of the flora or fauna or their habitat.
- 9.06 To clean fish, except at places designated and equipped with fish cleaning facilities and receptacles for the deposit of the waste substances.
- 9.07 To operate or use on any District waterbody, any kayak, canoe, rowing scull, or racing shell, without a District Special Use Permit.
- 9.08 To hang-glide, parachute, para-sail or engage in any human flight on, over, or onto District Lands or waterways except by express written permission from the District.

PART 2: MODIFICATIONS TO EXISTING LANGUAGE IN TITLE 6.0

Following are modifications to existing language in Title 6.0. In the following sections, the section number is the codified section in Title 6 where the regulation currently appears. The original language to remain is in plain text; language in the original to be deleted is shown in ~~strike through~~ type, and new language is underlined.

- 6.08.010 “Permit” and “Permission” unless otherwise expressly provided herein, permits or permission means written permission granted by the District’s General Manager or his or her designee.
- 6.12.030(A) 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.
- 6.16.020(A) To fish on any District property or reservoir shoreline specifically designated for fishing without a valid Daily Fishing Access Permit Pass in possession ~~except in issues specifically designated for fishing~~ or to fish in any other area at any time.

- 6.16.020(C) To hold or conduct any Group Activity such as a picnic, hike or other activity on District property involving more than 9 participants without prior written approval of the District without a valid Permit in possession.
- 6.16.020(D) 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 \$100.00 per day for each animal remaining without written permission.
- 6.16.020(F) 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.
- 6.16.020(G) 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.
- 6.20.010(A) To pollute or in any manner to contaminate or attempt to pollute or contaminate any reservoir, or other water body, waterway, spring, well, or other water source or water supply.
- 6.20.010(B) To make bodily contact or permit one's clothing, boots, waders, or other garments to make contact with the water of any District water body, except at approved and designated swimming locations.
- 6.20.010(C) To operate a hydraulic dredge, monitor or similar device within any district waterway or water body.
- 6.20.010(D) To permit any animal to swim, wade, drink from, or otherwise come into bodily contact with any waterway or water body, including Los Vaqueros Reservoir.
- 6.20.020(A) To deposit, place, dispose of, discharge or allow to enter any District property or water body, 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.
- 6.20.020(B) 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 water body.
- 6.20.030(B) To sell, possess, allow, or use fireworks of any kind on District property.
- 6.20.030(C) 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.

- 6.20.030(D) To gather or attempt to gather wood or other fuel within any District property.
- 6.20.030(E) 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 or turbo-charged diesel engines in approved areas.
- 6.20.030(F) To leave a fire, a lit portable barbecue or a lit camp stove unattended on any District property.
- 6.20.040(A) To disturb, injure, damage, collect, remove, ~~or~~ 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 ~~it's~~ a habitat, without a valid District permit in possession.
- 6.20.040(B) To damage, injure, collect or remove any object of paleontological, archeological, or historical interest or value as determined by the District.
- 6.20.040(C) 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.
- 6.20.040(E) To disturb, molest, damage, injure, take, place, plant, collect, remove or interfere with any animals ~~or~~, 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.
- 6.20.040(F) 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.
- 6.20.060(B) 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.
- 6.20.060(D) To possess, allow, consume or sell any alcoholic beverage within any District property.
- 6.20.060(J) To possess or operate a bicycle, skateboard, roller skates, roller blades or similar conveyance except in areas designated for such purposes, or and to operate any such conveyance in any location on District property in an unsafe manner.
- 6.20.060(N) To bring any animal, except a ~~seeing-eye~~ 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 (6) feet in length.

- 6.20.060(P) To allow ~~any unauthorized~~ 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 at 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).
- 6.24.010(B) 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.
- 6.24.020(A) 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, 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.
- 6.24.020(B) To enter, use, remain in, or travel through areas that have been posted as temporarily closed by the District, ~~providing that signs announcing the closure are posted at District-designated entry points.~~
- 6.24.020(C) 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.
- 6.24.020(D) 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 ~~or~~, beyond the posted parking time limits, or ~~to park in~~ more than one space.
- 6.24.030(C) To block, restrict, or otherwise interfere with the use of a road, trail, gate or other area open to the public on District property.
- 6.24.030(A) To fail to stay on designated trails or to leave trail gates open.
- 6.24.030(E) To cause any damage to, modify, change, extend or leave in a damaged condition any district road, trail or segment thereof.

6.24.050 It is unlawful for any person to place or launch or attempt to place or launch a vessel within any water body except at areas designated for such use by the District.

Ordinance No. 99-01