

**BEFORE THE BOARD OF SUPERVISORS OF
COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA**

Ordinance No. 4384

**AN ORDINANCE AMENDING TITLE 2 DIVISION 8 CHAPTER 1 OF THE
ORDINANCE CODE OF THE COUNTY OF SAN JOAQUIN PERTAINING TO
THE GENERAL PROVISIONS OF THE PARK RULES AND REGULATIONS**

The Board of Supervisor of the County of San Joaquin ordains as follows:

Chapter 1 of Division 8 of Title 2 of the Ordinance Code of San Joaquin County is amended as follows:

CHAPTER 1 PARK RULES AND REGULATIONS*

Sections:

- 2-8000 Definitions.
- 2-8001 General Provisions.
- 2-8003 Rules and Regulations Applicable to Parks.
- 2-8006 Park Rangers.
- 2-8007 Riding and Hiking Trails.
- 2-8009 Alcoholic Beverages Prohibited--Exception.
- 2-8010 Entry of Rivers.
- 2-8011 Camping.
- 2-8013 Punishment for Violations.

* Prior ordinance history: 779, 1697, 2000, 2028, 2070, 2182, 2249, 2346, 2640, 2921.

2-8000 DEFINITIONS

(a) "Park" means every park, riding and hiking trail, recreation area, community center or building, structure, or facility owned, managed, or controlled in whole or part by the county and under the jurisdiction of the Director in either incorporated or unincorporated territory.

(b) "Department" means the department of Parks and Recreation of the county.

(c) "Park waters" means any lake, pond, river, stream or other body of water within a park.

(d) "Director" means the Director of the Department of Parks and Recreation of the county or his or her designee.

(e) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water.

(f) "Motor Vehicle" means any multi-wheeled, treaded, or sled-type vehicle that is propelled by a motor or engine including commonly known as "motorized recreation vehicle.

(g) "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer and every

liquid containing alcohol and which is fit for beverages purposes either alone or when diluted, mixed or combined with other substances.

(h) "Bus" means a motor vehicle exceeding 22 feet in length and used or maintained for the transportation of passengers.

(i) "Night time" means any time from one-half hour after sunset to one-half hour before sunset.

(j) "Day-use" means entry into a county park during posted hours of operation. Day-use shall end each day at sunset unless otherwise permitted in special "use permit" issued by the Director.

(k) "Skateboard" means a board mounted on a set of wheels.

(l) "Roller skate" means a shoe with a set of wheels attached for skating.

(m) "Service Dogs" means any dog individually trained to the requirements of the individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheel chair, or fetching dropped items. Shall also mean any "guide dog" that was trained by a person licensed under Chapter 9.5 of Division 3 of the Business and Professions Code or as defined in the regulations implanting Title II of the Americans with Disability Act of 1990 (Public Law 101-336). Shall also mean any "signal dog" trained to alert an individual who is deaf or hearing impaired to intruders or sounds (California Civil Code Sections 54.1 C.(i))

2-8001 GENERAL PROVISIONS.

- (a) Compliance. A person shall not enter, be or remain in any park unless he *or she* complies with all of the regulations set forth in the chapter applicable to such park and with all other applicable laws, ordinances, rules and regulations. Failure to comply with this Section 2-8001 may result in eviction, citation or arrest.
- (b) Short Title. The ordinance codified in this chapter shall be known as, and may be cited as, the "Park Ordinance."
- (c) Posting of notices. The term "posted" as used in this chapter, unless otherwise indicated, means and requires that the Director shall set aside at the Department's headquarters and the park affected and in a location convenient to the general public, a bulletin board or similar device upon which shall be posted all special instructions, orders, pertaining to the designated park including, but not limited to, special hours of operation, swimming and boating restrictions, hunting and camping restrictions and special instructions pertaining to areas where activities are curtailed or restricted. Proof of posting shall be filed in the Office of the Director.
- (d) Enforcement. The Director, Sheriff and/or their designees shall enforce the provisions of this chapter.(Ord.3041;3618)

2-8003 RULES AND REGULATIONS APPLICABLE TO PARKS.

- (a) Specific Regulations. The following rules and regulations apply to all parks as defined in section 2-8000 of this chapter except as otherwise expressly stated.

- (b) Harmful Objects. A person shall not place, throw, leave, keep or maintain any object in such a manner or in such a place that any person or animal may be injured or any structure or vehicle may be damaged thereby.
- (c) Rubbish. A person shall not throw, leave, place, deposit or dispose of any garbage, refuse waste paper, bottles or cans in any place in a park other than into a garbage can or other receptacle maintained therein for that purpose. Nor shall any person place any household garbage in any trash receptacle within a park. A person shall not remove any garbage, refuse, waste paper, bottles, cans or aluminum from any Department receptacle without a permit issued by the Director.
- (d) Weapons. Except as otherwise authorized by law, no person shall use, maintain possess or discharge any firearm, air gun, spring gun, bow and arrow, sling shot or any other weapon, potentially hazardous to wildlife or human safety within the boundaries of any park or within two hundred (200) feet thereof. It shall be unlawful to shoot any of the aforementioned weapons into or across the park. The foregoing provisions shall be inapplicable to the operation and use of shooting, firing or archery ranges or to other areas that have been designated by the Department for the use of firearms nor shall they apply to persons employed by any city, the county, the state or by the United States to destroy predatory animals or beasts as defined in the Food and Agricultural code when acting in the course of their employment. Persons permitted to possess firearms, other than peace officers in the course of their employment, must register all firearms and other weapons at the park entry station, identifying type, number, and amount of ammunition and location of weapon storage while within the park.
- (e) Fires Prohibited. No person shall ignite or permit to be ignited, or permit to be maintained, a fire in any location in a park except in a designated campfire site, barbecue pit, fireplace or cooking area provided by the Department for the purpose of maintaining a fire, or except as specifically permitted in writing by an authorized employee or agent of the Department.
- (f) Washing/Repairing Vehicles. No person shall engage in the washing, cleaning, polishing, repairing, renovating, changing of fluids or painting of any motor vehicle, trailer or other wheeled conveyance or bicycle within a park.
- (g) Animals. A person shall not bring into a park any animal other than dogs or cats except as hereafter specifically provided or as otherwise permitted by the Director.
- (h) Dogs and Cats. Dogs shall be licensed in accordance with the animal ordinance, being Chapter 1, Division 1 of Title 6 of this code. A person may bring and maintain in any park, exclusive of golf courses and zoos, up to a total of two (2) dogs and /or cats, excluding "service dogs", if such dog or cat is kept on a leash or chin not exceed six (6) feet in length and under immediate control of its owner or custodian, or upon written permission of the Director.
- (i) Nature Preserves and Trails. No person shall bring any animal within or upon any area designated as a nature preserve, nature trail, equestrian trail, and bicycle or hiking trail except with written authorization of the Department. This subsection does not apply to horses that are on marked equestrian trails, provided, that they are under the immediate and reasonable control of the owner.

- (j) **Exemption for Service Dogs.** Subsections (h) and (i) shall not apply to “Service Dogs ” assisting a disabled individual, provided that such dog remains under the immediate control of such disabled person. “Service Dogs” shall be exempt from any pet fees, including “Service Dogs” in training. (California Civil Code Section 54.2 (b)).
- (k) **Grazing.** A person shall not permit any cattle, horses, goats, sheep, swine or any other animal to graze in any park, except on property designated for such purpose.
- (l) **Protection of Animals.** No person shall molest, hunt, disturb, injure, trap, net, poison, harm or kill any kind of animal, except that fish or frogs may be taken other than for commercial purposes in accordance with the state fishing laws and regulations. The foregoing provisions shall not apply to persons employed by and city, the county, the state, or by the United States to destroy predatory animals or birds or beasts as defined in the Food and Agricultural Code when acting in the course of their employment. The forgoing provision shall not apply to park employees taking natural specimens under the direction of the Director.
- (m) **Vehicles.** The Board of Supervisors shall regulate the use of motor vehicles within the parks by resolution adopted pursuant to section 21113 of the Vehicle Code. It is unlawful to operate motor bikes, motorcycles or other motor vehicle sin any park for other than the purpose of access or egress.
 - (1) **Speed Limit.** A person shall not operate, drive or ride a motor vehicle of any kind on a park road at a speed in excess of fifteen (15) miles per hour, unless a different speed limit has been designated and posted.
 - (2) **Confined to Roadways.** A person shall not operate, drive or ride a motor vehicle, trailer, motorcycle, trail bike, motor scooter, go-cart or other motor-driven wheeled conveyance or bicycle in a park except upon paved or improved roadways provided for that purpose or upon such paths or trails as designated by the Director.
 - (3) **Parking.** No person shall stop or park a motor vehicle, trailer, motorcycle, trial bike, motor scooter, go-cart or other motor-driven wheeled conveyance, any place in a park except in areas designated for parking. When parking spaces are designated by lines, it is unlawful for the operator of any vehicles mentioned in this subdivision to stop, stand or park said vehicle other than in regularly designated parking space, across any such line, or in such position that such vehicle shall not be entirely within the area so designated as a parking space. Nor shall any person park any vehicle in a manner that obstructs the free movement of other vehicles, nor shall any vehicle be parked in a manner which obstructs any gate, sidewalk, pedestrian crosswalk or pedestrian walk- through, provided for the walking entry or exit through fences or railings. No person shall allow any such vehicle to remain within the boundaries of a park during the hours the park is closed except by permit form the Department. No person driving any motor vehicle shall enter or exist a park at provided entry roads, paths or gates.
- (n) **Model Airplanes, etc.** A person shall not operate motorized model airplanes boats or crafts except in areas designated for such use and subject to all rules and regulations contained in such written permission.

- (o) Solicitation. A person shall not solicit in any manner or for any purpose or sell or offer for sale any goods, ware or merchandise or distribute or pass out any handbill advertising matter except:
 - (1) Pursuant to a concession or other written agreement with the county.
 - (2) A sports team which is member of a regular sports league and which admits all members of the general public to the sporting event to the extent of capacity without discrimination and without charge to any game played may solicit voluntary contributions from the spectators attending such game.
- (p) Hours. The Director shall designate the hours for the use of the parks. The Director shall post the hours of use at the entrance of each park. Entrance into any park other than during posted hours of operation shall be unlawful.
- (q) Nudity. No person shall appear nude while in any county park. The word "nude" as used herein means unclothed or in such a state of undress as to expose any part or portion of the pubic or anal region or genitalia or any portion of the breast at or below the areola thereof any female.
- (r) Washing. A person shall not place in any park waters any edible matter, dish or utensil or wash or cleanse in any park waters any such edible matter, dish or utensil or commit any nuisance in or near such waters or pollute any park's waters, or bathe, swim, or wade in park waters except as provided in Section 2-8004. No waste, water, sewage or effluent shall be deposited directly upon or into the surface of the ground or water.
- (s) Skateboards and Roller Skates. No person shall use a skateboard or roller skates in any county park without prior approval by the Director.
- (t) Insurance. The county may require as a condition of use of any park that insurance be provided which shall meet county requirements. (Ord. 3041;3618)
- (u) Smoking. The Director may designate "no smoking" at any county park. The Director shall post "no smoking" at the entrance of the park and ban the use of any tobacco product within that park.

2-8006 PARK RANGERS.

Rangers. Park rangers if employed and paid as such by the county shall have the primary duty of protecting county park property and preserving the peace therein, as well as such other duties as many from time-to-time be assigned by the Director. In the performance of their primary duty, possess to the extent defined and declared by State law the powers and authority of their primary duty, possess to the extend defined and declared by State law the powers and authority of peace officers, and are specifically designated as peace officers for the purposes of Section 12027 and 12031 of the Penal Code of the State of California. The Director is empowered to make rules and regulations concerning the use of weapons by Park Rangers in accordance with the Penal Code. (Ord. 3041)

2-8007 RIDING AND HIKING TRAILS.

- (a) A park or facility may be closed to public entry and/or vacated whenever a hazard to the public health or safety exists as a result of a calamity such as flood, storm, fire, earthquake, explosion, accident or other disaster, or when, in the opinion of

- Department employees charged with protection and safety of the public a hazardous condition exists. Authority for such action rests with the Director, any duly appointed peace officer, or any designated uniformed county employee.
- (b) The Director may from time-to-time establish prohibited or limited areas to avoid interference in development, construction and management, or provide for security, safeguarding or preservation of property within the county park system. The Director shall declare an area prohibited or limited by written order, specifying the period thereof. The order may include such classes of persons who may enter therein and the conduct of such proper activities or official duties as the Director may prescribe. The order may also limit the number of persons in the area.
 - (c) Any unauthorized person who willfully or knowingly enters an area closed, prohibited or limited pursuant to subdivision (a) or (b) or who willfully remains within such area after receiving notice to evacuate or leave shall be guilty of a misdemeanor. (Ord. 3041; 3618)

2-8009 ALCOHOLIC BEVERAGES PROHIBITED –EXCEPTION.

- (a) No person shall consume in any park any intoxicating liquor having an alcoholic content in excess of twenty-four (24) percent by volume, or dilutions of mixtures containing such intoxicating liquor, except as authorized by permit issued by the Director.
- (b) Permits issued by the Director pursuant to this section shall require proof of any license or permit required by the Alcoholic Beverage Control Act. A cleanup and damages deposit and a minimum insurance coverage shall be required as follows:

(1) When the activity is open to the public and admission is charged.

\$1,000,000	Combined single limit
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(2) When the activity is open to the public and admission is charged and alcohol is sold.

\$1,000,000	Combined single limit, including Liquor Liability
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- (b) Insurance requirements may be increased at the discretion of the Director where the event involves a significant exposure to risk liability to the county, as determined by the Director and the county Risk Manager. Such insurance shall:
 - (1) name the county, its agents and employees as additional insured;
 - (2) be primary coverage and;
 - (3) indemnify the county, its officers, agents and employees for any and all claims, liabilities, losses, damages or expenses including attorney's fees and legal costs which the county, its officers, agents and employees may suffer by reason of use of the permit.
- (d) Possession of alcoholic beverages is prohibited in Stillman L. Magee Park between May 15th and September 15th.
- (e) Upon posting, the Director may prohibit possession or consumption of any alcoholic beverage within portions of or within any designated park. (Ord. 3041; 3618)

2-8010 ENTRY OF RIVERS.

- (a) Upon posting signs, the Director may prohibit entrance to rivers after certain hours or conditions. (Ord. 3041; 3618)
- (b) Life Preservers. It is unlawful for any parent to permit his or her child under the age of thirteen (13) or for any guardian to permit any child under the age of thirteen (13) in his or her care to access any public waters unless such child is wearing a life preserver. For purposes of this section, "life preserver" is any device meeting the definition "Personal Floatation Device" as set forth in Title 8 of the California Code of Regulations. A violation of any provisions of this section shall constitute a misdemeanor.

2-8011 CAMPING

- (a) No person shall camp in any part of the county park system except in areas designated for that purpose by the Director. "Camp" or "camping" includes, but is not necessarily limited to: (1) erecting a tent or shelter or arranging bedding, or both, for the purpose of, or in such a way as will permit, remaining overnight; and (2) use of boats or houseboats, whether anchored, moored or beached, for the purpose of sleeping, during the nighttime.
- (b) Minor. No person, under the age of eighteen (18) years may, camp in any portion of the San Joaquin County park system except as follows:
 - (2) A minor who is accompanied by a parent or guardian;
 - (3) A minor who furnishes the written consent of a parent or legal guardian. Such written consent shall contain the parent or legal guardian's residence address and telephone number and shall also identify the applicable park and duration of stay.
- (4) A minor who is part of a group permitted to occupy an area of the park system at night and who is supervised by at least one (1) responsible adult for each ten (10) minors.
- (5) A minor emancipated by the order of the court may camp without written permission or adult supervision. Any such minor shall furnish a certified copy of the emancipation order.
- (c) Number Occupying Campsites. The number of vehicles and persons occupying a campsite shall not exceed two (2) vehicles and eight (8) persons; however, Director may authorize a greater number or lesser number when facilities so warrant.
- (d) Camping Fees Due. Fees for the use of camping facilities are due upon occupying the site and payable daily. The daily fee covers use of facilities until the required vacating time of 12:00 p.m. of the following day.
- (e) Second Vehicle Fees. Campsite registration fees cover only one recreational vehicle. All other motor vehicles shall pay upon entry, additional vehicle fees as posted upon entry to the park.
- (f) Display of Registration. Display of campsite registration is required for occupancy. The display of campsite registration is not proof of payment.

- (g) **Occupancy.** A campsite is considered occupied when it is being used, or has been reserved, for the purpose of camping by person or persons who have paid the daily site-use fee and the campsite is officially designated or marked "occupied." The person or persons by or for whom the daily site-use fee has been paid and the guest and invites of such person or persons may occupy the campsite for the period for which the daily fee has been paid. A person not authorized to occupy the campsite shall not take or maintain possession of or park or stand a vehicle in, a reserved or occupied campsite.
- (h) **Reserving Campsite.** The placement of camping equipment, a vehicle or any item which limits, restricts or prohibits use, in a campsite for the purpose of reserving a site without payment of fees is prohibited.
- (i) **Time Limits.** In order to afford the general public the greatest possible use of the county park system, continuous occupancy by the same persons of any camping facility is limited to twenty-nine (29) calendar days within any forty-two (42) consecutive calendar day's period. The Director or his designee may order shorter seasonal limits for occupancy in any individual park when facilities so warrant. The Director may establish "off season" limits for occupancy greater than twenty-nine (29) calendar days for the purpose of promoting full use of camping areas.
- (j) **Vacating.** If applicable use fees have not been paid or if time limits for occupancy have expired occupants shall vacate the campsite by removing their personal property by 12:00 p.m.
- (k) **Camping Day Use Areas.** Camping in day use areas is subject to the fees and use restrictions established by the Director.
- (l) **Peace and Quiet.** No person shall conduct themselves in a manner that disturbs others in an area designated for overnight camping between the hours of 10:00 p.m. and 6:00 a.m. daily. Nor shall a person use any device or equipment at a volume which emits sound beyond the immediate individual camping or picnic site without specific written permission of the Director. Engine driven electric generators may be operated only between the hours of 8:00 a.m. and 8:00 p.m.
- (m) **Authorized Camping Equipment.** The Director may specify the size, type, arrangements and use of camping equipment and the number of persons permitted in the area. Household appliances such as refrigerators, freezers, washers and dryers shall be enclosed inside of a camper, trailer or motor home. The erection of a rope or clothesline for the purpose of drying clothes or restricting public use is prohibited.
- (n) **Games.** No person shall play ball games, horseshoes, or other similar activities in picnic or camp grounds except in designated areas. Such games shall not be played during quiet hours of 10:00 p.m. to 6:00 a.m.
- (o) **Animals.** No person shall permit a dog or a cat or other authorized animal to remain outside a tent, camper or enclosed vehicle during the night except by specific written permission of the Director. At no time shall a person keep or permit to remain in any campground a barking dog that is under the person's ownership or control. Animals shall not be tied to trees or in such a manner that the animal may limit or prevent public access to the tent, camper, motor home or trailer door. Pet owners or caretakers are responsible for the immediate removal and proper disposal of all pet wastes. (Ord. 3041;3618)

Ord #4383

2-8013 PUNISHMENT FOR VIOLATIONS.

Any violation of this chapter is punishable as an infraction by a fine of not more than \$250.00 and may be punishable as a misdemeanor. (Ord. 3618)

PASSED AND ADOPTED this 8th day of December, 2009 by the following vote of the Board of Supervisors, to wit:

AYES: **Villapudua, Bestolarides, Vogel, Ruhstaller, Ornellas**

NOES: **None**

ABSENT: **None**

Leroy Ornellas

Leroy Ornellas, Chairman
Board of Supervisors
County of San Joaquin
State of California

ATTEST: LOIS M. SAHYOUN
Clerk of the Board of Supervisors
Of the County of San Joaquin
State of California

Caroline Junco

BY _____ (SEAL)
Deputy Clerk