

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, REPEALING CHAPTER 14.12 AND ADDING A NEW CHAPTER 14.12 TO THE MONTEREY COUNTY CODE ESTABLISHING REGULATIONS FOR COUNTY PARKS

County Counsel Summary

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

SECTION 1. Chapter 14.12 of the Monterey County Code, as established by Ordinances 1712 (1970), 1721 (1970), 1927 (1972), 2033 (1974), 2144 (1976), 2483 (1979), 2485 (1979), 2753 (1981), 2972 (1984), 3034, (1984), 3112 (1986), 3204, (1987), 3251 (1987), 3285 (1987), 3327 (1988), 3646 (1992), 3659 (1993), 4016 (1999), and 5109 (2008) is hereby repealed in its entirety.

SECTION 1. A new Chapter 14.12 is hereby added to the Monterey County Code to read as follows:

Chapter 14.12 COUNTY PARKS

Sections:

- 14.12.010 Definitions**
- 14.12.020 Authority and Responsibility**
- 14.12.030 Fees**
- 14.12.040 Permits**
- 14.12.050 General Park Use Guidelines**
- 14.12.060 Transportation**
- 14.12.070 Campgrounds**
- 14.12.080 Waterways**
- 14.12.090 Animals and Pets**
- 14.12.100 Firearms, Weapons and Explosives**
- 14.12.110 Smoking**
- 14.12.120 Enforcement**

14.12.010 Definitions

A. For the Purposes of this Chapter:

1. “Alcohol” means any opened, sealed, or unsealed container of any beer, wine, or other alcoholic beverage, as defined in Section 23004 of the California Business and Professions Code. Beer and Wine are defined by Sections 23006 and 23007 of the California Business and Professions Code

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

3. "County Park" means land and/or facility owned, operated, or managed by the County of Monterey for purposes of public park, recreation, habitat management, or open space;

4. "Cremated remains" means the ashes and bone fragments of a human body that are left after cremation in a crematory, and includes ashes from the cremation container. "Cremation remains" does not include foreign materials, pacemakers, or prostheses.

5. "Director" means the department head appointed to manage County Parks.

6. "Horse" means any member of the equine family including mule and donkey.

7. "Pass" refers to a placard, certificate or decal issued by Parks Personnel, granting access to a County Park for general access and use of the County Park.

8. "Parks Personnel" means employees and volunteers appointed by the Director to work in County Parks as well as a company and their employees under contract to manage a County Park.

9. "Park Ranger" means employees of the County having a (Ranger I, II, III?) job classification.

10. "Pet" means a commonly domesticated household animal.

11. "Permit" for the purposes of this Chapter, means approval granted for a Special Event.

12. "Service Animal" means any guide dog, signal dog or service dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

13. "Shooting range" means a public rifle and pistol range at Laguna Seca Recreation Area.

14. "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, Electronic Smoking Device (as defined in Monterey County Code Chapter 10.17), or any plant product intended for human inhalation.

15. "Special Event" means activities where an agreement reserves an area of a County Park for a public or private use.

a. "Special Event-Private" means a special event organized by an individual, business, organization or other entity, which is open only to members of that business, organization or entity, or by specific invitation of the organizer, and may not be attended by the public at large.

b. "Special Event-Public" means a special event, gathering, competition or any other activity held at a County Park, which is open to the public.

16. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power.

17. "Vehicle-Bus" means any vehicle including a trailer bus that is designed, used, or maintained for carrying more than 15 persons, including the driver

18. "Vehicle-Passenger" means a vehicle, other than a motor truck, truck tractor, or a bus, used or maintained for the transportation of persons. The term "passenger vehicle" shall include recreational vehicles.

B. Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural and the plural the singular.

C. "Shall" is mandatory and "may" is permissive.

D. Section headings, when contained in this Chapter shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section.

14.12.020 Authority and Responsibility

A. The Director or designee shall establish and interpret written rules and policies that provide for the health, safety, proper management and good order of County Parks. These rules and policies shall be approved by the Board of Supervisors and established by resolution.

B. Parks Personnel are authorized to direct the visiting public in County Parks as to the use of all facilities in the parks according to law, County ordinances and the adopted County Park rules and policies, including as otherwise provided in this Chapter.

C. Parks Personnel may direct the public as conditions may require in the event of a fire or other emergency, or to expedite traffic or ensure safety, or to prevent pollution of any lake, stream, environmentally sensitive, natural area, open water-way, body of water or riparian area notwithstanding the provisions of this Chapter.

D. The Director or designee, or Sheriff's Department is authorized to close to public use of any County Park, or portion thereof, or any lake or stream therein, or restrict the times when the same shall be open to such use, or limit or prohibit boating, fishing, or other recreational uses thereof, whenever, in its judgment, it deems there is good cause to take any of said actions in order to safeguard the health or safety of the public or the safety of the park or any of its facilities. Good cause shall include, but not be limited to, the following: unreasonable fire hazard; dangerous weather or water conditions; sanitary protection of a watershed; construction or repairs in a park; conservation of fish and game; excessive boat traffic; unsafe or unsuitable shoreline, ramp, parking, or road conditions; the prevention of damage to the County Park or any of its facilities; or any dangerous, unsafe, or unhealthful condition.

E. The Director or designee may determine that due to the impact on the use of a County Park from a Special Event, the County Park should be closed to the public during all or a portion of the event term. In such case, the Director or designee shall establish fees that compensate the County for any lost revenue as a result of closing the County Park.

F. Parks Personnel may, in its discretion, refuse to admit to a County Park any person, who, or vehicle, vessel, or equipment which, has been expelled from a County Park within the immediately preceding six (6) months.

G. Park Rangers are authorized to move or remove any vehicle or trailer, which has been illegally parked in violation of this Chapter

H. Parks Personnel is authorized to revoke any permit, certificate, or decal which has been issued when:

1. Such permit, certificate, or decal was issued unlawfully or erroneously; or
2. Parks Personnel has reasonable grounds to believe that the person in possession of such permit, certificate, or decal has violated any provision of this Chapter or of State laws, in which latter case Parks Personnel or Sheriff's Department may also expel such persons forthwith from the County Park.

14.12.030 Fees

A. The Director or designee shall establish and implement a schedule for fees, including specific discounts to be adopted as part of the Monterey County Master Fee Resolution for the use of County Parks. The fee schedule will be approved by the Board of Supervisors and established by resolution.

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

C. The Director or designee is authorized to establish appropriate fees for new facilities as they are developed, subject to ratification by the Board of Supervisors as part of the Monterey County Master Fee Resolution.

D. The Director or designee is authorized to grant refunds for County Park fees adopted as part of the Monterey County Master Fee Resolution, or as established by the Director per Section 14.12.030.A of the Monterey County Code.

E. The Director or designee is authorized to waive fees for the use of County Parks within the policies, procedures and criteria established by the Board of Supervisors in the Monterey County Master Fee Resolution.

14.12.040 Park Access, Passes and Permits

A. Park Access - General Provisions.

1. No person shall enter or use any County Park, or any of its facilities, without first paying all prescribed fees, if any, to the County at an established point of entry or designated time of collection and receiving an appropriate Pass.

2. No person shall refuse to exhibit to Parks Personnel, upon its demand, any Pass or Permit that has been issued to him or her.

3. No person shall fail to produce and exhibit a Pass or Permit they claim to have upon request of Parks Personnel who desires to inspect said permit for the purpose of enforcing compliance with any regulations in this Chapter.

4. Pass/Permit holders may be required to show valid photo identification.

5. Passes/Permits are non-transferrable.

6. The following persons are exempt from the Pass/Permit and fee requirements of this Chapter: officers, employees, agents, and contractors (and employees of the latter) of any governmental entity, while engaged in the performance of their duties; concessionaires of the County and their agents, employees, suppliers, and contractors, while on the business of the concessionaire; employees of public utilities while in the performance of their duties; such other persons as may be designated by resolution of the County Board of Supervisors.

B. Annual Day Use Pass Special Provisions

1. Annual Day Use Passes shall be valid for the calendar year in which issued, terminating on December 31st thereof, unless sooner revoked.

2. Annual Day Use Passes are not valid for commercial use, unless specifically allowed by this Chapter, the County Parks established rules and policies or Fee Schedule.

3. Annual Day Use Passes shall be issued to an individual purchaser for use only by immediate family residing at the purchaser's address.

4. Annual Day Use Passes are not valid when a special event entrance fee is being charged.

5. Annual Day Use Passes are valid for one (1) Passenger Vehicle as defined in this Chapter. The Annual Day Use Pass may not be used for a Bus.

6. Annual Day Use Passes may be used by the purchaser for entry into County Parks as permitted in this Chapter, for the purpose of conducting business as a commercial photographer, providing the purchaser also holds a valid County issued Photography Use Permit.

C. Event Permits.

1. The Director or designee is authorized to establish requirements and conditions of approval for any event or reservation, including but not limited to the following: facility rental, use of equipment in a County Park, weddings, special activities/amenities, serving and consuming of alcohol, amplified music and camping.

2. All Public Special Events must be approved by a Special Event Agreement as described in Section 14.12.040.F

3. All Private Special Events over one thousand (1,000) people must be approved by a Special Event Agreement as described in Section 14.12.040.F

4. Any event requiring a permit or agreement by provisions in this Chapter or as determined by the Director or designee, shall include the following minimum information:

a. The name and address of the applicant (responsible party);

b. The name of the person, group organization or corporation sponsoring the activity;

c. A description of the proposed activity, including any special amenity (such as inflatables, rock climbing walls, food trucks/services, live or amplified music);

d. The date(s), hours and County Park facility for which the permit is desired;

e. An estimated total number of people that may attend the event;

f. Any other information which the Director or designee, regarding public health, safety and welfare, or risk to the County, finds reasonably necessary to a fair determination as to whether a specific permit should be issued.

5. Director has authority to add conditions as determined necessary for maintaining and operating County Parks.

6. The Director shall issue a permit as required by provisions in this Chapter when they find that the proposed activity, special amenity or use of the County Park:

- a. Will not unreasonably impact the County Park, or use thereof;
- b. Will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- c. Is not reasonably anticipated to incite violence, crime or disorderly conduct;
- d. Will not entail unusual, extraordinary or burdensome expense or security operation by the County;
- e. That all conditions including, where applicable, the payment of fees, approval by the Board of Supervisors, application requirements including indemnification and insurance coverage, requirements in the current Monterey County Master Fee Resolution, conditions required by County Park rules and policies and all other conditions as required by the provisions of this Chapter, and all other provisions as required by County Code are met;
- f. Said permit will not conflict with County Park facilities that have been reserved for other use.
- g. When all applicable fees to reserve the County Park have been paid in full, including deposits.

D. Alcohol Permit – General Provisions

1. Alcohol other than Beer and Wine shall be prohibited in all County Parks except for Lake San Antonio North Shore, Lake San Antonio South and Lake Nacimiento.

2. No person shall, within a County Park, drink, use, consume, or be in possession of any opened, sealed, or unsealed container of any Alcohol unless such possession or consumption has been specifically authorized by first obtaining a valid, unexpired, unrevoked Alcohol Permit issued from Parks Personnel.

3. No Alcohol Permit shall be required for the Laguna Seca Recreation Area, Lake San Antonio North Shore, Lake San Antonio South Shore, or Lake Nacimiento.

4. No Alcohol Permit shall be required for the residential areas within a County Park. (e.g. employee housing, live-on volunteer housing sites).

5. Alcohol Permits shall only be issued for serving and consumption of Beer and Wine.

6. No Alcohol Permit may be transferred, assigned, sublet, or utilized in an undesignated group picnic area or other location in the County Parks unless approved in writing by the Director or designee.

E. Noise Permit

1. No person shall, within a County Park, operate any:

a. Noise-producing equipment, whether or not electrically amplified, which disturbs other people, except in accordance with the terms and conditions of a permit therefor issued by Parks Personnel;

b. Machine, mechanism, device, or contrivance which produces sound exceeding fifty (50) decibels as measured at a distance of fifty (50) feet from the source on a sound level meter using the A-weighted network.

2. Notwithstanding the foregoing, sound levels for, all track rentals and all use by racing teams at the Raceway at Laguna Seca Recreation Area, as well as other motorized wheel events at Laguna Seca Recreation Area, may be established by the County of Monterey and such sound levels may be made a condition of a special event permit or agreement authorizing such event. A violation of such condition shall constitute a violation of this Chapter.

3. Major spectator races allowed under Monterey County Use Permit at Laguna Seca Recreation Area, the Rifle and Pistol Range at Laguna Seca Recreation Area, all other events authorized under the concession agreement for special events at any County Park, and boating activities on San Antonio Lake are excluded from the provisions of this Subsection.

F. Special Event Agreement - Special Provisions

1. Any event over five thousand (5,000) people requires approval by the Board of Supervisors.

2. Negotiated Terms. The Director or designee shall have full authority to establish requirements and conditions of approval for any Special Event at a County Park.

a. User fees not less than the current user fees approved at each park unit shall apply. This includes day-use, camping, boating, and other miscellaneous

fees as listed on the current Master Fee Resolution. User fees may be adjusted by the Director or designee in the event that:

1. There is to be a special entrance fee for which a percentage of the gross receipts is to be paid to the County and which includes the day-use fee.

2. Other provisions are approved as a form of compensation (e.g. volunteers hours equivalent to the user fee).

- b. Allocation of Costs to Permittee. In the event that the County incurs excess costs for the operation of the park unit as a result of the special event, these costs shall be allocated to permittee. Such costs shall include, but not be limited to, overtime for Parks Personnel when the event includes non-park hours, directing traffic and parking, providing security, providing trash/sewer disposal services, or utilization of County equipment in support of permittee activities. Actual costs to County for labor and materials shall be charged and equipment rental rates shall be charged as currently established within County agreements.

- c. Cash Bond-Gross Receipts. If anticipated percentage of gross receipts due the County from the special event exceed two thousand dollars (\$2,000.00), permittee may be required to deposit a cash bond with the County for an amount equal to fifty (50) percent of said amount.

- d. Deposit. Damage, cleaning or other deposit(s) may be charged proportionate to the number of anticipated participants in the special event. It may be included in the amount of the cash bond described in Paragraph d above. Upon completion of the event, all or any unused portion of the Deposit shall be refunded to permittee after final cost out of the special event.

- e. The Director or designee shall require event plans, including medical, traffic, sanitation, security or other supplemental plans as needed to be included in the Special Event Agreement.

14.12.050 General Park Use Guidelines

A. No person shall, within a County Park:

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

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

3. Throw, dump, or deposit into the waters of any lake or stream, or upon the shore or banks thereof, any trash, refuse, garbage, litter, waste material, petroleum product, or any noisome, nauseous, or offensive matter of any kind;
4. Bring into such County Park any vehicle, trash, refuse, garbage, litter, or waste material for the purpose of leaving it therein;
5. Throw or deposit any burning substance into or onto any combustible place or area, except into an authorized fire pit or incinerator;
6. Build, kindle or use any cooking or similar fire, except in a designated camping or picnicking area in a fire pit, stove, incinerator, or other similar facility provided by, or approved by, Parks Personnel;
7. Leave any fire unattended;
8. Hunt, kill, injure, or molest any animal or bird, or allow any child or animal in his or her care and custody to do so;
9. Land any aircraft on a lake in any County Park, except in an emergency or when authorized;
10. Sell or advertise any product or service, or carry on any other commercial activity; or distribute any handbill, tract, or other literature, without authorization by the County Board of Supervisors;
11. Enter or remain in any County Park area after the posted closing time without prior approval of the Director or designee;
12. Make any oration, harangue, or other public demonstration without prior approval of the County Board of Supervisors;
13. Perform or participate in any political rally or meeting, religious service or function, without prior approval of the Board of Supervisors; for the purposes of this Chapter a wedding service or reception shall not be considered a religious service or function.
14. Cut, pick, mutilate, remove, or destroy any vegetation, or remove soil or rock or natural material, except as authorized by the Director or designee;
15. Enter any fenced utility area, or remove, destroy, or tamper with any valve, switch, or control of any telephone, electrical, water, or sewer line or system owned or operated by any public entity or public utility;

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

17. Engage in any riotous, boisterous, threatening, or indecent conduct, or use profane or indecent language, or operate a radio or musical instrument in such a manner as to disturb other persons;

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

19. Use unmanned aircraft systems (drones) of any size without a permit issued by County Parks.

B. Cremated Remains

1. A person may scatter cremated remains over uninhabited County Parks land or water not less than 250ft from shore, without written approval from the Director, Director of Environmental Health, and all required Federal, State and Local permits.

2. Unless the container is biodegradable, cremated remains must be removed from the container before being scattered.

14.12.060 Transportation

A. Vehicles

1. No person shall, within a County Park:

a. Drive a vehicle at a speed greater than posted limits. If not posted, speeds shall be as follows:

1. Maximum five miles per hour (5 mph) in a picnic area, campground, or parking lot,
2. Maximum fifteen miles per hour (15 mph) in any other area, unless a different maximum speed is posted; however, not more than thirty-five miles per hour (35 mph) at any time.

b. Drive a vehicle on other than established vehicular roads, parking areas or boat launching areas;

c. Drive a vehicle unless he or she then holds a valid driver's license issued to him or her by this State, another State, or foreign jurisdiction of which he or she is a resident;

d. Drive a vehicle which has not been licensed by the motor vehicle licensing authority of this State, another State, or a foreign jurisdiction;

e. Park or leave unattended any vehicle or trailer in other than a single parking stall or area designated for such parking; or on any boat launching ramp or so near thereto as to hinder or impede the drivers of other vehicles;

f. Drive any vehicle in willful or wanton disregard for the safety of person or property.

B. Bicycles

1. No person shall, within a County Park:

a. Ride, use, or be in possession of a bicycle on any trail not authorized for such use.

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

c. Ride a bicycle on any authorized dirt trail without wearing a protective helmet that is certified by American National Standards Institute (ANSI), Snell Memorial Foundation (SNELL), or both.

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

14.12.070 Campgrounds

A. No person shall camp within a County Park without a valid, unexpired, unrevoked permit therefore. Parks Personnel may, at any time, revoke the camping permit of any person if the campsite occupied by such person is not maintained by him or her in a reasonably clean, sanitary, and attractive manner.

B. Camping permits may be issued so as to expire after a maximum of fifteen (15) consecutive days, and campground occupancy by the same person(s), equipment, or vehicle(s) at any camping facility shall not exceed thirty (30) total days per year, unless otherwise extended at the discretion of the Director or his designee. After the first fifteen (15) day permit has expired, the occupant(s) equipment, and vehicle(s) must vacate the campground for a minimum of two (2) consecutive days before a second permit may be issued. All camping permits expire at 2:00 p.m. on the expiration day.

C. No person shall camp within a County Park except within designated camping areas.

D. No more than two (2) dogs are allowed per campsite.

E. The holder of a camping permit shall affix it to his or her campsite marker. No person shall move, mutilate, or destroy any campsite marker or permit.

F. No person shall, without prior approval of Parks Personnel, park more than two (2) motor vehicles, or one motor vehicle and one boat trailer, at any one campsite in a County Park.

G. Quiet shall be observed in all camping areas of a County Park between the hours of 10:00 p.m. and 7:00 a.m. No person shall make any loud or boisterous noise of such a nature as to disturb other persons in such areas between said hours, including but not limited to amplified music, or voice levels that extend beyond the subject campsite (including pet sounds like dogs barking).

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

I. No person shall camp below the high-water line of any lake in a County Park unless authorized by Parks Personnel.

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

K. "Hiker/Biker" camp permits shall be valid only for camping in areas designated as Open-space Camp Areas.

14.12.080 Waterways

A. Boating Rules and Regulations

1. The Director or designee is authorized to establish and designate such restricted boating areas and speed zones on any lake in a County Park as are reasonably necessary for the safety of persons and property.

2. The Director or designee is authorized to designate parts of a lake in a County Park for the exclusive use of such specific classes of boats and during such specific times as will, in its judgment, best serve the interests of the boating public.

3. Parks Personnel is authorized to inspect and reinspect any boat in a County Park to assure its compliance with all regulations applicable to it, and is authorized to revoke, for noncompliance, any boat permit previously issued by it.

4. Boat permits shall be affixed to the outboard side of the boat, approximately mid-boat on the port side, or on the port side of the boat windshield, and are not transferable to other boats owned concurrently by the same or other owners.

5. Boats owned by governmental agencies or by concessionaires of the County shall not be required to obtain boat permits under this Chapter, but shall be subject to all other provisions of this Chapter.

6. No person shall place, use, or operate any boat on a lake or stream in a County Park which:

- a. Fails to comply with all safety requirements;
- b. Fails to comply with restrictions for invasive species (e.g. quagga mussels);
- c. Lacks a valid decal, State registration, license and County decal or day use permit;
- d. Is not in a clean and sanitary condition;
- e. Is not, in the judgment of Parks Personnel, of safe design and construction;
- f. Possesses an operable sink drain or toilet, unless the boat is a permitted houseboat as defined in Section 14.22.010;
- g. Is of such size as to constitute, in the judgment of Parks Personnel, an unreasonable hazard, in which case it may, in the discretion of said department, be confined to lake areas designated by it.

7. No person shall, within a County Park:

- a. Operate a boat without a valid and unrevoked permit;
- b. Operate a boat within a prohibited area when such area has been so designated by official waterway markers;
- c. Operate a boat in violation of sailing patterns and buoy markings;
- d. Operate a boat at a speed greater than five (5) miles per hour within two hundred (200) feet of any boat landing dock, ramp, logboom, or regular beaching area; or within one hundred (100) feet of any boat that is not under way;
- e. Operate a boat in a restricted or special speed zone at a speed in excess of that posted by official waterway markers;
- f. Operate a boat within two hundred fifty (250) feet astern of any trolling fishing boat;
- g. Operate or occupy any boat while afloat during hours of darkness, without prior approval of Parks Personnel;
- h. Keep any boat on shore overnight, except in a designated area;

i. Leave a boat which is in his or her care, custody and control unattended, at a dock, for a period of more than fifteen (15) minutes; or, at any other place while afloat, for a period of more than eight hours, without prior written approval of the Parks Personnel;

j. Launch any boat at any place other than a designated launching area;

k. Land or beach any boat, except at designated docks, ramps, or other places;

l. Operate any boat bilge pump, except in an emergency;

m. Allow waste from boat washing to discharge into a lake or stream or onto any shore or bank thereof, except at such designated places;

n. Engage in any boat race, regatta, tournament, or exhibition, or operate a boat for hire, or engage in sales promotion activities of any kind, without first obtaining the consent of Parks Personnel;

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

p. No person operating a motor boat shall tow more than two (2) waterskiers at the same time, unless prior approval to do so has been granted by the Parks Personnel.

8. Any boat which has been left unattended in violation of a provision of this Chapter may be towed to a suitable storage area by Parks Personnel, at the expense of the owner or other person responsible for such boat. The charges made for such towing and storage shall be those established by resolution of the Board of Supervisors, and the County shall have a possessory special lien on such boat until such charges are paid. Such lien may be foreclosed in the manner provided by law.

B. Fishing and Watersports

1. No person shall, within a County Park:

a. Clean fish, except at designated places;

b. Possess or use live bait in a fishing area;

c. Bring into, or receive in, any recreation area any fish, amphibian animal, or aquatic plant for the purpose of propagation or use as fish bait, without the approval of Parks Personnel and the State Department of Fish and Wildlife;

d. Fish within a distance of three hundred (300) feet from a point where fish have been planted within a period of twenty-four (24) hours after such plant.

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

14.12.090 Animals and Pets

A. Parks Personnel shall refuse to admit into a County Park any person who proposes to enter with a dog, unless such person can exhibit either a current license or a certificate of rabies inoculation of the dog. Upon presentation of either such license or such certificate, Parks Personnel is authorized to register such dog and to collect a fee for its admission. Upon payment thereof, Parks Personnel shall give the dog owner or custodian a copy of the pet regulations established by this Chapter.

1. Service Animals shall be exempt from any pet fees as part of the Fee Schedule for use of County Parks.

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

1. More than two (2) pets per vehicle.

2. A pet which, in the judgment of the Parks Personnel, is likely to disturb unreasonably other persons in such County Park.

C. No person shall, within a County Park:

1. Allow any pet in his or her custody to run unrestrained or upon a secure leash over seven feet long or, to be upon any beach, trail, or other posted public assembly area. Service animals are subject to this provision, unless the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means)

2. Allow any pet in his or her custody to molest or annoy any person;

3. Allow any dog or other pet in his or her custody to be or remain tied up and left unattended outside of a tent, trailer, or vehicle in a camp area or day-use area during daylight hours;

4. Allow any dog or other pet in his or her custody to be or remain tied up at night outside of a tent, trailer, or vehicle in a camp area;

5. Abandon in the County Park any animal in his or her custody.

D. No person shall, within a County Park:

1. Ride a horse in willful or wanton disregard for the safety of persons or property;
2. Allow any horse, which is permitted to be in a County Park, to be in any part of such park outside of established equestrian trails or designated equestrian areas;

14.12.100 Firearms, Weapons and Explosives

A. No person shall, within a County Park, possess, use, or discharge any firearm, pellet gun, bow and arrow, crossbow, slingshot, or missile launching device, except:

1. A peace officer while on duty;
2. A person, other than a peace officer, who is employed by, or in the service of, a governmental agency which authorizes him or her to carry or use any of said weapons or devices in the performance of his or her official duty and who is on official duty;
3. As otherwise provided in this Chapter.

B. At the firearm shooting range at Laguna Seca Recreation Area:

1. It is lawful to possess, use, or discharge a firearm or firearms thereon during such times as the shooting range is open for public use, and it is lawful to transport an unloaded firearm or firearms between such range and the park entrance.
2. Drugs and alcohol are prohibited at the shooting range and adjacent parking area. Any person under the influence of or suspected to be under the influence of drugs or alcohol or both shall be subject to arrest and removal from the shooting range area.
3. No person may carry a loaded firearm on his or her person or in a vehicle under his or her control while entering or leaving the shooting range area or County Park.
4. Fully automatic firearms and armor-piercing, incendiary, or tracer ammunition are prohibited at the shooting range.
5. Parks Personnel is authorized to inspect and prohibit the use of all firearms and ammunition that are, in the judgment of Parks Personnel, unsafe or hazardous at the shooting range.
6. Minors under six (6) years of age are not permitted to use firearms at the shooting range and are not permitted inside the firing enclosure.
7. Minors under fourteen (14) years of age are not permitted to fire handguns at the shooting range.

8. Minors under sixteen (16) years of age are not permitted to use the shooting range unless accompanied by an adult.

9. When an archery range has been established by the County in a County Park, it is lawful to possess, use, or discharge a bow and arrow or crossbow thereon during such times as it is open for public use, and it is lawful to transport such archery equipment between the archery range and the park entrance.

10. Parks Personnel is authorized to establish and post notices of the times when the shooting range or archery range shall be open or closed to public use.

11. Parks Personnel may establish a checking service at park entrances and take temporary custody of any firearm or other weapon whenever its possession in a County Park is prohibited by any provision of this Section.

12. No Person shall, within a County Park, possess or use any fireworks or other explosives.

14.12.110 Smoking

A. Smoking shall be prohibited in all areas of the following County Parks and open space areas:

1. Manzanita Park, Jack's Peak Park, Travel Camp (Fort Ord), County open space lands including former Fort Ord habitat parcels and other unincorporated areas.

B. Smoking shall be prohibited in all publicly accessible areas of the following Parks, except for designated smoking areas: Toro Park, Royal Oaks Park, Laguna Seca Recreation Area, San Lorenzo Park, Lake San Antonio North Shore, Lake San Antonio South Shore and Lake Nacimiento.

1. Designated smoking areas for the parks listed above are: All parking lots and campgrounds with the exception of parking lot(s) adjacent to Tatum's Garden at Toro Park and the racetrack area at Laguna Seca Recreation Area.

2. Smoking in designated smoking areas shall be subject to Chapter 10.70 of the Monterey County Code.

C. The prohibition on smoking shall be enforced in accordance with the penalties and enforcement described in Chapter 10.70 of the Monterey County Code.

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

14.12.120 Enforcement

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

B. Any person found to be under the influence of or suspected to be under the influence of alcohol, or in the possession of any opened, sealed, or unsealed container of alcohol in a day-use County Park without a valid, unexpired, unrevoked alcohol permit issued by Parks Personnel shall be subject to arrest, citation, and/or removal from the day-use County Park.

C. If there are reasonable grounds to believe that any person has violated any provision of this Chapter or of State laws, parks personnel may expel such persons forthwith from the County Park. No person who has been ordered expelled from a County Park shall remain therein.

D. No person shall enter any area of the County Park when signs have been erected by the Parks Personnel forbidding such entry.

E. No person shall willfully fail or refuse to comply with any lawful order, signal, or direction of any authorized Parks Personnel or refuse to submit to any lawful inspection under this Chapter.

F. Park Rangers may issue citations for violations of County ordinances, subject to fines as established by resolution.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. EFFECTIVE DATE AND OPERATIVE DATE.

A.

PASSED AND ADOPTED this ____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Chair,

Monterey County Board of Supervisors

A T T E S T :

Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:

WENDY S. STRIMLING
Senior Deputy County Counsel