

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, REPEALING EXISTING CHAPTER 14.12 OF THE MONTEREY COUNTY CODE AND ADOPTING A REPLACEMENT CHAPTER 14.12 RELATING TO REGULATIONS FOR COUNTY PARKS

County Counsel Summary

This ordinance repeals the existing Chapter 14.12 of the Monterey County Code and adopts a replacement Chapter 14.12, which regulates County Parks. The purpose of this ordinance is to update all of the existing County Parks regulation and align the regulations with current practices. The update primarily consists of non-substantive changes, such as revising references to the “Parks Director” to read “Director”, as multiple County departments are responsible for oversight, and organizing the code by topic to make locating information easier. The ordinance also adds a new Section 14.12.120 that regulates smoking at County parks. New topics addressed in the ordinance include the use of drones, scattering remains, metal detecting, and a process for review and approval of special events. Lastly, the ordinance makes the following minor modifications to existing regulations:

14.12.020.B – Authority to direct the public in the use of parks is now clearly delegated to all individuals assigned to work in the parks by the County.

14.12.040.A.1 – All fees are due at the time a reservation is made.

14.12.040.C.2 – Only beer and wine will be allowed in day use parks.

14.12.040.D.1-3 – Sound permits are no longer required for every use of a radio or speaker. Only sounds exceeding the set limit would require a permit.

14.12.060.H – Electric bikes are prohibited on dirt trails.

14.12.100.A – Service animals are exempt from pet fees.

14.12.100.C.A – Pet control language is revised to accommodate ADA guidelines for service animals.

14.12.110.B.7-8 – Raised the minimum age for the County shooting range.

The ordinance will take effect on the thirty-first day after adoption.

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

SECTION 1. Chapter 14.12 of the Monterey County Code is hereby repealed in its entirety.

SECTION 2. 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 Park access, passes, and permits.**
- 14.12.050 General park use guidelines.**
- 14.12.060 Transportation.**
- 14.12.070 Campgrounds.**
- 14.12.080 Boating rules and regulations.**
- 14.12.090 Fishing and watersports regulations.**
- 14.12.100 Animals and pets.**
- 14.12.110 Firearms, weapons, and explosives.**
- 14.12.120 Smoking.**
- 14.12.130 Enforcement.**

14.12.010 Definitions.

For the purposes of this Chapter, the following definitions shall apply:

A. “Alcohol” means alcohol, spirits, liquor, Wine, Beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

B. “Beer” means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof in water, and includes ale, porter, brown, stout, lager beer, small beer, and strong beer. Beer aged in an empty wooden barrel previously used to contain wine or distilled spirits shall be defined exclusively as “beer” and shall not be considered a dilution or mixture of any other alcoholic beverage.

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

D. “Contractor” means a third party individual or entity and its employees under contract with the County to manage and or operate County Park facilities.

E. “County” means the County of Monterey.

F. “County Park” means land and facilities owned, operated, or managed by the County of Monterey and or other public entity for which the Board of Supervisors acts as the governing body for purposes of recreation, habitat management, or open space.

G. “Cremated remains” means the ashes and or bone fragments of a human body that are left after cremation in a crematory, and includes ashes from the cremation container.

- H.** “Director” means the department head appointed to manage a County Park.
- I.** “Electric Bicycle” means a Bicycle equipped with fully operable pedals and an electric motor.
- J.** “Electronic Smoking Device” means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. “Electronic Smoking device” includes any such device, whether manufactured distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.
- K.** “Horse” means any member of the equine family including a mule and or donkey.
- L.** “Open Space Camping Areas” means any area within a County Park which has been designated by the Director for walk-in tent campers with no vehicle entry.
- M.** “Parks Personnel” means County employees, including Rangers, assigned to work in County Parks.
- N.** “Pass” means a placard, certificate or decal issued by Parks Personnel, Volunteers or Contractors, granting access to a County Park for general access and use of the County Park.
- O.** “Person” means any natural person, cooperative association, employer, personal representative, receiver, trustee, assignee, or any other legal entity including a government agency.
- P.** “Ranger” means uniformed employees of the County having a Ranger job classification. Rangers may be subdivided by classification in Armed and Unarmed Rangers.
- Q.** “Pet” means a commonly domesticated household animal.
- R.** “Permit” means approval granted by the Director or designee for a Special Event in a County Park.
- S.** “Service Animal” means:
- 1.** Any 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.
 - 2.** A miniature horse not exceeding 34 inches in height, or 100 pounds in weight, that has been individually trained to perform tasks for the benefit of an individual with a disability. Whether a miniature horse may be allowed within any building, or enclosed or indoor facility at a County park will be determined by Parks Personnel on a case by case basis by evaluation of the totality of following factors: the type, size, and weight of the miniature horse and whether the facility can accommodate those features;

whether the handler has sufficient control of the miniature horse; whether the miniature horse is housebroken; and whether the miniature horse's presence within the specific facility compromises legitimate safety requirements that are necessary for the safe operation of the facility.

3. Any other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

T. "Shooting range" means the public rifle and pistol range at the Laguna Seca Recreation Area.

U. "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, Electronic Smoking Device as defined by this Chapter, or any plant product intended for human inhalation.

V. "Special Event" means activities that reserve an area of a County Park.

1. "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.

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

W. "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.

X. "Volunteer" means any individual that is not an employee of Monterey County, but who has entered into an agreement with the County to provide Day Volunteer or Park Host Volunteer services within a County Park on a voluntary basis. For the purposes of this definition, an individual performing work on a volunteer basis in County parks on behalf of an organization or as part of approved compensation for a Special Event is not considered a Volunteer.

1. "Day Volunteer" means an individual who comes to the park to assist with all types of activities and tasks as directed by Parks Personnel. Duties may include but are not limited to: gardening, weed abatement, general clean-up, trash pick-up and entry station's operation. The Day Volunteers may come to the park on a regular basis to perform volunteer services, but do not live in the park.

Y. "Park Host" means a volunteer who provides basic operational services and information to the visiting public. The Park Host shall provide a minimum number of hours per week of scheduled duties in exchange for a free designated volunteer site within the assigned County Park and utilities for a recreational vehicle. Park Host duties vary at individual parks and may include, but are not limited to, the following: opening and closing park, entry gate

operation, greet visitors, provide directions, answer questions, clean and restock restrooms, pick up litter, grounds and equipment maintenance, maintain records and visitation statistics.

Z. “Wine” means the product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage to which is added grape brandy, fruit brandy, or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made and other rectified wine products and by whatever name and which does not contain more than 15 percent added flavoring, coloring, and blending material and which contains not more than 24 percent of alcohol by volume, and includes vermouth and saké (aka rice wine.)

14.12.020 Authority and responsibility.

A. The Director 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.

B. Parks Personnel, Volunteers, and Contractors are authorized to direct the visiting public in County Parks as to the use of all facilities in the parks in accordance with the Monterey County Code and applicable rules and policies.

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

D. The Director and or the Monterey County Sheriff's Office is authorized to close 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 it deems there is good cause to take any of said actions to safeguard the health or safety of the public or the safety of the park or any of its facilities. Good cause includes, but is not 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 unhealthy condition.

E. The Director 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 may charge the entity holding the Special Event a fee that compensates the County for any lost revenue as a result of closing the County Park.

F. Parks Personnel may, in their 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 months.

G. Armed Rangers or the Monterey County Sheriff's Office may cause to be moved or removed any vehicle or trailer, which has been illegally parked in violation of this Chapter.

H. Parks Personnel are authorized to revoke any Permit or Pass which has been issued when:

1. Such Permit or Pass was issued unlawfully, erroneously, or under false pretenses; or

2. Parks Personnel have reasonable grounds to believe that the person in possession of such permit or Pass has violated any provision of this Chapter, Monterey County Code, or of state laws.

14.12.030 Fees.

A. All applicable fees relevant to County Parks will be set by the Board of Supervisors to recover the cost of administration of this Chapter. Fees specified by this Chapter shall be as established by the Board of Supervisors and as set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code, as amended from time to time.

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 standards and grant refunds for County Park fees.

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. All fees are due at the time of reservation or use if no reservation is required by the County.

2. No person shall refuse to provide to Parks Personnel, Volunteers or Contractors any Pass or Permit upon request of Parks Personnel, Volunteers or Contractors who desire to inspect said Permit or Pass for the purpose of enforcing compliance with this Chapter.

3. Permit and Pass holders may be required to show valid photo identification.

4. The following persons are exempt from the Permit and Pass 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 official 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 the County Board of Supervisors.

B. Special Event Permits.

1. The Director or designee is authorized to establish requirements and conditions of approval for any Special Event or use of park facilities, including but not limited to the following: facility rental, use of equipment in a County Park, fundraisers, religious services, 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.E of this Chapter.

3. All Private Special Events exceeding the designated capacity of the requested County Parks facility, as set by the Director, or more than five hundred (500) people, whichever is less, must be approved by a Special Event Agreement as described in Section 14.12.040.E of this Chapter. The Director or designee may, in his or her sole discretion, require an applicant to obtain a Special Event Agreement in accordance with Section 14.12.040.B.1, regardless of the number of attendees, when the inherent nature of an event potentially poses a serious risk to life, health, or safety.

4. An application for any event requiring a Permit by the provisions in this Chapter or as determined by the Director, shall include all 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 amenities (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 relevant to the public health, safety and welfare, or risk to the County, which the Director finds reasonably necessary to make a fair determination as to whether a specific permit should be issued.

5. The Director shall issue a Permit when they find that the proposed activity, special amenity, or use of the County Park meets the following:

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. Said permit will not conflict with County Park facilities that have been reserved for other use.

f. When all applicable fees to reserve the County Park have been paid in full, including deposits.

g. All permits or plans as required by Federal, State or Local regulations for the activity, special amenity, or use of the County Park are to be obtained by the applicant.

C. Alcohol permit – general provisions.

1. 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 alcohol permit issued by the Director or designee.

2. Alcohol other than Beer and Wine shall be prohibited in all County Parks except for Laguna Seca Recreational Area, Lake San Antonio North Shore, Lake San Antonio South, Lake Nacimiento, within a reserved campsite in San Lorenzo or residential areas within a County Park (e.g. Parks Personnel housing, live-on volunteer housing sites).

3. Alcohol permits shall not be issued for youth overnight area camping areas.

4. No Alcohol Permit shall be required for the Laguna Seca Recreation Area, Lake San Antonio North Shore, Lake San Antonio South Shore, Lake Nacimiento, or within a reserved campsite in San Lorenzo or residential areas within a County Park. (e.g. Parks Personnel housing, live-on volunteer housing sites).

5. No Alcohol Permit may be transferred.

D. Noise permit.

1. No person shall, within a County Park, operate any 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 without a sound permit issued by the Director or designee.

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 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 as defined and allowed under the Monterey County Use Permit at Laguna Seca Recreation Area, the Rifle and Pistol Range at Laguna Seca Recreation Area, all other events authorized under a Special Event Agreement at any County Park, and boating activities on San Antonio Lake are excluded from the provisions of this Subsection.

E. Special event agreement - special provisions.

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

2. Negotiated terms. The Director shall have full authority to establish requirements and conditions of approval for any Special Event at a County Park, subject to review and approval by the Board of Supervisors if approval is required pursuant to (E)(1) above.

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 Master Fee Resolution. User fees may be reasonably adjusted by the Director in the event that:

- i. 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.
- ii. Other provisions are approved as a form of compensation (e.g. volunteer hours equivalent to the user fee).

b. Allocation of Costs to Permittee. In the event that the County incurs costs exceeding the average daily expense for the operation of the park unit as a result of a Special Event, those costs shall be paid by the 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 \$2,000.00, permittee may be required to deposit a cash bond with the County for an amount equal to 50% of said amount.

d. Deposit. Deposit(s) may be charged as a condition of approval in accordance with the deposit fees approved in the fee schedule. It may be included in the amount of the cash bond. 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 shall require event plans, including medical, safety, communication, traffic, sanitation, security or other supplemental plans as needed to be included in the Special Event Agreement.

F. Permit appeals.

1. Any person whose application for a permit has been denied, or granted conditionally, or whose permit has been suspended or revoked, may appeal to the Board of Supervisors, in writing, within ten (10) days after any such denial, conditional granting, suspension, or revocation. Such appeal shall specify the grounds upon which it is taken, and shall be accompanied by a filing fee as adopted by the Board of Supervisors. The Clerk of the Board shall set such appeal for hearing at the earliest practicable time, and shall notify the appellant and the Director, in writing, of the time so set at least five days prior to the hearing.

2. After such hearing, the Board of Supervisors may reverse, wholly or partly, or may modify the order or determination appealed from.

14.12.050 General park use guidelines.

A. No person within a County Park shall:

- 1.** Throw, dump, or deposit or in any manner dispose of 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 or petroleum product 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.** Repair or perform maintenance on a vehicle.
- 7.** 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.
- 8.** Leave unattended any fire kindled by him or her.
- 9.** 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.
- 10.** Land any aircraft, excluding drones and model aircraft, in any County Park, except in an emergency or when authorized. Sell or advertise any product or service, distribute, circulate, give away, throw, or deposit on the ground, post or affix to any tree, fence, or structure situated in any county park or facility, any handbills, circulars, pamphlets, papers, tracts, dodgers, or advertisements, which material calls the public attention in any way to any article or service for sale or hire, nor shall any person solicit or collect donations of money or other goods from the public within any county park or facility, or carry on any other commercial activity without the prior written approval of the director or designee.
- 11.** Enter or remain in any County Park area after the posted closing time without prior approval of the Director.

12. Cut, pick, mutilate, remove, or destroy any vegetation, or remove soil or rock or natural material, except as authorized by the Director or designee.

13. 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.

14. 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.

15. Engage in any riotous, boisterous, threatening, or incendiary conduct, or use obscene language, or operate a radio or musical instrument in such a manner as to disturb other persons.

16. 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.

17. Use unmanned aircraft systems (drones) of any size without a Permit. Approval may only be provided on a one-time use, case by case basis.

18. Scatter cremated remains within or over County Parks.

B. Metal Detecting is only permitted in County parks if all of the following are met:

1. The use of metal detector is limited to developed parks except in historical and cultural sites as defined in the Department's policies and procedures or as otherwise determined by the Director in accordance with applicable law.

2. Operators of a metal detector shall wear or carry a litter apron or bag, and all litter found is to be deposited in an approved trash receptacle.

3. Turf areas and ball fields, including open playfields utilized for practice, trails, and other County Park amenities may not be disturbed. Any disturbed ground must be replaced and the digging location returned to its original condition.

4. Digging tools are limited to a small trowel or a hand rake, such as a small gardening claw. Shovels or picks are not allowed.

5. Metal detector operators may keep any non-identifiable items with an estimated nominal value of less than twenty-five dollars (\$25.00). Identifiable items such as rings, watches, and all other items of value exceeding twenty-five dollars (\$25.00) are to be deposited with Park Personnel. These provisions apply to all lost and found articles including those found without the aid of a metal detector. All articles

turned in to Park Personnel shall be held at a designated lost and found location for ninety-five (95) days from the date received. All items not claimed shall be disposed of in accordance with California law.

14.12.60 Transportation.

A. No person within a County Park shall drive a vehicle unless he or she holds a valid driver's license issued to him or her by the State of California, another state, or foreign jurisdiction of which he or she is a resident.

B. No person within a County Park shall drive any vehicle or ride a bicycle in willful or wanton disregard for the safety of person or property.

C. No person within a County Park shall drive a vehicle which has not been licensed by the motor vehicle licensing authority of the State of California, another state, or a foreign jurisdiction.

D. No person within a County Park shall 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; and

2. Maximum fifteen miles per hour (15 mph) in any other non-posted area.

E. No person within a County Park shall drive a vehicle on any surface other than established vehicular roads, parking areas or boat launching areas.

F. No person within a County Park shall 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.

G. No person within a County Park shall ride a bicycle on any trail not authorized for such use.

H. Electric Bicycles are prohibited from all County Park dirt trails, unless authorized by the Director or designee.

I. No person within a County Park shall 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.

J. The following persons are exempt from the requirements of this Sections 14.12.060.C through H: Parks Personnel, Volunteers and Contractors while in the

performance of their duties, officers, employees, agents, and contractors (and employees of the latter) of any governmental entity, while engaged in the performance of their official duties; employees of public utilities while in the performance of their duties; such other persons as may be designated by the County Board of Supervisor.

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 and sanitary manner.

B. Camping permits may be issued for a maximum of fifteen (15) consecutive days, and campground occupancy by the same person(s), equipment, or vehicle(s) at any one County Park 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 camping areas designated by the Director.

D. No more than two (2) Pets 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, exceed the posted vehicle limit for a campsite, with a maximum of two (2) motor vehicles, or one (1) motor vehicle and one (1) boat trailer, at any one (1) campsite in a County Park.

G. Quiet hours 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, dog barking, or voice levels that extend beyond the subject campsite.

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 or a Contractor.

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

K. Camp permits issued for Open-Space Camp Areas shall be valid only for camping in areas designated as Open-Space Camp Areas and may not be used in other camp sites.

14.12.080 Boating rules and regulations.

A. The Director is authorized to establish and designate such restricted boating areas and speed zones on any lake in a County Park that are reasonably necessary for the safety of persons and property, and to designate parts of a lake in a County Park for the exclusive use of such specific classes of boats and during specific times.

B. Parks Personnel are authorized to inspect and re-inspect 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.

C. 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.

D. 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.

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

- 1.** Fails to comply with all safety requirements;
- 2.** Fails to comply with noticed restrictions for invasive species (e.g., quagga mussels);
- 3.** Lacks a valid decal, state registration, license and County decal or day use permit;
- 4.** Is not in a clean and sanitary condition;
- 5.** Is not, in the judgment of Parks Personnel, of safe design and construction;
- 6.** Possesses an operable sink drain or toilet, unless the boat is a permitted houseboat as defined in Section 14.22.010 of the Monterey County Code; or
- 7.** Is of such size as to constitute, in the judgment of Parks Personnel, an unreasonable hazard, in which case it may, at the direction of Parks Personnel, be confined to designated areas.

F. No person within a County Park shall do any of the following:

1. Operate a boat without a valid and unrevoked permit.
2. Operate a boat within a prohibited area when such area has been so designated by official waterway markers.
3. Operate a boat in violation of Navigation Rules as established, and may be changed from time to time by the United States Coast Guard, and buoy markings.
4. 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.
5. Operate a boat in a restricted or special speed zone at a speed in excess of that posted by official waterway markers.
6. Operate a boat within two hundred fifty (250) feet astern of any trolling fishing boat.
7. Operate or occupy any boat while afloat during hours of darkness, without prior approval of Parks Personnel.
8. Keep any boat on shore overnight, except in a designated area.
9. Anchor or moor 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 (8) hours, without prior approval of Parks Personnel.
10. Launch any boat at any place other than a designated launching area.
11. Land or beach any boat, except at designated docks, ramps, or other designated locations.
12. Operate any boat bilge pump, except in an emergency which presents an immediate and serious threat to life, health, or safety.
13. Allow waste from boat washing to discharge into a lake or stream or onto any shore or bank thereof, except at such designated places.
14. 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.
15. 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.

G. No person operating a motor boat shall tow more than two (2) water-skiers, tubes or other towable equipment at the same time, unless prior approval to do so has been granted by the Parks Personnel.

H. 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 pursuant to the provisions of the Harbors and Navigation Code, as it may be amended from time to time, and this Chapter, the County may have a possessory special lien on such boat until such charges are paid. Such lien may be foreclosed in the manner provided by law.

14.12.090 Fishing and watersports regulations.

A. No person within a County Park shall do any of the following:

- 1.** Clean fish, except at designated places.
- 2.** 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.
- 3.** 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.

B. 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.

14.12.100 Animals and pets.

A. Any person who proposes to enter with a pet, must exhibit, upon request by Parks Personnel, Volunteers or Contractors either a current license or a certificate of rabies inoculation of the pet as applicable. 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; or
- 2.** A pet which, threatens the life, health, or safety of other pets or persons in such County Park.

C. No person within a County Park shall do any of the following:

1. Allow any pet in his or her custody to run unrestrained or upon a secure leash over seven (7) feet long or, to be upon any beach, trail, or other posted public assembly area, except for designated no-leash areas (e.g. dog park) as established by the Director or designee. 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, harass or endanger any person.

3. Allow any 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

4. Abandon in the County Park any pet in his or her custody.

5. Ride a horse in willful or wanton disregard for the safety of persons or property.

6. 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.

14.12.110 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 (e.g. model rocket), 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. For any person who is not prohibited from firearm possession, 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. 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 within designated areas 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

3. 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.

4. 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.

5. Fully automatic firearms and armor-piercing, incendiary, or tracer ammunition are prohibited at the shooting range.

6. Parks Personnel are 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.

7. Minors under twelve (12) years of age are not permitted to use firearms at the shooting range and are not permitted inside the firing enclosure.

8. Minors under eighteen (18) years of age are not permitted to use the shooting range unless accompanied by an adult.

9. The Director or designee 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.

10. The Director may establish a check-in service at park entrances to allow Armed Rangers to take temporary custody of any firearm or other weapon whenever its possession in a County Park is prohibited by any provision of this Section.

11. No person shall, within a County Park, possess or use any fireworks or other explosives.

14.12.120 Smoking.

Reserved

14.12.130 Enforcement.

A. Violation of this Chapter or any other 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 County Park without a required valid, unexpired, unrevoked alcohol permit issued by Parks Personnel shall be subject to arrest, citation, and/or removal from the 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 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, Volunteer or Contractor or refuse to submit to any lawful inspection under this Chapter.

F. Parks Personnel are authorized to issue administrative citations for violations of County ordinances, subject to fines as established by resolution.

G. Except as otherwise provided, enforcement of this Chapter is at the sole discretion of the Director. Nothing in this Chapter shall create a right of action in any person against the County, its Officers, agents, or employees, or compel public enforcement of this Chapter against private parties

SECTION 3. 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 4. This ordinance shall become effective on the thirty-first day following its adoption.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Luis A. Alejo, Chair
Monterey County Board of Supervisors

A T T E S T:

Valerie Ralph
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM BY:

Wendy S. Strimling
Senior Deputy County Counsel