

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS,
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
AMENDING CHAPTER 26 OF THE SANTA BARBARA COUNTY CODE

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1.

As to those sections hereinafter set forth, and only as to those sections, Chapter 26 of the County Code is hereby amended to read as follows (*additions herein indicated by underline, deletions by ~~strikethrough~~*):

Section 26-1. - Definitions.

As used in this chapter, the following terms shall have the meanings as designated:

"County park" means an area dedicated to public recreational use and designated by the county board of supervisors as a county park.

"County recreation area" or "recreation area" means any area of the county dedicated for park, recreation, trails or open space use, or subject to an easement for active or passive public recreational use, including without limitation, any county park, trail, open space, lake, beach and beach access easement.

"County beach" or "public beach" means any area adjoining a body of water which is subject to public recreation use, including active and passive uses, and including the area of water one hundred yards out from shore, and including, also, any area of such body of water as is marked and identified as a special use area.

"Director" shall mean the Director of ~~Parks~~ Community Services or his/her designee.

Section 26-2. - Enforcement of rules and regulations.

The ~~park~~ Community Services Department is authorized to enforce the provisions of this chapter and to provide for regulations, as required, for the safe, healthful, and orderly use of recreation areas; to prevent the misuse of such areas; and to protect the peace, health, safety and welfare of the general public and park resources as the director and staff of the ~~park~~ Community Services Department determine to be necessary.

Section 26-3. - Citations.

The ~~park~~ Community Services Director, any deputy director, any park operations manager, any park ranger I, any park ranger II, any park ranger III any park ranger IV, any agent employed ~~and~~ or contracted for to provide lifeguard services, or any other person designated by the Community Services Director, are public officers as identified in Penal Code section 836.5, specifically

authorized to enforce the laws and ordinances necessary for the orderly use of parks and recreation areas, for the protection of public property, and the health, safety and property of park visitors while within property owned or leased by the county, or over which the county has an easement or dedication for recreation purposes, or over which the county exercises responsibilities for recreation by arrangement with the owner. Such public officers are authorized to issue citations requiring an appearance to answer charges whenever the officer has reasonable cause to believe that a person has committed an act or offense within the officer's presence which is a violation of this chapter, or is a public offense, within or in the immediate vicinity of and which affects the use, benefits and/or enjoyment of property owned or leased by the county; or over which the county has an easement or dedication for recreational purposes; or over which the county exercises responsibility for recreation uses or services by arrangement with the owner.

Section 26-4. - Revoking permits.

~~Park~~ Community Services Department personnel are authorized to revoke any permit, certificate or decal which has been unlawfully or erroneously issued; or if such employee has reasonable grounds to believe that the person exercising it or the person to whom it was issued has violated any provision of this chapter or of any applicable law, rule or regulation, in which case the person may also be expelled from the recreation area.

Section 26-5. - Public use fees.

User fees shall be established by the Board of Supervisors, by ordinance or resolution. When fees are required, it is unlawful for any person to enter a county recreation area or other applicable area without first paying the appropriate fees and/or obtaining the appropriate permits. The board of supervisors, upon recommendation by the ~~Park~~ Community Services Director, may release, modify or waive required fees.

Section 26-7. - Ejection of violators.

The County Director of ~~parks~~ Community Services, any of his assistants, employees or deputies, and any park ranger, shall have the authority to eject from any county recreation area any person who is in violation of any of the provisions of this chapter or of any use or entry restrictions applicable to the area, or where necessary to protect safety or property. A person ejected may not return to the recreation area for a minimum of twenty-four hours next following the ejection. The Director of ~~parks~~ Community Services, any deputy director and any park operations manager may extend the time during which a person ejected may not return to the recreation area. It shall be unlawful for any person who has been ejected from a county recreation area to return to that recreation area in violation of the provisions of this section or within the time limits provided, or that may be provided pursuant to this section.

Section 26-8. - Confiscation of property.

The County Director of ~~parks~~ Community Services and any of his assistants, deputies and any park ranger shall have the authority to seize and confiscate or impound any property, vehicle, thing or device in the park used or maintained in violation of this chapter.

Section 26-9. - Reserved or special use areas.

The County Director of ~~parcs~~ Community Services is authorized to provide for reservations of special permits for portions of county recreation areas as the director may specify. No person shall obstruct or interfere with the use of those specified areas by the person or persons to which a reservation or special permit has been issued.

Section 26-10. - Park hours of operation.

County park facilities will be open for public use no later than 8:00 A.M. in the morning and will be closed at sunset. The County Director of ~~parcs~~ Community Services is authorized to establish such other hours of operation as may be determined appropriate by the Director of ~~parcs~~ Community Services. It shall be unlawful for any person to use park facilities outside of the hours of operation posted within or at the entry of a county park.

Section 26-11. - Prohibited area.

The personnel of the County-~~park~~ Community Services Department may declare an area within a county recreation area to be a restricted area, not open to public use, not open for vehicle use, or may close facilities, to protect against contact with sanitary hazards, construction activities, maintenance activities, dangerous or unsafe conditions; to protect recreational features or facilities; to conserve resources; or for other cause. It shall be unlawful for a person to enter an area signed, posted or marked as restricted, not open to public use, closed to public use or closed; or to operate a vehicle within an area in violation of posted restrictions.

Section 26-16. - Soliciting prohibited.

No person shall solicit, sell, hawk, offer or provide in a commercial context, any goods, wares, services, merchandise, liquids or food; or advertise or distribute any written or printed material within any county recreation area except by concession agreement or upon the specific authorization of the County Director of ~~parcs~~ Community Services or deputy. No person shall offer, conduct or deliver lessons, services or amusements within any recreation area except by concession agreement or authorization of the county director of parks or deputy.

Section 26-17. - Sale or use of alcoholic beverages.

(a)

No person shall sell or offer in a commercial context any alcoholic beverage in any county recreation area except by concession agreement or written authorization from the County Director of ~~Parcs~~ Community Services or Deputy Director.

(b)

No person who has not attained the age of twenty-one years shall use or possess any alcoholic beverage within any county recreation area.

(c)

The Board of Supervisors may, by resolution, designate any county recreation area as an area in which the possession of any open container or use of alcohol is prohibited. Upon passage of such a resolution, the ~~park~~ Community Services Director shall cause signs to be posted in the area subject to the prohibition. After the posting of signs, no person shall

use or possess an open container of alcohol in a county recreation area designated pursuant to this section.

(d)

The board of supervisors may, by resolution, designate any county recreation area as an area in which the possession of an open container or use of alcohol without a permit is prohibited. Upon passage of such a resolution, the ~~park~~ Community Services Director shall cause signs to be posted in the area subject to the prohibition. After the posting of signs, no person shall use or possess an open container of alcohol in a county recreation area designated pursuant to this section except by permit.

(e)

The ~~park~~ Community Services Director, or designee, may establish conditions and issue event permits for the possession and consumption of alcoholic beverages by designated persons within areas designated pursuant to subsections (c) and (d).

(f)

Violation of Chapter 26-17(c) or (d) is an infraction, the fine for which shall not exceed one hundred dollars.

Section 26-21. - Restriction on audio devices by park personnel.

After once being notified to restrict or reduce the use of, or refrain from the use of any audio device of any nature within any county recreation area by any ~~park~~ Community Services Department employee, it shall be unlawful to use, maintain or employ the use of such device except in conformity with the restriction imposed.

Section 26-22. - Landing aircraft.

No person shall land, launch or operate any aircraft, including, without limitation, any balloon designed to carry passengers, airplane, hang glider, ultralight airplane, or glider on or within any county recreation area except in case of emergency or with the prior written permission of the County Director of ~~parks~~ Community Services or Deputy.

Section 26-22.1. - Model Aircraft.

No person shall land, launch or operate any model aircraft, whether gas-powered or electric or other propulsion, within any County recreation area except in posted designated areas or with prior written permission of the county Director of ~~parks~~ Community Services or Deputy Director.

Section 26-23. - Construction prohibited without permit.

No person shall construct any structure, conduct any excavation, or place any device or fixture, in any permanent or temporary fashion within any county recreation area without the consent of the director of ~~parks~~ Community Services or Deputy Director.

Section 26-25. - Picking flowers, injuring trees, etc., prohibited.

No person shall pick flowers, foliage, berries, herbs or fruit, gather seeds, or cut, break, dig up or in any way mutilate, injure, or transplant any tree, shrub, plant, fern, grass, turf, landscaping, natural feature, railing, seat, fence, equipment, structure or other object or device within any county recreation area, except by permit of the County Director of ~~parks~~ Community Services, or Deputy Director.

Section 26-26. - Injuring, killing or molesting animals.

No person shall injure, take, kill or molest any bird, mammal, reptile or other animal or disturb its habitat in any county recreation area except by permit of the County Director of ~~parks~~ Community Services, or Deputy Director.

Section 26-27. - Campfire limited to fire ring.

No person shall build, use or maintain any open fire within any recreation area ~~outside of a fire ring or stove provided by the County Department of Parks, that is deemed to be unsafe by individuals defined in section 26-3.~~ No person shall build, maintain or use any fire within any county recreation area during a period of time declared to be a time of high fire hazard by park department personnel, except as specifically permitted by the Director of ~~parks~~ Community Services, or Deputy Director. Public notices of high fire hazard shall be posted within the recreation area when applicable.

Section 26-28. - Removing materials.

No person shall dig up or remove any dirt, stones, sand, rocks or other materials or substance whatever, or make any excavation, quarry any stone or lay or set off any blast or explosion or cause or assist in doing any such activity within any county recreation area without the prior written permission or license of the Director of ~~parks~~ Community Services, or Deputy Director.

Section 26-31. - Garbage containers for park use.

No person shall bring waste material or garbage or other offensive or surplus material onto the premises of any county recreation area for the purpose of dumping it, leaving, placing or abandoning it within the recreation area without the express consent of the County Director of ~~parks~~ Community Services, or Deputy Director.

Section 26-35. - Posting of signs prohibited.

No person shall post, place or erect any paper, notice, advertising material, sign or similar structure or publication within any county recreation area without the specific consent of the County Director of ~~parks~~ Community Services, or Deputy Director.

Sec. 26-37. - Firearms, weapons, etc.

Except as may be required of peace officers, or as may be authorized in writing by the Director of ~~Parks~~ Community Services for purposes of allowing Bow Fishing in accordance with State Law, no person shall bring any firearm, air powered, gas- or spring-propelled weapon, slingshot,

bow, cross-bow, blowgun or other device designed, intended or customarily used to harm, threaten or damage any person, animal or thing into any county park or county beach. Cutlery, utensils, saws and hatchets, properly used in context with the preparation of food, shall be excepted from this prohibition. The ~~Parks~~ Community Services Director or designee may issue permits authorizing the possession of Bow Fishing Equipment and use of such items under conditions and limitations deemed appropriate by the Director.

Section 26-39. - Parking, vehicle use violations.

No person shall park or operate any vehicle within any county recreation area, in violation of the rules, regulations and provisions established pursuant to this section. Any person who violates any provision of this section shall be guilty of an infraction and subject to a fine not to exceed the sum of ~~fifty one hundred~~ one hundred dollars for a first violation; a fine not to exceed the sum of ~~one hundred~~ two hundred dollars for a second violation of this section within one year after the first violation; and a fine not to exceed the sum of ~~two hundred fifty~~ five hundred dollars for each additional violation occurring within one year. Each day such violation continues shall constitute a separate offense.

- (a) Parking is allowed in county recreation areas only within designated parking areas.
- (b) Parking is prohibited in county recreation areas in all areas designated with "No Parking" signs; red curb markings; or diagonal yellow stripes on the surface of the ground, pier, approach or pavement.
- (c) In areas of county recreation areas marked with blue curb markings or signs indicating handicapped parking only, no person shall park or stand any vehicle adjacent to such curb or in said marked area unless said vehicle bears a special license plate or displays a special placard issued under the provisions of section 9105 or section 22511.5 of the California Vehicle Code.
- (d) Parking within a county recreation area after posted hours of operation is prohibited.
- (e) Parking after being required to remove from any county recreation area by a ~~Park~~ Community Services Department employee on duty is prohibited.
- (f) Parking in violation of parking controls approved by the County Director of ~~parks~~ Community Services is prohibited.
- (g) Parking, use or operation of any vehicle in violation of the signs or notices posted by ~~Park~~ Community Services Department employees is prohibited.

The ~~park~~ Community Services Department shall cause notices, signs, markings and other instructions regarding parking requirements to be communicated to users of recreation areas to aid in compliance with parking requirements.

Section 26-43. - No off-road vehicles.

No person shall operate, use or park any vehicle which is not registered for use on a highway under the applicable vehicle code within any county recreation area without the express written permission of the County ~~parks~~ Community Services Director or Deputy Director.

Section 26-47. - Bicycles; operator-propelled vehicles.

No person shall operate or ride a bicycle, scooter, skateboard, or other operator-propelled vehicle in any county recreation area in any manner that is unsafe, under any conditions that are unsafe, or contrary to any restrictions or prohibitions as directed or posted by any County ~~Park~~ Community Services employee.

Section 26-48. - Horseback riding; hitching.

(a)

No person shall ride a horse or other animal within a county recreation area except on roads, beaches, trails or other areas designated for such use.

(b)

No person shall ride a horse or other animal on roads, beaches, trails or other areas designated for such use except within the times designated and posted on or at the entry of or within such area by the ~~park~~ Community Services Department.

(c)

No person shall hitch, tie or affix a horse or other animal to any tree, shrub or structure in any recreation area in any manner that will cause injury or damage to such tree, shrub or structure.

Section 26-49. - Dogs required on leash.

(a)

Unless otherwise approved by Community Services Director or their designee, no person shall bring any dog into any county recreation area that is marked or designated as "NO DOGS ALLOWED."

(b)

No person shall bring a dog into or permit a dog to enter or remain within, or maintain a dog within any county recreation area unless the dog is on a leash not more than six feet in length and under the immediate control of a capable and responsible person, or properly confined. It is unlawful to permit any dog to run at large within any county recreation area or to be within any county recreation area without a physical restraint.

Section 26-49.1. - Off-leash dog areas in designated county recreation areas.

Off-leash dog areas in designated county recreation areas, notwithstanding anything in Chapter 26, the County ~~parks~~ Community Services Director, or his designee, may designate and un-designate, off-leash sites, off-leash areas, and off-leash dog hours in parks and open spaces under his jurisdiction, subject to the following rules and regulations:

1. The off-leash area shall have been approved by resolution of the board as a permanent or temporary off-leash site.
2. No dog shall be permitted in the off-leash area unless the dog is under the care, custody and control of a person eighteen years or older (the "caretaker"). A caretaker shall be responsible for any damages caused by their own or their dog's acts.
3. Caretaker shall permit dogs off-leash in designated areas only and only during the posted hours. The number of dogs allowed per caretaker will be determined by the county parks director and posted on a sign at each off-leash site. No caretaker shall violate the posted limit. Any caretaker in violation of the posted limit is guilty of an infraction.
4. All dogs shall be vaccinated for rabies, and have a current animal license. No dog, that is under four months of age, sick, in heat, vicious, aggressive or has previously bitten any person or bitten or harmed another dog shall be permitted in the off-leash area. No caretaker shall bring or allow such a dog in the off-leash area.
5. All caretakers shall maintain voice control of their dog(s) at all times. The caretaker shall remain present within the off-leash dog area at all times, shall carry a leash for each dog, and shall leash the dog(s) at the first sign of aggression or loss of voice control
6. The caretaker shall promptly remove and properly dispose of the dog's fecal matter. The caretaker shall not allow dog(s) to dig holes or destroy vegetation.
7. No animals other than dogs are permitted in an off-leash area. Dog obedience classes or other organized events may not be conducted in an off-leash area.
8. The use of an off-leash area by a dog and its caretaker shall constitute the caretaker's agreement to be responsible to any persons present or affected for any injury or damage caused by the caretaker's dog's acts.
9. The use of an off-leash area by a dog and its caretaker shall constitute the caretaker's agreement to comply with the rules contained in this section as well as those rules and regulations posted by the County ~~parks~~ Community Services Department with respect to the use of such off-leash areas. Any caretaker in violation of any provision of this section is guilty of an infraction.

Section 26-50. - No stabling animals.

No person shall stable, pasture or propagate any animal or insect in any portion of any county recreation area without a permit from the County Director of ~~parks~~ Community Services, or Deputy Director.

Section 26-56. - Time limitations and camping and camp sites.

The County Director of ~~par~~ks Community Services, a Deputy Director, and any park operations manager may establish time limits on the use of camp sites for camping. Such time limitations shall be posted and/or communicated to the person responsible for reserving a campsite. No person shall stay in or occupy a campsite beyond any time restriction or limitation established by the director of parks, deputy director of parks or park operations manager.

Section 26-61. - Vehicle parking at campsite.

No person shall park, permit, or maintain more than two motor vehicles at any campsite within any county recreation area without the prior authorization of a ~~Par~~k Community Services Department employee on duty within the area.

Section 26-63. - Restrictions on generators.

The County Director of ~~par~~ks Community Services, a Deputy Director and any park operations manager may establish rules or restrictions on the use of generators within any recreation area. No person shall operate, maintain or use any generator except in conformity with such applicable rules or restrictions.

Section 26-69. - Buoy lines to mark special use areas.

The County ~~par~~k Community Services Department shall be responsible to establish, maintain, and police buoys or floats to designate a special use area. No person shall use any motor powered boat, jet ski, or other powered sled or plane within any area designated and marked as a "special use area."

Section 26-71. – Violations; penalty.

Violations of the restrictions within special use areas under this article shall be punished by a fine not exceeding ~~fifty dollars~~ one hundred dollars for first violation; a fine not exceeding ~~one hundred dollars~~ two hundred dollars for a second violation within one year of the first violation; and a fine not exceeding the sum of ~~two hundred dollars~~ five hundred dollars for each additional fine within one year.

Section 26-87. - Lake—Boat standards.

(a)

To operate on Cachuma Lake a boat shall not be less than ten feet in length, measured on the centerline over the deck from point of bow to rearmost point of the hull (excluding any motor, tiller or bait tank that may be attached); nor less than forty-two inches wide at the widest point; nor less than twelve inches deep measured at the deepest point of the cockpit. The trampoline of any catamaran must be at least twelve inches above the water's surface when loaded. All boats, canoes, and kayaks are subject to inspection prior to launching. The director may deny access to any boat failing to pass inspection. The director is authorized to establish cleanliness and other standards which boats must meet in order to pass and to post signs informing the public of those standards.

- (b) To operate on the lake a boat must be in seaworthy, clean and sanitary condition.
- (c) To operate on the lake a boat must be of standard design as determined by the park director, deputy or park operations manager. A raft, and/or inflatable hydrohull boat are not of standard design. Inflatable boats with two or more air chambers, floorboard, and rigid transom, and folding boats may be permitted on the lake by park personnel if such boats meet the applicable size requirements, and have a Coast Guard certificate of operation or otherwise appear seaworthy for use on the lake.
- (d) All canoes, float tubes and kayaks shall be of a design determined by the ~~park~~ Community Services Director to be safe. The ~~parks~~ Community Services Director or designee may issue permits authorizing the use of canoes, float tubes, and kayaks under conditions and limitations deemed appropriate by the Director.

Section 26-88. - Lake—Boat standards; compliance.

County ~~park~~ Community Services personnel may inspect any boat within any county park or recreation area to assure compliance with all applicable regulations and may revoke any boat permit, decal or other evidence of inspection if found to be out of compliance. A boat which does not meet requirements upon re-inspection shall be removed from the lake unless the defect is

Section 26-94. - Lake—Boat standards; special permits.

The County Director of ~~parks~~ Community Services, Deputy Director or park operations manager may issue special permits, upon application of the owners, for boats which do not entirely conform with the boat standards of this chapter, provided such craft are seaworthy and reasonably constructed for the conditions on the lake. The director or deputy shall consider all such applications and may make such inquiries and tests as are necessary or appropriate to determine seaworthiness. Special permits may be issued subject to such reasonable conditions in respect to seating capacity, operation and the use of equipment as the director or deputy may require. Special permits may be revoked and given no effect whatever upon failure to comply with prescribed conditions. The decision of the director of ~~parks~~ Community Services regarding the issuance or denial of a special permit and the conditions attached shall be conclusive and final. The director of ~~parks~~ Community Services may prescribe fees for the issuance of special decals and permits for operation on the lake.

Section 26-111. - Lake—Boat operations; hire.

No person shall operate any boat, vessel or craft for hire, fee, or in any commercial context; or engage in sales promotion activities of any kind within the recreation area without approval of the Director of ~~parks~~ Community Services, or Deputy Director.

Section 26-118. - Lake—Sanitation; boat washing.

No person shall allow any waste from boat washing to discharge into Lake Cachuma or along the shore of the lake except into a waste disposal system that has been approved by the county Director of ~~parks~~ Community Services, or Deputy Director.

Section 26-119. - Lake—Sanitation; foreign species.

No person shall bring, carry, receive or cause to be brought into the Lake Cachuma Recreation Area any fish, amphibian or aquatic plant species from any place for any purpose or use except for baits listed in the California Sports Fishing Regulations for this area under Bait Fish Provisions, without the express approval of the Department of Fish and Game and the County Director of ~~parks~~ Community Services.

Section 26-127. - Permits for excavations and encroachments.

(a)

The County ~~park~~ Community Services Director may issue permits to make an opening or excavation for any purpose in any county trail or place of county public recreation easement; to place, change or renew any such encroachment; to place or display in, under or over any county trail or place of county public recreation easement, any kind of sign or device; to plant, remove, cut, cut down, injure or destroy any tree, shrub, plant, flower, sign, fence, landscaping features or natural feature of, on, upon or within any county trail or place of county public recreation easement.

(b)

It shall be unlawful for any person to do any of the acts specified in this section without the authority of such a permit.

Section 26-128. - Supervision of work under permit; fees.

The County ~~park~~ Community Services Director may, but is not required to, supervise any work done under any permit issued under the provisions of this chapter, in which event the permittee shall pay the reasonable costs of such supervision to the County ~~park~~ Community Services Department.

Section 26-129. - Removal of encroachments.

The County ~~park~~ Community Services Director may immediately remove, or by notice may require the removal, of any of the following encroachments onto, upon or over any county trail or place of county public recreation easement:

(a)

An encroachment which obstructs or prevents the use of a county trail or place of county public recreation easement;

(b)

An encroachment which is a hazard to users of the county trail or place of county public recreation encroachment;

(c)

An encroachment which is an advertising sign or advertising device.

The County ~~park~~ Community Services Director may recover from the person causing any of the above encroachments, in an action brought in the name of the county for that purpose, the court

costs of the park director, the expenses of such removal, and any other damages caused by the encroachment.

Section 26-130. - Removal of encroachments by notice.

The County ~~park~~ Community Services Director may by notice require the removal of any other encroachment not specified in section 26-129, from any county trail or place of county public recreation easement.

Section 26-131. - Notice for removal of encroachments.

(a)

The notice referred to in sections 26-129 and 26-130 shall be served upon the occupant or owner of the land adjacent to the encroachment, or the person causing, controlling or owning the encroachment, or shall be left at the place of residence of such occupant, owner or person, if residing in the county and known to the person giving such notice. Notice shall be mailed to the owners affected at the address given on the last county assessor's records published, and shall be posted on the encroachment. The notice shall specify the place and extent of the encroachment and shall require the removal of such encroachment within ten days.

(b)

If the encroachment is not removed, or its removal not commenced and diligently prosecuted prior to the expiration of the ten days from and after the service or posting of the notice, the person causing, owning or controlling the encroachment shall be required to pay damages to the public for such encroachment, as reasonably calculated to offset the damages incurred, but in any case no less than ten dollars for each day the encroachment continues unremoved. The County ~~park~~ Community Services Director shall immediately remove any encroachment which is such as to effectually obstruct and prevent the use of the trail or recreation easement by the public as intended.

(c)

If the encroachment is denied, and the owner or occupant of the land or the person causing, owning or controlling the alleged encroachment refuses either to remove it or permit its removal, the County ~~park~~ Community Services Director shall commence, in any court of competent jurisdiction, an action in the name of the county to abate the encroachment as a nuisance. If the ~~park~~ Community Services Director recovers judgment he may, in addition to having the nuisance abated, recover damages to the public for such encroachment, as reasonably calculated to offset the damages incurred, but in any case no less than ten dollars for each day the encroachment continues unremoved after service or posting of notice and also the costs in the action.

~~Section 26-139. - Marketing plan - Annual review.~~

~~Prior to the sale of any rights under this article, the director shall develop a marketing plan which complies with the requirements of Government Code section 26110(a)(1), and the board of supervisors shall adopt such a county marketing plan by resolution. The director shall annually review the marketing plan and the performance of contracts issued under this article. The director shall draft written findings of the annual review which shall be adopted by the board with or without modification.~~

Article VIII Boating and Safety Enforcement

Section 26-204. - Lake – Boat standards; stop and board vessels.

The Community Services Director, Deputy Director, any Park Operations Manager, any Park Ranger I, any Park Ranger II, any Park Ranger III, any Park Ranger IV, or any person designated by the Director shall have the authority to stop and board any vessel subject to this chapter, where the officer has probable cause to believe that a violation of state law or regulations or local ordinance exists.

Section 26-205. - Lake – Boat standards; Vessel inspection / termination authority (unsafe conditions)

The Community Services Director, Deputy Director, any Park Operations Manager, any Park Ranger I, any Park Ranger II, any Park Ranger III, any Park Ranger IV, or any person designated by the Director may order the operator of an unsafe vessel to remove such vessel to the shore or to a safe moorage or anchorage. An officer may order an unsafe vessel so removed where it is being operated with one or more of the following hazardous conditions, where such conditions cannot be corrected on the spot, and where, in the judgment of the officer, continued operation of the vessel would create an immediate danger to life, limb, or property.

(1)

(a)

Boat being used without sufficient personal flotation devices which are readily accessible (operator is aware of location and device is easily accessed), as prescribed by Section 6565 of the Department Of Boating and Waterways Enforcement Code;

(b)

Boat being used without sufficient throwable flotation device, which is immediately available (within operators immediate reach) on board a vessel over 16 feet in length as prescribed by section 6565 .5 (c) (1) of Title 14 CA Regs.

(2)

Boat being used without sufficient firefighting devices, as prescribed by Section 6569 of Title 14 CA Regs;

(3)

Boat does not display required navigation lights between sunset and sunrise, as prescribed by Section 6600.1 of Title 14 CA Regs;

(4)

Boat has fuel leakage from either the fuel system or engine, or both;

(5)

Boat has accumulation of fuel in bilges or compartment other than a fuel tank;

(6)

Boat does not have legal and serviceable ventilation system, as prescribed by Section 6575 of Title 14 CA Regs;

(7)

Boat does not have proper backfire flame control system, as prescribed by Section 6574 of Title 14 CA Regs;

(8)

Boat is overloaded to such an extent that there exists so little freeboard the danger of sinking or capsizing may be imminent.

Section 26-206. - Lake – Boat operations; Obstructing Navigable Water

No person shall unlawfully obstruct the navigation of any navigable waters.

Section 26-207. - Lake – Boat operations; Abandoning vessel prohibited

Except for the urgent and immediate concern for the safety of those aboard a vessel, a person shall not abandon a vessel upon a public waterway or public or private property without the express or implied consent of the Director.

Section 26-208. - Lake – Maliciously throw any object at a vessel

A person shall not maliciously throw, hurl, or project an object by manual, mechanical, or other means at a vessel or an occupant of a vessel on any waters.

Section 26-209. - Lake – Boat operations; Failure to yield to enforcement vessel

Any vessel approaching, overtaking, being approached, or being overtaken by a moving law enforcement vessel operating with a siren or an illuminated blue light, or any vessel approaching a stationary law enforcement vessel displaying an illuminated blue light, shall immediately slow to a speed sufficient to maintain steerage only, shall alter its course, within its ability, so as not to inhibit or interfere with the operation of the law enforcement vessel, and shall proceed, unless otherwise directed by the operator of the law enforcement vessel, at the reduced speed until beyond the area of operation of the law enforcement vessel.

Section 26-210. - Lake – Possession of fishing license

Every person 16 years of age or older who takes any fish for any purpose shall first obtain a valid Department of Fish & Game fishing license for that purpose and shall have that license on his or her person or in his or her immediate possession or where otherwise specifically required by law or regulation to be kept when engaged in carrying out any activity authorized by the license.

Section 26-211. - Lake – Trailered vessel carrying passenger

A person shall not drive a motor vehicle that is towing a trailer coach, camp trailer, or trailer carrying a vessel, containing a passenger, except when a trailer carrying or designed to carry a vessel is engaged in the immediate act of launching or recovery of the vessel.

Section 26-212. - Lake – Boat operations; Motorboat operator age

(a)

Except as provided in subdivision (b), no person under 16 years of age shall operate a vessel powered by a motor of greater than 15 horsepower, except for a vessel that does not exceed 25 feet in length and is designed to use wind as its principal source of propulsion.

(b)

Except as provided in subdivision (a), no person 12, 13, 14, or 15 years of age shall operate a vessel powered by a motor of greater than 15 horsepower, or a vessel that exceeds 25 feet in length and is designed to use wind as its principal source of propulsion, unless the person is accompanied in the vessel by a person who is at least 18 years of age and who is attentive and supervising the operation of the vessel.

Section 26-213. - Lake – Boat operations, Negligent operation

Pursuant to the provisions of Section 655 of the Harbors and Navigation Code, the following described acts endanger life, limb, or property and constitute evidence of reckless or negligent operation:

(a)

Riding on the bow, gunwale, or transom of a vessel propelled by machinery while underway when such position is not protected by railing or other reasonable deterrent to falling overboard, or riding in a position or manner which is obviously dangerous. These provisions shall not apply to a vessel's crewmen in the act of anchoring, mooring, or making fast to a dock or another vessel, or the necessary management of a sail.

(b)

Navigating a vessel, or other devices between a towing vessel and it's tow or tows.

(c)

No person shall use any vessel or a similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person or organization.

Section 26-214. - Lake – Boat standards, Display of numbers

(a)

The number issued to each undocumented vessel shall be displayed in the following manner:

(1)

Be painted on or permanently attached to each side of the forward half of the vessel.

(2)

Be in plain vertical block characters of not less than 3 inches in height.

(3)

Contrast with the color of the background and be distinctly visible and legible.

(4)

Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the prefix and the number, and the number and the suffix. EXAMPLE: CF 1234 AB

(5)

Letters and numbers to read from left to right.

(b)

Vessels used by a manufacturer or by a dealer for testing or demonstrating shall have the number painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.

(c)

On inflatable vessels or vessels so configured that a number on the hull or superstructure would not be clearly visible or properly adhere, the number shall be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.

(d)

No numerals, letters or devices other than those used in connection with the state number issued shall be placed in the proximity of the state number, and no numerals, letters or devices which might interfere with the ready identification of the vessel by its state number shall be carried on any part of the vessel.

(e)

Registration shall be on board vessel and available for inspection at all times the vessel is in operation.

Section 26-215. - Lake – Boating standards; Registration stickers

The registration stickers issued by the Department of Motor Vehicles under the authority of Vehicle Code Section 9853.4 to identify a vessel as currently registered shall be securely affixed on each side of the vessel three inches aft (toward the stern) of and directly in line with the registration numbers and shall be so maintained as to be clearly visible at all times.

Section 26-216. - Lake – Introduction, migration, stocking or transfer of species

The introduction, migration, stocking, or transfer of aquatic species, prohibited species, or any other nonnative or exotic species into county waters or waterways is prohibited.

SECTION 2.

Those sections of Chapter 26 not set forth in this Ordinance shall remain in full force and effect.

SECTION 3. Publication and Effective Date.

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2012, by the following four-fifths vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DOREEN FARR
Chair, Board of Supervisors

ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:
DENNIS A. MARSHALL,
COUNTY COUNSEL

By: _____
Deputy County Counsel