

Chapter 9.46 PARK RULES AND REGULATIONS

I. GENERAL PROVISIONS

9.46.010 Scope and Purpose of This Chapter.

This chapter shall be known as the "El Dorado County Parks Ordinance" and may be referred to as such. This chapter applies to, and is adopted to ensure the appropriate management, administration, use and protection of, all parks, trails and open space administered, maintained, or otherwise managed by El Dorado County. (Ord. 4586, 8-14-2001)

9.46.020 Definitions.

As used in this chapter, the following terms have the meanings defined below:

- A. "Board" or "board of supervisors" means the Board of Supervisors of the County of El Dorado.
- B. "Commission" means the El Dorado County Parks and Recreation Commission.
- C. "County" means the County of El Dorado.
- D. "Department" means the El Dorado County General Services Department, Airports Parks and Grounds Division.
- E. "Manager" means the Manager of El Dorado County General Services Department, Airports, Parks and Grounds Division.
- F. "Park" or "parks" means any park, playground, bicycle or multi-use trail, recreation center or any other lands or facilities owned, operated, maintained, administered or managed by the county and devoted to active or passive recreation. "Park" includes all facilities or improvements within a park, and all water or waterways within or adjacent to a park.
- G. "Permission" means written permission granted by an authorized representative of the department.
- H. "Person" means any natural person, firm, corporation, unincorporated association, club, municipality, district or public agency, and all associations or combinations of persons whenever acting for themselves or any agent, servant or employee. (Ord. 4586, 8-14-2001)

9.46.030 General Regulations.

From time to time, and upon recommendation of the commission the board may promulgate rules and regulations pertaining to parks and their facilities and may adopt such policies as it sees fit to ensure appropriate management and administration of parks and of the department. No person entering or using parks

shall violate or fail to comply with applicable federal, state, county and local laws and regulations or posted signs. (Ord. 4586, 8-14-2001)

9.46.040 Enforcement.

Any department employee or designee or any peace officer shall have the authority to enforce this chapter. Further, any department employee or designee or any peace officer shall have the authority to revoke permission to use any park, or to eject from any park, any person acting in violation of this chapter or any rules, regulations or policies adopted hereunder. (Ord. 4586, 8-14-2001)

9.46.050. Hours of Operation.

Except as otherwise provided in this chapter, parks are intended for day use only. The hours of operation are from six a.m. until one hour after sunset each day. No person shall enter a park by foot or in a vehicle later than one hour after sunset or earlier than six a.m. each day. The hours of operation of any park may be extended by the board. Such extended hours of operation shall be prominently posted at that park. Parks or recreation facilities operated by a concessionaire pursuant to an approved concession agreement, or by any other agency pursuant to an agreement with the county, shall be exempted from this section. (Ord. 4586, 8-14-2001)

9.46.060 Hours of Operation, Lighted Facilities.

Notwithstanding anything to the contrary in this chapter, the hours of operation for parks or their facilities that are equipped with lights for night sports activities are from six a.m. until ten p.m. each day. No person shall enter such a park or its facilities by foot or in a vehicle later than ten p.m. or earlier than six a.m. each day. Such extended hours of operation shall be prominently posted on-site. (Ord. 4586, 8-14-2001)

9.46.070 Closure of Parks.

Although it is the County's intent to make parks available to the public as much as is reasonably possible, parks may be closed to the public or have public uses restricted during an emergency or for health, safety, maintenance or management purposes. (Ord. 4586, 8-14-2001)

9.46.080 Permits, Licenses and Fees.

The department may issue permits and licenses and may charge fees for use of parks or portions thereof. Charges for permits, licenses and fees shall be determined by resolution of the board from time to time, and may include admission fees, parking fees, park use fees, facility use fees (including fees for use of Community Centers) and charges for expenses incurred by the department, including but not limited to labor, equipment costs, material costs and overhead. Permits are not transferable and may be revoked for failure to comply with any provision of the permit or applicable portions of this chapter or any rules, regulations or policies adopted hereunder. When issued, permits must be carried as directed at all times when using parks. (Ord. 4586, 8-14-2001)

9.46.090 Separate offenses.

Each calendar day upon which a violation of this chapter occurs shall constitute a separate offense. (Ord. 4586, 8-14-2001)

9.46.100 Impoundment.

The department may impound any animal, property or equipment found to be in violation of this chapter. Impounded items shall be disposed of in accordance with law. (Ord. 4586, 8-14-2001)

9.46.110 Exemptions.

This chapter and any rules, regulations, or policies adopted hereunder shall not apply to employees and agents of the department, the county, or other government agencies with regulatory authority engaged in and acting within the scope of their authorized duties and responsibilities. The board, at its sole discretion, may grant written exemption to all or any portion of these regulations by temporary or special permit, license, contract, lease, etc.; however, exemptions shall be limited to uses which do not violate any federal or state law. (Ord. 4586, 8-14-2001)

9.46.120 Severability.

The provisions of this chapter are hereby declared to be severable. If any section, sub-section, paragraph, subparagraph, sentence, or clause of this chapter is for any reason held to be invalid or unconstitutional, the board declares that this chapter, including each section, sub-section, paragraph, sentence and clause, would have been adopted regardless of any findings of invalidity or unconstitutionality. (Ord. 4586, 8-14-2001)

II. VISITOR CONDUCT

9.46.200 Use Restrictions.

No person shall enter any park or any area of a park that is closed to the public, nor use any park or any area of a park for an unauthorized purpose. No person shall remain on or reenter a park or any area of a park after a department employee or designee or peace officer has specifically revoked permission to use such park or area of a park. (Ord. 4586, 8-14-2001)

9.46.210 Care of Property and Facilities.

No person in a park shall damage, deface, paint, tamper with, displace or remove any property or facilities, including buildings, signs, gates, fences, equipment, markers, trash receptacles, landscaping, paving material, utilities or water lines. (Ord. 4586, 8-14-2001)

9.46.220 Reserved Activities - Permit.

- A. Reserved activities involving the non-commercial use of parks including day camping, overnight camping, group picnics, group gatherings and other events are to be allowed subject to obtaining a park use permit from the manager. The purposes of the permit requirement are to ensure conformance with applicable park rules, regulations, and policies; to avoid conflicts among group activities; and to allow the county to prepare for or to offset operation, maintenance, and security impacts of group activities. The permit requirement is not intended to, nor shall it operate to, limit or prevent the full exercise of rights of free expression guaranteed by the California and United States Constitutions.
- B. An application for a park use permit shall be filed by an authorized representative of the person planning, sponsoring, or hosting the activity. The application shall be made on forms provided by the department, shall be received by the department not less than 14 days before the proposed reserved activity, and shall be accompanied by the tender of a fee in an amount set by resolution of the board. The fee shall not exceed the amount necessary to offset the administrative, operational, maintenance, and security costs that the reserved activity may reasonably be expected to impose on county personnel and resources. The manager may shorten or waive the 14-day requirement upon a showing of good cause.
- C. The manager shall approve the application for a park use permit unless the reserved activity as proposed does not conform with applicable park rules, regulations, and policies, or it conflicts in time, place, or manner with a reserved activity for which a park use permit has already been approved. The manager's decision shall be made within 14 calendar days or before the date of the proposed reserved activity, whichever comes first.
- D. Any person may appeal the manager's decision directly to the board within ten calendar days. The appeal shall be heard at the first available meeting of the board, and except as specified in this chapter, the appeal shall be governed by the procedures of Chapter 2.09 of this Code. The county shall make every reasonable effort to hear and decide the appeal before the date of the proposed reserved activity.
- E. This section does not affect any permitting, licensing, or other regulatory requirements applicable to the proposed reserved activity under any other federal, state, county, or local law or regulation. Commercial activities in parks are governed by section 9.46.320. (Ord. 4586, 8-14-2001)

9.46.230 Responsibility for Conduct of Minors.

Parents and guardians shall be responsible for the conduct of their minor children and shall not permit such minor children to do any act within parks that is prohibited by this chapter. (Ord. 4586, 8-14-2001)

9.46.240 Firearms, Traps and Other Weapons.

No person shall possess, use, discharge or cause to be discharged any gun, firearm or weapon while in a park, including any air or gas weapon, spring gun, spear, bow and arrow, crossbow, sling shot, animal trap, knife with blade over 5

inches long, explosive or any other form of weapon potentially dangerous to wildlife or human safety. No person shall discharge or cause to be discharged any gun, firearm or weapon onto or across a park from outside the boundary of a park. (Ord. 4586, 8-14-2001)

9.46.250 Noise and Audio Devices.

No person in a park shall make or cause to be made any loud and raucous, unnecessary or unusual noise which by its volume causes discomfort or annoyance to any reasonable person of normal sensitivity. Except as allowed by a park use permit, no person shall operate any public address system, amplified musical instrument or other noise-producing or transmitting device in a park. This section does not apply to radios and similar devices operated at volumes that do not disturb others using a park. (Ord. 4586, 8-14-2001)

9.46.260 Sanitation.

No person using lands or facilities managed by the department shall do any of the following:

- A. Urinate or defecate other than at restrooms provided.
- B. Fail to cooperate in maintaining restrooms in a neat and sanitary condition.
- C. Use restrooms designated for the opposite gender, except that small children accompanied by an adult guardian may use a restroom designated for the adult's gender.
- D. Fail to clean up feces deposited by their pet. (Ord. 4586, 8-14-2001)

9.46.270 Swimming.

No person shall bathe, swim, wade, wash or otherwise enter any water or waterways within or adjacent to a park in areas posted against such use. (Ord. 4586, 8-14-2001)

9.46.280 Littering.

No person shall throw, drop, place, deposit or sweep any object, including but not limited to paper, food scraps, bottles, bottle caps, cans, fish or fish parts, soil or rocks within any park, except in trash receptacles. If trash receptacles are not provided or are full, all such matter shall be carried away by the person responsible for its presence and be properly disposed of elsewhere. (Ord. 4586, 8-14-2001)

9.46.290 Waste Disposal.

No person shall dispose of solid waste, hazardous waste, radioactive waste or medical waste in a park. No person shall bring any of these wastes, or cause any of them to be brought into, a park. For purposes of this section, "solid waste" and "hazardous waste" are as defined in California Public Resources Code sections 40191 and 40141, respectively, and "radioactive waste" and "medical waste" are

all materials regulated by California Health & Safety Code sections 114960 et seq. and 117600 et seq., respectively. (Ord. 4586, 8-14-2001)

9.46.300 Structures, Encroachments and Signs.

No person shall erect any temporary or permanent obstruction, structure, monument, facility, physical improvement, encroachment or sign in a park except by express permission. Any such unauthorized item may be impounded or demolished by the department in accordance with law. (Ord. 4586, 8-14-2001)

9.46.310 Abandoned and Unattended Property.

No person shall abandon or leave unattended or without permission any personal property or device in a park for a period longer than 12 hours. Any property or device so abandoned or unattended may be impounded and disposed of pursuant to section 9.46.100. (Ord. 4586, 8-14-2001)

9.46.320 Commercial Activities.

No person shall do any of the following in a park or at a park entrance or exit, except by express permission:

- A. Sell, hawk, or otherwise peddle any goods, merchandise or services.
- B. Station or place any stand, cart or vehicle for display of goods, merchandise or services.
- C. Distribute, circulate or post any handbill, pamphlet or other advertisement regarding sale of goods, merchandise or services.
- D. Conduct any commercial filming or photography or activity related to commercial filming or photography.
- E. Conduct any activity of a commercial nature.

The manager may, but need not, grant permission to conduct any of the foregoing activities on a one-time or short-term basis upon written application. Any such permission shall be subject to payment of an appropriate fee calculated from fees established by the board for commercial uses. Permission to conduct any of the foregoing activities on a recurring or long-term basis, or on a one-time or short-term basis after the manager has denied an application, can be obtained only by a written agreement approved by the board. (Ord. 4586, 8-14-2001)

9.46.330 Prohibited Conduct.

No person shall do any of the following in a park:

- A. Engage in behavior that a reasonable person of the community would find harassing or disturbing to others, and that actually causes a complaint of harassment or disturbance.

- B. Accost another person for the purpose of begging or soliciting except as permitted under sections 9.46.220 or 9.46.320.
- C. Be under the influence of intoxicating or dangerous drugs in such a condition that the individual is unable to exercise care for their own safety or the safety of others.
- D. Engage in conduct whose loudness a reasonable person of the community would find disturbing, or in any act that is likely to result in imminent violence that cannot be prevented by crowd control.
- E. Appear in a state of dress or undress in which the pubic hair, genitals, buttocks, anal region or any portion of the female breast below the top of the areola are exposed. In addition, no person shall do any thing that constitutes "disorderly conduct" under section 647 of the California Penal Code. (Ord. 4586, 8-14-2001)

9.46.340 Alcoholic Beverages.

The board may, by resolution, designate certain parks or areas within parks in which no person shall maintain or consume alcoholic beverages of any kind. In such cases, the area shall be prominently posted. The board's resolution prohibiting alcoholic beverages in such park or portion thereof may contain procedures for securing a waiver against a prohibition under special circumstances. (Ord. 4586, 8-14-2001)

9.46.350 Introduction of Organisms.

No person shall introduce, cause to be introduced or otherwise disperse in a park any organism, living or dead, including native or non-native plants, animals, fish, insects or bacteria, except as necessary for fishing bait and as permitted in the California Fish and Game Code. (Ord. 4586, 8-14-2001)

III. RESOURCE PROTECTION

9.46.400 Water Resources.

No person shall do any of the following while in a park:

- A. Pollute or in any manner contaminate any reservoir, lake, stream, waterway or other body of water.
- B. Possess or apply any pesticide, herbicide, fungicide or other poison. (Ord. 4586, 8-14-2001)

9.46.410 Botanical Resources.

No person shall damage, cut, carve, injure, collect, eat or remove any plant, tree or other type of vegetation, whether living or dead, including, but not limited to, flowers, mushrooms, bushes, vines, grass, turf, cones, or wood located within a park. (Ord. 4586, 8-14-2001)

9.46.420 Wildlife and Animal Resources.

No person shall hunt, molest, disturb, injure, trap, take, net, poison, harm or kill any kind of animal or the eggs of any animal, whether living or dead, nor remove, destroy or in any manner disturb the natural habitat of any animal in a park. Fishing or taking of fish is permitted as regulated in Chapter 10.07. (Ord. 4586, 8-14-2001)

9.46.430 Geological Resources.

No person shall damage, injure, collect, remove or disturb soil, earth, rocks, sand, gravel, fossils, minerals, features in caves, or any articles or artifact of geological interest or value in a park. (Ord. 4586, 8-14-2001)

9.46.440 Archeological and Historical Resources.

No person shall damage, injure, collect, remove or disturb any object of paleontological, archaeological or historical interest or value in a park. (Ord. 4586, 8-14-2001)

IV. VEHICLE REGULATIONS

9.46.500 Motor Vehicles.

No person shall operate or possess any motor vehicle or motor driven vehicle, including but not limited to cars, trucks, motorcycles, motorbikes or similar vehicles, within a park, except upon paved or gravel roads or parking lots, and in conformance with posted signs. This section does not apply to battery-powered wheelchairs. (Ord. 4586, 8-14-2001)

9.46.510 Bicycles.

No person shall operate any bicycle or similar vehicle in a park except upon paved roads, fire protection roads, designated bicycle pathways or roads not signed against such use. Furthermore, no person shall operate or possess any bicycle or similar vehicle elsewhere in a park, unless signed specifically to permit such operation. (Ord. 4586, 8-14-2001)

9.46.520 Speed Limits.

No person shall operate any land vehicle, including bicycles, at speeds in excess of 15 miles per hour in a park, unless otherwise posted. No vehicle shall be operated at a speed greater than is reasonable or safe or in any manner that may endanger the safety of others or the protection of facilities and environmental resources. (Ord. 4586, 8-14-2001)

9.46.530 Parking and Vehicle Removal.

No person shall park, leave, abandon, possess or otherwise store any vehicle in a park, except in locations designated for such use, and during times that such use is allowed. No person shall park any vehicle in the following locations:

- A. Within the traveled portion of any road.
- B. On any service road or trail.
- C. In front of any gate.
- D. On any undisturbed or natural hillside.
- E. In areas designated for disabled or handicapped persons without appropriate authorization.
- F. In more than one parking space per vehicle.
- G. Within posted "no parking" areas.
- H. In a manner that obstructs the use of a boat ramp.
- I. In a manner that obstructs the free flow of traffic.

Except in designated overnight parking areas, no person shall park any vehicle for more than 12 consecutive hours. Any enforcement authority mentioned in California Vehicle Code section 22651 is authorized to remove any vehicle parked in violation of this section. (Ord. 4586, 8-14-2001)

9.46.540 California Vehicle Code.

Except as otherwise provided in these regulations, the provisions of the California Vehicle Code shall be applicable to the operation of vehicles in parks.

V. DOMESTIC ANIMAL REGULATIONS

9.46.600 Dogs and Other Domestic Animals.

Dogs and other domestic animals are allowed in parks except in designated areas. Where not prohibited, dogs and other domestic animals must be fastened

to and restrained by a chain or leash not longer than six feet and must be under the direct and immediate control of a responsible person. No person shall do any of the following in a park:

- A. Allow any dog or other domestic animal to enter environmentally sensitive or restricted areas.
- B. Allow any dog or other domestic animal to interfere with, bother or disturb others.
- C. Allow any dog or other domestic animal to hunt, pursue or harass other animals or wildlife.
- D. Bring or keep a noisy, vicious or dangerous dog or other animal.
- E. Tie or hitch any dog or domestic animal to a tree or plant.
- F. Bring or keep a dog under 4 months of age or without proof that the dog has a valid rabies vaccine or a valid license.
- G. Leave a dog or other animal in an unattended vehicle without adequate ventilation, or in such manner as to subject the animal to extreme temperatures which adversely affect animal's health or welfare.
- H. Fail to promptly remove from a park any dog or other domestic animal after being ordered by department personnel to do so. Except for bona fide guide or service dogs, dogs and other animals are not permitted in buildings within a park. (Ord. 4586, 8-14-2001)

9.46.610 Horses and Saddle Animals.

Horses and saddle animals are not permitted on lands managed by the department, except in designated areas. When permitted, horses and saddle animals must remain on trails, service roads and other areas not signed against such use. No person shall do any of the following on lands managed by the department:

- A. Ride, drive, lead or keep any horse or saddle animal at such speed or in such manner which may endanger the safety of others, other animals or the protection of environmental resources.
- B. Allow any horse or saddle animal to stand unattended or insecurely tied.
- C. Tie or hitch any horse or saddle animal to a tree or plant.
- D. Permit any horse or saddle animal to swim in any reservoir, lake, stream or waterway. (Ord. 4586, 8-14-2001)

9.46.620 Animals at Large.

No person shall do any of the following in a park:

- A. Permit any cattle, sheep, goat, horse, dog, cat or other animal to graze or run at large.
- B. Abandon a dog, cat, fish, fowl or other animal.

Any domestic animal found at large in a park may be turned over to county animal control for disposition in accordance with state and county law. (Ord. 4586, 8-14-2001)

VI. FIRE REGULATIONS

9.46.700 Fires.

No person shall build light or maintain a fire of any nature in a park, except in permanent fixed barbecues, camp stoves or fireplaces established by the department, or in areas specifically designated for the use of portable barbecues and camp stoves. Barbecues and stoves shall be operated at all times in a manner that does not endanger persons or property. No person shall dispose of coals in a park except in a manner designated by the department. (Ord. 4586, 8-14-2001)

9.46.710 Fireworks.

No person shall possess, bring onto, set off or otherwise cause to explode any firecrackers, skyrockets or other fireworks or explosives in a park. (Ord. 4586, 8-14-2001)

9.46.720 Smoking.

Smoking is permitted in designated areas only. (Ord. 4586, 8-14-2001)

VII. FISHING REGULATIONS

9.46.800 Fishing Regulations and Enforcement.

All fishing in parks is subject to the California Fish and Game Code, the rules and regulations of the California Department of Fish and Game and this chapter. Department employees, California Department of Fish and Game officials and other law enforcement personnel are authorized to issue citations for violations, confiscate fish and impound fishing gear upon violation of regulations. (Ord. 4586, 8-14-2001)

9.46.810 Cleaning of Fish.

No person shall clean, gut or scale any fish within lands managed by the department except in areas designated for such use. No person shall dispose of dead fish or fish parts in any park, except in trash receptacles. (Ord. 4586, 8-14-2001)

9.46.820 Boat Docks.

No person shall fish from a boat dock in a manner that interferes with or disrupts boats using such facilities. (Ord. 4586, 8-14-2001)