

APPENDIX B

Resolutions and Ordinances



RESOLUTION No. 99-88

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION AMENDING THE GENERAL PLAN

WHEREAS, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

WHEREAS, because of that mandate, El Dorado County's General Plan and the various elements thereof, must be continually updated with current data, recommendations and policies; and

WHEREAS, the Community Development Department and Planning Commission have made recommendations to the Board of Supervisors regarding potential amendments of the Land Use Element of the General Plan; and

WHEREAS, the Board of Supervisors has reviewed and held public hearings on the recommended amendments to the land use elements; and

WHEREAS, the Board of Supervisors finds that the proposed amendments to the General Plan are consistent with all elements of the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the El Dorado County Board of Supervisors hereby approves and accepts the environmental documents filed on the following amendments to the General Plan and approves and adopts the following amendments to the General Plan:

1. CAMINO/FRUITRIDGE AREA - from Single Family Residential-Medium Density to Commercial, consisting of 0.98 acre (APN 43-380-24), petitioned by Robert Haynes (Agent: Spence Moore).

2. SHINGLE SPRINGS AREA - from Single Family Residential-Low Density to Single Family Residential-Medium Density, for those lots fronting on Lorraine Drive and Holly Drive, consisting of 40.745 acres (APN Numbers attached hereto as Exhibit "A").

3. River Management Plan - Modification of Sections III, IV and V of the River Management Plan, a section of the Recreation Element of the County General Plan.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the findings and decisions made at such time as this Board stated their intention to make the above listed amendments to the General Plan and incorporates said findings and decisions herein by reference.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 29th day of March, 19 88.

by the following vote of said Board:

Ayes: Supervisors Robert E. Dorr,
Patricia R. Lowe, James R. Sweeney,
Michael C. Visman, John N. Cefalu

ATTEST

BILLIE MITCHELL, County Clerk and ex-officio
Clerk of the Board of Supervisors

By Margaret E. Needy
Deputy Clerk

Noes: None
Absent: None

Patricia R. Lowe
Chairman, Board of Supervisors

DATE	COPIES SENT TO
4/6/88	Planning Division

GERÉMICA/EL DORADO COUNTY PLANNING COMMISSION

GENERAL PLAN/ZONING BOUNDARY AMENDMENT Z87-62 (As approved by the Board of Supervisors
- March 15, 1988)

Assessor's Parcel Nos.

90-151-01
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90-310-11
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90-300-31
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ORDINANCE No. 3017

ORDINANCE REGULATING RAFTING ON
STREAMS AND RIVERS WITHIN EL DORADO COUNTY
THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 11, Part 8, Sections 9100 et seq. are hereby added to the El Dorado County Ordinance Code to read as follows:

"Section 9100. Title.

This ordinance shall be referred to as the Streams and Rivers Rafting Ordinance.

Section 9101. Purpose.

The Board of Supervisors of El Dorado County recognize that recreational use of the county's streams and rivers includes the use of streams and rivers by rafts, kayaks and other floating devices. The Board has further found that increased use of such waterways by persons on rafts, kayaks and other floating devices is posing a serious threat to the health, safety and welfare of such persons as well as to property owners adjoining the waterways and the riparian environment. Lack of sufficient parking facilities, sanitation facilities, public ingress and egress areas and related facilities capable of handling the large numbers of river users has resulted in traffic congestion, parking violations, trespass, pollution of the environment and substantial increase in need for law enforcement and search and rescue assistance. This ordinance is therefore proposed to regulate recreational travel on the streams and rivers to the extent necessary to ensure the safety of the users and the health and welfare of the community.

Section 9102. Applicability.

This ordinance shall apply to:

(a) any person or business entity which, for commercial purposes, leases, rents, loans or supplies for consideration, any floating device, including but not limited to, rafts and kayaks for use on the streams and rivers of El Dorado County named pursuant to subdivision (c) of this section, or any person or business entity which, for consideration, guides, leads or accompanies any person using any such floating device on such named streams and rivers;

(b) any person or business entity which owns, leases or otherwise has the use of real property adjoining the streams and rivers of this county named pursuant to subdivision (c) of this section and who or which allow such property to be used for ingress and egress into and from such rivers, or for other day or camping use, on a regular basis.

(c) the South Fork of the American River located within El Dorado County and other such streams and rivers in El Dorado County as may later be added by board resolution.

Section 9103. Permit Requirement For River Use.

No person or business entity described in Section 9102 (a) shall carry out the activities described therein without first obtaining a commercial river use permit.

Section 9103.1. Issuance of Permit for River Use.

Commercial river use permits shall be issued by the El Dorado County Board of Supervisors. The procedure for permits is as follows:

1. The applicant shall submit to the El Dorado County Planning Department an application for a commercial river use permit accompanied by a river use plan.

2. Upon receipt of such application and plan, the Planning Department shall review same to determine whether such application and plan meet the standards for approval as adopted by the Board of Supervisors. The Planning Department shall, within sixty (60) days of receipt of such application and plan, submit a report to the Board of Supervisors regarding compliance with those standards.

3. Upon receipt of the report from the Planning Department, the matter shall be placed on the agenda of the next regularly scheduled meeting of the Board of Supervisors. If the Board finds that the application and plan do meet the standards for approval, then the permit shall be granted subject to the provisions of Section 9106. If the Board finds that such standards have not been met, then the application shall be denied. The Board of Supervisors may place reasonable conditions on the issuance of the permit when necessary to protect the public health, safety and welfare. Permits shall be issued under this section on an annual basis from March 1 through February 28th of each successive year.

Section 9103.2. River Use Plans for River Use.

A commercial river use permit plan shall include but need not be limited to the following information in a written application, site plan, and supporting documents as may be required by the Planning Department:

1. Names, address and place of business of applicant;
2. If place of business is located outside of El Dorado County, name of local agent within county who will be available in event of emergencies or other problems;
3. Description of activities to be permitted under the permit;
4. Plans for ingress and egress into and out of the river and location of any reststops or other planned non-emergency stops upon riparian land. All such planned stops or use must be on property for which the landowner has secured a special use permit under Section 9104 or property not subject to this ordinance;
5. A plan for parking facilities and transportation from the point of egress to the point of ingress for users covered by the permit. Said plan shall include at least two (2) spaces per

flotation device of less than five (5) persons capacity and at least three (3) spaces per flotation device of five (5) or more capacity, unless an alternative has been approved by the Planning Department.

6. A plan for sanitation facilities of adequate capacity for users and the method of proposed waste of disposal as acceptable by the Director of Environmental Health.

7. A plan to supply water which shall meet the quantity, and quality requirements of the Division of Environmental Health;

8. Safety measures for users as set forth in Section 9108;

9. Proof of authorization for any proposed use of private or public property if not owned by applicant;

10. Proof of adequate liability insurance covering any activities of the permittee, or the permittee's employees or agents relating to river use or activities incidental to river use and naming the County and riparian land owners as co-insured;

11. Estimated number of floating devices (by type), number of persons and number of trips estimated per permit period;

12. All owners or companies must identify their vessel(s) by unique and distinct number and/or letter markings which shall be visible from either shore of the stream or river.

Section 9104. Permit Requirement for Property Owners

No person or business entity described in Section 9102(b) shall carry out activities described therein without first obtaining a special use permit from the El Dorado County Planning Department.

Section 9105. Permit Fee and Insurance.

The Board of Supervisors may charge a fee for the river user permits required by this ordinance. The fee shall be established by resolution of the Board of Supervisors, and shall be in an amount equal to the cost of enforcing and administering the provisions of this ordinance and as further authorized by law. Said resolution shall also establish the minimum limits and required liability insurance.

Section 9106. Limitation on Issuance of Permits.

Notwithstanding the provisions of Sections 9103.1 and 9104 the Board of Supervisors may, by resolution, reasonably limit the number of permits necessary to protect the health, safety and welfare of the community, as well as the riparian environment of the river.

Section 9107. Revocation of Permit.

Any river use permit granted under Section 9103 for a river use permit or the Planning Commission for a special use permit granted under Section 9104 of this ordinance may be revoked or amended if the Board of Supervisors finds following due notice and public hearing that there has been a violation of provisions of this ordinance or any conditions of the permit.

Section 9108. Safety Equipment and Standards.

(a) Each raft, kayak or any other floating device used to traverse the county's streams and rivers shall contain one life jacket or similar device (which has been approved by the U.S. Coast Guard) for each person therein. The number of persons using each device shall not exceed the capacity for which the device was designed.

(b) The County of El Dorado may promulgate, by resolution, such further standards as may be necessary to protect the public welfare and riparian environment. Notice of such rules and regulations shall be made available to each user.

Section 9109. Littering; Trespass.

All persons, groups or business entities who use the streams and rivers of El Dorado County for recreational or commercial purposes shall be subject to state law regarding littering and trespass.

Section 9110. Violations.

Violations of any provisions of this ordinance shall be a misdemeanor and punishable by a fine not to exceed one hundred dollars (\$100) per violation.

Section 9111. Time to Apply.

Applications for river use and land use permits shall be accepted up to and including December 31st of any given year for use in the following year.

Section 9112. Severability.

If any section, part, clause or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected but will remain in full force and effect."

Section 2. This ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption, and shall be operative for permits to be required for use on streams and rivers defined in section 9102(c) in El Dorado County on and after March 1, 1981.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 19th day of August, 1980, by the following vote of said Board:

Ayes: Supervisors N. ARLIENE TODD,
WILLIAM V.D. JOHNSON, W.P.WALKER,
JOSEPH V. FLYNN, THOMAS L. STEWART

ATTEST:

DOLORES BREDESON

~~CAROLYN KEXLIX~~ County Clerk and ex-officio
Clerk of the Board of Supervisors

By Barbara J. Churchill
Deputy Clerk

Noes None

Absent: None

N. Arlene Todd
Chairman, Board of Supervisors

DATE	COPIES SENT TO
8-25-80	Ct. Counsel
	Planning
	Sherrif
	Auditor



ORDINANCE No. 3463

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
DOES ORDAIN AS FOLLOWS:**

Section 1. Section 12.64.010 of Chapter 12.64 of Title 12 of the El Dorado County Ordinance Code is amended to read as follows:

"12.64.010 Principal uses. Without excluding other lawful uses or attempting to enumerate all the public waters in the county, the board of supervisors recognizes the principal uses of certain public waters in the county as follows:

- A. Bass Lake: fishing, swimming;
- B. Finnon Reservoir: fishing, swimming;
- C. Walton Lake: Domestic water supply, fishing;
- D. Lake Edson: irrigation, fishing;
- E. Gerle Reservoir: irrigation, fishing, swimming;
- F. Junction Reservoir: power, fishing, swimming;
- G. South Fork American River: Chili Bar Dam to the confluence with the Folsom Lake State Recreation Area: Power, fishing, swimming, irrigation, non-power boating.

Section 2. Section 12.64.040 of Chapter 12.64 of Title 12 of the El Dorado County Ordinance Code is amended to read as follows:

" 12.64.040 Motorboating prohibited. Because of the danger to swimmers and fishermen and the narrow confines of the water's edge, it is unlawful for any person to operate a motorboat on any portion of the following waters:

- A. Bass Lake;
- B. Finnon Lake;
- C. Walton Lake;
- D. Junction Reservoir;
- E. Gerle Reservoir;
- F. South Fork American River; Chili Bar Dam to the confluence with the Folsom Lake State Recreation Area.

Section 3. Chapter 12.72 is hereby added to Title 12 of the El Dorado County Ordinance Code to read as follows:

"

CHAPTER 12.72

SPECIFIC USE REGULATIONS FOR THE
SOUTH FORK OF THE AMERICAN RIVER

12.72.010 Purpose The purpose of this chapter is to protect the public's health, safety and welfare by designating the South Fork of the American River as a special use area and requiring the registration of persons, who, for non-commercial purposes, float or otherwise traverse all or any portion of the South Fork of the American River from Chili Bar Dam to the confluence of the Folsom Lake State Recreation Area. The registration requirement is necessary to ensure that persons who float the South Fork of the American River are aware of the locations of private lands, public use areas, approved human sanitation methods, including the locations of public toilets, approved solid waste disposal methods and locations, emergency procedures and other necessary safety rules. This chapter is therefore proposed to regulate recreational travel on the South Fork of the American River to ensure the safety of the users and the health and welfare of the community.

12.72.020 Registration of non-commercial persons required. At least one person in or on each boat, raft, kayak, vessel or any other type of craft who floats, traverses or travels upon the South Fork of the American River for non-commercial purposes must register with the County on an annual basis. Registration shall be accomplished by signing and dating a tag provided by the County. By signing the tag, the person certifies that they have read the information and rules on the tag and that they agree to abide by the rules set forth. This tag must be displayed in a visible location while floating or traversing on the South Fork of the American River. The tag must be surrendered to any peace officer upon demand.

12.72.030 Sanitation and pollution control. Each boat, vessel, raft, kayak or other craft, which by design or capacity, is capable of carrying 2 or more persons for non-commercial purposes, must carry a container of durable construction that is used for trash and litter disposal while traversing or floating on or in the South Fork American River.

Each person or group of persons who camp on any public or private lands adjacent to the South Fork American River must have access to and availability of an approved privy, toilet, porta-potty or other human waste disposal method. The approving agency for any human waste disposal methods shall be the El Dorado County Health Department, Division of Environmental Health.

12.72.040 Authority. This chapter is adopted under the authority of the Harbors and Navigation Code Section 660 for special use areas and for pollution and sanitation control.

12.72.050 Penalty for violation. Any person who violates any provisions of this chapter is guilty of an infraction and shall be punished by a fine not to exceed the amounts set forth in Government Code Section 36900(b).

Section 4. The urgency that requires this ordinance to take effect in two weeks is as follows: The summer months are a high use period for rafters and other individuals who float or traverse the South Fork of the American River. This ordinance is necessary to mitigate potential environmental impacts on the river from the individuals regulated under the ordinance and for the health and safety of all individuals who use or enjoy the river. The reason this ordinance shall take effect in two weeks, rather than immediately, is that the tags required under the ordinance will not be available for two weeks.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 10th day of July, 19 84,
by the following vote of said Board:

Ayes: Supervisors Dorr, Lowe, Walker, Flynn, Stewart

Noes: None

Absent: None

ATTEST

BILLIE MITCHELL, County Clerk and ex-officio
Clerk of the Board of Supervisors

By Bette C. Hill
Deputy Clerk

James R. Chase
Chairman, Board of Supervisors

DATE	COPIES SENT TO
7.16.84	State Dept. of Boating & Waterships Planning County Council Mt. Democrat LHR (2) Sheriff

TDC:jmf
rivereir.ord
4/6/95



see Ord.
4478
2/10/98

ORDINANCE No. 4365

(UNCODIFIED)

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1. No later than April 4, 1998, the County of El Dorado, by and through its Board of Supervisors, shall certify an environmental report pursuant to the California Environmental Quality Act in conjunction with the update to the County's River Management Plan ordered by the Board of Supervisors at its March 28, 1995 regular meeting.

Section 2. Between the effective date of this ordinance and the certification of the environmental impact report referred to in Section 1, the County General Services Department shall submit written progress reports on the River Management Plan Update and environmental impact report to the County Planning Commission no less frequently than every six months. Each progress report shall be placed on the agenda of the next available regular Planning Commission meeting for the Planning Commission's review and recommendations. The Planning Commission shall forward each progress report, supplemented by its comments and recommendations, to the Board of Supervisors within thirty (30) days thereafter. The Board of Supervisors shall review each progress report and Planning Commission comments and recommendations at the next available Board of Supervisors meeting, and shall take whatever actions the Board of Supervisors deems necessary or desirable to maintain the three-year schedule for certification of the environmental impact report.

Section 3. This ordinance shall take effect and become effective thirty (30) days after the adoption hereof.



ORDINANCE No. 4478

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

WHEREAS, on March 28, 1995, the Board of Supervisors conceptually approved the concept of an update to the County's River Management Plan and an accompanying Environmental Impact Report, with the effort to be confined to evaluation of whitewater recreational activities on the South Fork of the American River; and

WHEREAS, on April 18, 1995, the Board passed Ordinance No. 4365, requiring that this Environmental Impact Report be certified in conjunction with the River Management Plan Update no later than April 4, 1998; and

WHEREAS, on April 11, 1995, the Board passed Ordinance No. 4363 making various changes to the standards and procedures for the issuance of commercial river use permits; and

WHEREAS, Ordinance No. 4363 clarified that the grant or denial of a commercial river use permit by the Planning Commission, or the Board of Supervisors on appeal, shall be a ministerial act, and that the permits are issued for a three-year term; and

WHEREAS, Ordinance No. 4363 took effect May 11, 1995 and provided that it would expire of its own terms when the County certified an Environmental Impact Report for the River Management Plan Update, or three years from the Ordinance's effective date, whichever came first, and that upon expiration, the prior standards and procedures for issuance of commercial river use permits, including language deemed by a trial court to indicate that permit issuance was a discretionary act, would come back into effect; and

WHEREAS, it is now apparent that the completion of the River Management Plan Update and accompanying Environmental Impact Report will require more than three years to accomplish;

NOW, THEREFORE, the Board of Supervisors of the County of El Dorado does hereby ordain as follows:

SECTION 1. (Uncodified) The Board of Supervisors hereby declares that its intentions in taking the actions specified above were as follows:

a. To prepare and complete a River Management Plan Update and accompanying environmental review as expeditiously as possible, consistent with the objectives of sound policy making and full public involvement.

b. To allow commercial rafting activities to continue while the River Management Plan Update and Environmental Impact Report were prepared and completed.

c. To have the River Management Plan Update and Environmental Impact Report completed prior to taking action on the vast majority of commercial river use permits which expire and are eligible for renewal in 1998.

SECTION 2. (Uncodified) The Board of Supervisors hereby finds and declares that it would frustrate and be contrary to the Board of Supervisors' intentions in 1995, as expressed above, if the commercial river use permits eligible for renewal in 1998, which constitute the vast majority of all such permits, were approved for a three-year term just weeks or months prior to the completion of the River Management Plan Update and Environmental Impact Report, because such approvals would preclude amendments to the permit terms and conditions to implement new features of the River Management Plan until the permits expire in 2001.

SECTION 3. To effectuate and avoid the frustration of its intent in taking the foregoing actions in 1995, the Board of Supervisors hereby ordains as follows:

a. **(Uncodified)** The independent consultant responsible for completing a proposed River Management Plan Update and accompanying Environmental Impact Report is hereby directed to proceed with all deliberate speed to complete these projects so that they may come before the Board of Supervisors for action as soon after April 4, 1998 as possible.

b. **(Codified)** Section 5.48.050E of Chapter 5.48 of Title 5 of the El Dorado County Ordinance Code is hereby added to read as follows:

E. Notwithstanding subdivision C of this section, permits issued under this section in calendar year 1998 shall be for a one-

year term running from April 1 or as soon thereafter as a permit is granted.

SECTION 4. (Uncodified) To effectuate its intent that commercial rafting activities continue pending completion of the River Management Plan Update and Environmental Impact Report, the Board of Supervisors hereby directs that all applications for commercial river use permits in 1998 shall be processed in accordance with the ordinances, policies, and standards in effect at the date the application is complete, regardless of whether final action on the application occurs before or after May 11, 1998.

SECTION 5. (Uncodified) This ordinance shall take effect and become effective 30 days from and after its final adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 10TH day of FEBRUARY, 1998, by the following vote of said Board:
Ayes: SUPERVISORS: WILLIAM S. BRADLEY, RAYMOND J. NUTTING, JOHN E. UPTON

ATTEST
DIXIE L. FOOTE
Clerk of the Board of Supervisors

Noes: SUPERVISORS: NIELSEN, SHULTZ
Absent: NONE

By Margaret B. Moody
Deputy Clerk

John E. Upton
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk

TDC:sln
riveruse2.ord (1-28-98)

TDC:sln
rmp.ord
2-4-99



ORDINANCE No. 4529

(UNCODIFIED)

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

WHEREAS, on March 28, 1995, the Board of Supervisors approved the concept of an update to the County's River Management Plan and an accompanying Environmental Impact Report, with the effort to be confined to evaluation of whitewater recreational activities on the South Fork of the American River; and

WHEREAS, in 1995 it was expected, and the Board took actions that anticipated, that this Environmental Impact Report could be certified in conjunction with the River Management Plan Update within three years; and

WHEREAS, that expectation was not met, and it is now apparent that this work will not be completed before the onset of the 1999 commercial boating season; and

WHEREAS, it is the Board of Supervisors' desire and intent that the existing status quo of commercial river use operations be maintained while this work is completed, and also that new regulations and environmental mitigation measures developed through that work be implemented promptly upon its completion;

NOW, THEREFORE, the Board of Supervisors of the County of El Dorado does hereby ordain as follows:

SECTION 1. The Board of Supervisors hereby declares that its intentions since 1995 in taking actions on this subject have consistently been:

- a. To prepare and complete a River Management Plan Update and accompanying environmental review as expeditiously as possible, consistent with the objectives of sound policy making and full public involvement.

b. To allow commercial rafting activities to continue while the River Management Plan Update and Environmental Impact Report were prepared and completed.

c. To avoid granting approvals of commercial river use permits that would frustrate or delay the implementation of the River Management Plan Update and Environmental Impact Report.

SECTION 2. To effectuate and avoid the frustration of its expressed intent, the Board of Supervisors hereby ordains that all commercial river use permits issued pursuant to Chapter 5.48 of the El Dorado County Ordinance Code, and valid and in effect as of March 15, 1999, shall remain in effect until sixty (60) days following the adoption of a River Management Plan Update and certification of a final Environmental Impact Report thereon or three years from the effective date of this ordinance, whichever is first. Nothing in this ordinance shall affect the requirement of annual permit review found in Ordinance Code section 5.48.050C. Nothing in this ordinance shall affect any County ordinance, regulation, or policy regarding the suspension, amendment, or revocation of commercial river use permits.

SECTION 3. This ordinance shall take effect and become effective thirty (30) days from and after its final adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 30TH day of MARCH, 1999, by the following vote of said Board:

SUPERVISORS: WILLIAM S. BRADLEY, RAYMOND J. AYES: NUTTING, PENNY HUMPHREYS, DAVID A. SOLAI

ATTEST

DIXIE L. FOOTE
Clerk of the Board of Supervisors

By Margaret E. Moody
Deputy Clerk

Noes: NONE
Absent SUPERVISOR: J. MARK NIELSEN

William S. Bradley
Chairman, Board of Supervisors
WILLIAM S. BRADLEY, CHAIRMAN PRO TEM

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk



ORDINANCE No. 4594

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

WHEREAS, on November 20, 2001, the County approved an updated River Management Plan for whitewater recreation in the South Fork American River corridor between Chili Bar and Salmon Falls; and

WHEREAS, Chapter 5.48 of the County Ordinance Code regulates commercial boating in the same project area, and needs to be updated to maintain consistency with the new River Management Plan;

NOW, THEREFORE, the Board of Supervisors of the County of El Dorado does hereby ordain as follows:

SECTION 1. Chapter 5.48 of the County Ordinance Code, entitled "Stream and River Rafting," as it has been amended from time to time, is hereby repealed in its entirety.

SECTION 2. A new Chapter 5.48, entitled "Streams and Rivers Commercial Boating," is hereby enacted as set forth in the attached Exhibit "A."

SECTION 3. This Ordinance shall take effect and become effective thirty (30) days from and after its final adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 15th day of January, 2002, by the following vote of said Board:

Ayes: Supervisors: Rusty Dupray, Helen K. Baumann, Carl Borelli, Penny Humphreys, David A. Solaro

ATTEST
DIXIE L. FOOTE
Clerk of the Board of Supervisors

By Margaret B. Moody
Deputy Clerk

Noes: None
Absent: None
[Signature]
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

EXHIBIT “A”

Chapter 5.48

STREAMS AND RIVERS COMMERCIAL BOATING

Sections:

5.48.010	Title
5.48.020	Purpose
5.48.030	Definitions
5.48.040	Permit Required
5.48.050	Permit Issuance Procedure
5.48.060	Permit Term; Annual Review; Fees
5.48.070	River Use Plan Contents
5.48.080	Limitation on Permitted Allocations
5.48.090	No Vested Right
5.48.100	Revocation, Denial, or Non-Renewal of Permit
5.48.110	Permit Transfer, Consolidation, or Inactivation
5.48.120	Safety Equipment and Standards
5.48.130	Littering and Trespass
5.48.140	Penalty for Violation

5.48.010 Title. This chapter shall be referred to as the Streams and Rivers Commercial Boating Ordinance.

5.48.020 Purpose. The Board of Supervisors recognizes that recreational use of the county’s streams and rivers includes the use of streams and rivers by rafts, kayaks, and other floating devices. The board has further found it necessary to manage whitewater recreation, through the County’s River Management Plan, to protect the riparian environment and the safety, health, and welfare of river users and riparian landowners. Consistent with the policies and purposes of the 2001 El Dorado County River Management Plan, as it may be amended from time to time, this chapter regulates commercial boating on County rivers and streams.

5.48.030 Definitions.

A. “Boat rental” means the lease, rental, loan, or bailment for consideration of any floating device for use on any stream or river named in section 5.48.040.

B. “Commercial outfitter” means any operation that meets any of the criteria specified in Subelement 6.1 of the 2001 El Dorado County River Management Plan, as it may be amended from time to time.

C. “Commercial river use” means any operation of a boat rental or commercial outfitter.

D. “Commercial river use permit” means a discretionary permit issued pursuant to this chapter that entitles the permittee to engage in commercial river use.

E. "County parks" means the airports, parks and grounds division of the department of general services.

F. "Floating device" means any raft, kayak, canoe, inner tube, kickboard, water wheel, or similar object, or any "vessel" as defined by section 21 of the California Harbors and Navigations Code, as it may be amended from time to time. "Floating device" expressly excludes U.S. Coast Guard approved personal flotation devices, types 1 through 5.

5.48.040 Permit Required. No person or entity shall engage in commercial river use on the reaches of the South Fork of the American River between Chili Bar and Salmon Falls, except as authorized by a valid commercial river use permit in good standing.

5.48.050 Permit Issuance Procedure. Commercial river use permits shall be issued by the planning commission. The procedure for permits is as follows:

A. The applicant shall submit an application for a commercial river use permit, accompanied by a river use plan, and appropriate fee, to county parks on or before an annual deadline set by county parks.

B. Within sixty days of the deadline for receipt of the application and river use plan, county parks shall review them for compliance with the standards of this chapter and of the River Management Plan and submit a written report of its conclusions and recommendations to the planning commission. If county parks concludes that an applicant's river use plan is not complete or does not meet the standards of section 5.48.070, it shall recommend that the application be denied.

C. Upon receipt of the report from county parks, the matter shall be placed on the agenda of the next available meeting of the planning commission. The planning commission shall approve the permit upon a finding that the application and plan meet all standards of this chapter and of the River Management Plan; it shall deny the permit upon a finding that the application and plan do not meet one or more standards, identified in the finding, of this chapter or of the River Management Plan.

D. Following the decision of the planning commission, either the applicant or any other person who is adversely affected by the decision may file an appeal to the board of supervisors in accordance with Chapter 2.09 of this code. The appeal must be filed within ten (10) days after the action of the planning commission on a form furnished by the clerk to the board of supervisors. The appeal must be accompanied by a fee of twenty-five dollars (\$25) for every permit or application included in the appeal.

E. The board of supervisors shall review each appealed decision de novo, and shall sustain or reverse the decision, or remand it to the planning commission for further consideration. The action of the board of supervisors shall be final and shall be rendered within seven days of the conclusion of its hearing.

5.48.060 Permit Term; Annual Review; Fees.

A. Commercial river use permits shall be issued for a three-year term, with mandatory annual review by county parks. The permit term shall run from the earlier of April 1 or the date of issuance.

B. Notwithstanding subdivision A., the following permits shall have one-year terms:
1. A permit issued for a commercial river use that has been operating for less than one year.

2. A permit issued to an operator who does not currently hold a permit.

C. In its annual review, county parks shall review any violations or complaints regarding the permittee and require the permittee to provide the following: a statement of any changes in its river use plan, current certificates of insurance, a newly executed letter agreeing to observe all standards enacted or enforced by the director of environmental health regarding food storage, handling, and preparation, solid waste, sewage and sewage disposal, and water supply.

D. Fees for the issuance and annual review of commercial river use permits shall be established by resolution of the board of supervisors. The issuance fee shall be an amount equal to the estimated cost of enforcing and administering the provisions of this chapter, including the processing of the application. The annual review fee shall not exceed the costs of conducting the annual review.

5.48.070 River Use Plan Contents. The river use plan required by section 5.48.050 shall include, but need not be limited to, the following information:

A. Applicant's name, mailing address, and location of place of business.

B. If the place of business is not located in El Dorado County, the name, address, telephone number, and other relevant contact information of a local agent within the county who will be available in the event of emergencies or other problems.

C. Full description of all activities proposed to be conducted under the commercial river use permit being sought.

D. Full descriptions, including location, of all planned ingress and egress from the water, as well as all rest stops, lunch stops, or other planned non-emergency stops on adjoining lands. All lands so specified must be property for which the private landowner has secured a special use permit that allows the planned use, or property owned by a state or federal agency.

E. Full description, including location, of the parking facilities for the permittee's commercial vehicles, employees, clients, and guests. Parking facilities must provide parking allocated to the permittee's exclusive use that meets the standards of chapter 17.18 of this code. All lands specified for parking facilities must be property for which the private landowner has secured a special use permit that allows the planned use, or property owned by a state or federal agency.

F. Written proof that the applicant has obtained the landowners' or managing public agencies' permission for the activities planned on all lands specified in response to subparagraphs D and E, if the applicant is not the landowner.

G. Written confirmation that the permittee will provide shuttle transportation services to and from all points of ingress and egress. Vehicles used by permittee to transport clients, employees, or equipment shall meet at current California Vehicle Code requirements.

H. Written confirmation of compliance with county Environmental Health Permit requirements and all food storage, handling and preparation, solid waste, sewage and sewage disposal, and water supply standards enacted or enforced by the director of environmental health. This requirement may be satisfied by a letter and Environmental Health Permit application, signed by the applicant, agreeing to observe all such standards.

I. Full description of planned safety measures for river users that meet that standards of section 5.48.120.

J. Written proof of bodily injury and liability insurance covering all activities of the permittee and the permittee's employees or agents relating to or incidental to river use pursuant to the permit sought. Liability insurance must meet scope and amount standards set by resolution of

the board of supervisors, and must name the county, its officers and employees, and riparian landowners as additional insureds.

K. Full description of a name or logo identification, to be utilized on all flotation devices, that meets the criteria of Subelement 6.2.5 of the River Management Plan, as it may be amended from time to time.

5.48.080 Limitation on Allocations. Notwithstanding section 5.48.050, no river use permit will be issued if its issuance would cause the total weekend or weekday commercial use allocation to exceed the allocations authorized by permits in effect on November 20, 2001, unless a permit is sought for the provision of a truly new and unique commercial river use, as determined by the planning commission or the board of supervisors on appeal. The purpose of this limitation is to protect the health, safety and welfare of river users and riparian landowners, as well as the riparian environment.

5.48.090 No Vested Right. The granting of a commercial river use permit does not vest any right or entitlement to an extension or renewal beyond the permit period.

5.48.100 Revocation, Denial, or Non-Renewal of Permit.

A. A commercial river use permit may be revoked by the county hearing officer, or the board of supervisors on appeal, and may be reapplied for in the following year, pursuant to the standards and procedures of the River Management Plan as it may be amended from time to time.

B. If a commercial river use permit has been revoked and not issued on reapplication, denied, or no timely application for its renewal has been submitted, the weekday and weekend use allocations associated with that permit shall revert to the county. After first soliciting a recommendation from the river management advisory committee, the board of supervisors may dissolve those allocations or assign them to one or more existing commercial outfitters or new commercial outfitters who apply for all or a portion of the allocations.

5.48.110 Permit Transfer, Consolidation, or Inactivation. Commercial river use permits may not be transferred or consolidated in whole or part, or inactivated, except as provided in Subelement 6.2.1.4 of the River Management Plan, as it may be amended from time to time.

5.48.120. Safety Equipment and Standards.

A. Each floating device used to traverse a stream or river shall carry one U.S. Coast Guard approved personal flotation device per person using the floating device.

B. The number of persons using a floating device shall not exceed the floating device's design capacity, except in an emergency or rescue situation.

C. All commercial outfitters shall observe the safety, training, and equipment standards of Subelements 6.2.7 and 6.2.8 of the River Management Plan, as they may be amended from time to time.

5.48.130 Littering and Trespass. All persons, groups or business entities who use the streams and rivers of the county for recreational or commercial purposes shall be subject to state law regarding littering and trespass.

5.48.140 Penalty for Violation.

A. Violation by commercial river use permittees of certain standards and representations specified in section 5.48.070 shall be penalized as follows:

1. Violations of subdivisions A., B., D., E., F., G., or K. shall be punishable as specified in Subelement 6.2.10.3 of the River Management Plan, as it may be amended from time to time.

2. Violations of subdivision H. shall be punishable by penalties imposed or enforced by the environmental health department.

3. Violations of subdivisions C. or J. shall be punishable as specified in Subelement 6.2.10.4 of the River Management Plan, as it may be amended from time to time.

4. Violation of subdivision I. shall be a misdemeanor punishable pursuant to subdivision B. of this section.

B. Except as otherwise specified in subdivision A., violations of any provision of this chapter shall be a misdemeanor and punishable by imprisonment in the county jail not to exceed six months, by a fine not to exceed five hundred dollars, or both.

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ORDINANCE No. 4528

(UNCODIFIED)

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

WHEREAS, on March 28, 1995, the Board of Supervisors approved the concept of an update to the County's River Management Plan and an accompanying Environmental Impact Report, with the effort to be confined to evaluation of whitewater recreational activities on the South Fork of the American River; and

WHEREAS, in 1995 it was expected, and the Board took actions that anticipated, that this Environmental Impact Report could be certified in conjunction with the River Management Plan Update within three years; and

WHEREAS, that expectation was not met, and it is now apparent that this work will not be completed before the onset of the 1999 commercial boating season; and

WHEREAS, it is the Board of Supervisors' desire and intent that the existing status quo of commercial river use operations be maintained while this work is completed, and also that new regulations and environmental mitigation measures developed through that work be implemented promptly upon its completion;

NOW, THEREFORE, the Board of Supervisors of the County of El Dorado does hereby ordain as follows:

SECTION 1. The Board of Supervisors hereby declares that its intentions since 1995 in taking actions on this subject have consistently been:

a. To prepare and complete a River Management Plan Update and accompanying environmental review as expeditiously as possible, consistent with the objectives of sound policy making and full public involvement.

b. To allow commercial rafting activities to continue while the River Management Plan Update and Environmental Impact Report were prepared and completed.

c. To avoid granting approvals of commercial river use permits that would frustrate or delay the implementation of the River Management Plan Update and Environmental Impact Report.

SECTION 2. To effectuate and avoid the frustration of its expressed intent, the Board of Supervisors hereby ordains that all commercial river use permits issued pursuant to Chapter 5.48 of the El Dorado County Ordinance Code, and valid and in effect as of March 15, 1999, shall remain in effect until sixty (60) days following the adoption of a River Management Plan Update and certification of a final Environmental Impact Report thereon or three years from the effective date of this ordinance, whichever is first. Nothing in this ordinance shall affect the requirement of annual permit review found in Ordinance Code section 5.48.050C. Nothing in this ordinance shall affect any County ordinance, regulation, or policy regarding the suspension, amendment, or revocation of commercial river use permits.

SECTION 3. The Board of Supervisors of the County of El Dorado hereby finds and declares that preservation of the public peace, health, and safety requires that this ordinance take effect immediately as an urgency ordinance pursuant to California Government Code section 25123(d) and Elections Code section 9141(a)(4), based upon the following facts:

A. The County's River Management Plan, implementing ordinances, and commercial river use permits issued thereunder promote the public peace, health, and safety, in part by regulating the operations of commercial river boating purveyors in the County.

B. If this ordinance takes effect in thirty (30) days, rather than immediately, many currently valid commercial river use permits will lapse, thereby drastically reducing the number of authorized commercial river use permit holders in the County.

C. The federal Bureau of Land Management and the State Parks Division are issuing or have issued permits for related land-based activities and river access without regard to the possible lapsing of the County's commercial river use permits, thereby creating a

potential class of commercial river boating purveyors who hold all necessary permits except commercial river use permits.

D. Without adequate numbers of commercial river use permits, commercial river boating purveyors will be unable to conduct training activities for their rafting guides at the outset of the rafting season, as is customary.

E. In the face of strong public demand for river boating opportunities in the County, the existence of a shortage of authorized commercial river use permit holders and trained guides and of a class of river boating purveyors who lack only commercial river use permits would undermine the promotion of the public peace, health, and safety by the River Management Plan and implementing ordinances, by creating incentives for:

1. Unauthorized, unregulated, unlawful and unsafe commercial river boating activity;
2. Commercial and private river boating activity supervised by untrained guides; and
3. Excessive and unsafe private river boating activity.

These activities will overburden County law enforcement and public safety personnel and divert resources from other public health and safety needs.

F. Unless the foregoing ordinance takes effect immediately, the annual river boating season will begin before action can be taken to reissue the invalidated permits, thereby causing the foregoing adverse effects on the public peace, health, and safety.

SECTION 4. This ordinance shall take effect and become effective immediately.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 16TH day of MARCH, 1999, by the following vote of said Board:

SUPERVISORS: WILLIAM S. BRADLEY, RAYMOND J.
Ayes: NUTTING, PENNY HUMPHREYS, DAVID A. SOLARO

ATTEST

DIXIE L. FOOTE
Clerk of the Board of Supervisors

By Margaret E. Meedy
Deputy Clerk

Noes: SUPERVISOR: J. MARK NIELSEN
Absent: NONE

J. Mark Nielsen
Chairman, Board of Supervisors

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk

Chapter 5.50

SPECIFIC USE REGULATIONS FOR THE SOUTH FORK, OF THE AMERICAN RIVER

5.50.010 Purpose and Authority.

A. The purpose of this chapter is to protect the public's health; safety, and welfare, to protect environmental resources, and to implement certain policies of the 2001 El Dorado County River Management Plan (River Management Plan), by designating a portion of the South Fork of the American River as a special use area and by requiring registration of all persons who, for noncommercial purposes, float or otherwise traverse all or any portion of that special use area.

B. The registration of noncommercial boaters is a mandatory implementation measure of the River Management Plan. The River Management Plan also obliges the county to implement boater education and carrying capacity programs. The registration requirement is necessary to ensure that all noncommercial boaters are aware of the following: boating safety rules and information; applicable carrying capacity mitigation measures; locations of public access points and public lands; approved human sanitation methods; and the defining characteristics of noncommercial river trips. The registration requirement is also necessary to ensure that institutional groups, as defined in this chapter, provide evidence of appropriate insurance coverage and safety training

C. This chapter is enacted under the authority of California Harbors and Navigation Code section 660, which authorizes the county to designate special-use areas and impose pollution and sanitation controls. This chapter regulates noncommercial recreational travel within the defined special-use area in order to ensure pollution and sanitation control; the safety of the travelers; the health, safety, and welfare of the community; and the protection of the environment. (Ord. 4596, 3-19-2002)

5.50.020 Definitions.

A. "Institutional group" means a group participating in a noncommercial river trip operated as a program of a non-profit organization that meets IRS tax-exempt requirements, or a noncommercial group participating in a river trip through an accredited academic program as part of the educational curriculum of a school, college, or university.

B. "Large group" means a non-institutional group of four or more boats having three or more occupants, or a total of 18 or more people, participating in a noncommercial river trip.

C. "Noncommercial river trip" means to float, traverse, or travel all or any part of the special-use area defined by this chapter on a trip that meets all of the following criteria:

1. Fees or charges are collected only to recover the actual costs of the trip.
2. All expenses are shared equally by all group members.
3. No member of the group obtains financial gain, including salaries, or otherwise benefits by increased assets.

4. No paid employees such as guides, lead guides, or drivers are compensated by salary, wages, or equipment, with the exception that educational leaders for accredited educational programs may be paid or compensated by their educational employer.

5. Donations or fees that exceed the actual costs of the trip are not solicited as a condition or participation, nor during or immediately after (on the day of) the trip. (Ord. 4596, 3-19-2002)

5.50.030 Special-Use Area.

The portion of the South Fork of the American River between Chili Bar Dam and the confluence of the Folsom Lake State Recreation Area is hereby designated as a special-use area pursuant to California Harbors and Navigation Code section 660. (Ord. 4596, 3-19-2002)

5.50.040 Registration Required for Noncommercial River Trips.

At least one person in or on each boat raft kayak, vessel, or any other type of craft who participates in a noncommercial river trip must register with the county each calendar year. Registration shall be accomplished by signing and dating a tag provided by the county. By signing the tag, the person certifies that he or she has read the information and rules on the tag and that failure to abide by those rules is a violation of this chapter. This tag must be displayed in a visible location throughout the noncommercial river trip, and must be surrendered to any peace officer upon demand. (Ord. 4596, 3-19-2002)

5.50.050 Registration Required for Large Groups.

In addition to the requirements of section 5.50.040 and prior to every noncommercial river trip, each large group must complete and return a pre-trip large group registration form provided by the county. (Ord. 4596, 3-19-2002)

5.50.060 Registration Required for Institutional Groups.

In addition to the requirements of section 5.50.040 and prior to its first noncommercial river trip in any season, each institutional group must:

- A. Complete and return a pre-season annual registration form provided by the county.
- B. Provide proof of liability insurance meeting current county standards.
- C. Provide proof of guide certification on guiding, safety, and rescue training, first aid, and knowledge of County regulations.
- D. Have previously provided post-season annual reporting of the prior year's river use, by date. (Ord. 4596, 3-19-2002)

5.50.070 Litter and Human Waste.

A. Each boat, vessel, raft, kayak or other craft-must carry a container of durable construction that can be used for trash and litter disposal while engaged in a noncommercial river trip. All litter and waste must be removed by the user in accordance with sections 5.48.130, Littering and Trespass, 9.46.280, Littering, and 9.46.290, Waste Disposal, of the El Dorado County Ordinance Code.

B. Each person or group of persons who uses any public or private lands adjacent to the South Fork of the American River within the special-use area must have access to or

provide an approved privy, toilet, porta-potty or other approved human waste disposal method. The approving agency for any human waste disposal method shall be the Environmental Health Division of the El Dorado County Environmental Management Department (Ord. 4596, 319-2002)

5.50.080 Quiet Zone.

The provisions of Chapter 9.16 of this Code, entitled "Noise," shall be applicable to all persons engaged in noncommercial river trips within that portion of the designated special-use area that is also designated as a "Quiet Zone" pursuant to the River Management Plan, as it may be amended from time to time. (Ord. 4596, 3-19-2002)

5.50.090 Penalty for Violation.

In addition to any other penalties provided by law, violation of any provision of this chapter shall be an infraction punishable as specified in section 1.24.030 of this Code. (Ord. 4596, 3-19-2002)

5.50.100 Glass Ban.

Due to the serious hazard created by discarded and/or broken glass, possession of any glass bottle, jar, tumbler or vessel of any kind is prohibited:

- A. Within 100' of the waterline of the South Fork of the American River on County property including but not limited to Henningsen Lotus Park and Chili Bar Park. This prohibition does not apply to Permitted Special Events or private property.
- B. On the South Fork of the American River.

HEADNOTES

Classified to California Digest of Official Reports, 3d Series

- (1) **Constitutional Law § 44—Police Power—Exercise.**—However laudable its purpose, the exercise of police power may not extend to total prohibition of activity not otherwise unlawful.
- (2) **Waters § 110—Navigable Waters and Tidelands—Use of Navigable Waters—Public's Right of Access.**—The public's right of access to navigable streams is a constitutional right. (Cal. Const., art. 10, § 4.)
- (3) **Waters § 110—Navigable Waters and Tidelands—Use of Navigable Waters—Public's Right of Access.**—A county ordinance which made it unlawful "to float, swim, or travel" in a 20-mile section of a navigable river highly suited to rafting and boating was invalid; it denied the constitutional right of the public to use of and access to a navigable stream. Although the ordinance was effective to eliminate pollution and sanitation problems, the total prohibition of access was an impermissible solution. Reasonable regulation was in order; use prohibition was not.

[See Cal.Jur.2d, Waters, §§ 786, 787; Am.Jur.2d, Waters, §§ 87-89.]

COUNSEL

George Deukmejian, Attorney General, N. Gregory Taylor and Jan Stevens, Assistant Attorneys General, and Richard M. Frank, Deputy Attorney General, for Plaintiffs and Appellants.

Noble Sprunger, County Counsel, Kronick, Moskovitz, Tiedemann & Girard, Edward J. Tiedemann and Janet K. Goldsmith for Defendants and Respondents.

Lillick, Morse & Charles, R. Frederic Fisher and Harry Pfeifer for Intervener J Appellants.

[Aug. 1979]

OPINION

PARAS, J.—May a county ban all rafting and boating on a section of a navigable river highly suited to and much used for such recreational activities? Under the circumstances here presented it may not.

The South Fork of the American River in El Dorado County between Chilli Bar Dam and Salmon Falls, a distance of about 20 miles, is in question. Because of its location, flow, lack of obstructions, and the variety of challenges presented by its "runs," it is one of the two most popular whitewater rafting areas in California. When dam construction on the Stanislaus River is completed, there will be no comparable river on the Stanislaus River in the state. The popularity of this segment of river has increased dramatically in recent years. In 1975, 30 commercial rafting organizations spent approximately 21,000 commercial user days navigating the river. Private user days amounted to about 14,000.

The raft trip usually takes two days. Most of the land on both sides of the river is privately owned and access to the water is limited. Property owners along the river complain of noise, litter, pollution and unsanitary conditions caused by the rafters, as well as of trespassing and fire danger during overnight stops.

On August 10, 1976, the El Dorado County Board of Supervisors adopted an ordinance making it unlawful "to float, swim or travel in said waterway by any artificial means." Fishing or swimming "in a lawful manner," use of the public areas, and exercise of property rights by private owners were declared exempt. Violation of the ordinance was pronounced a misdemeanor punishable by a fine of up to \$500 or six months in jail, or both.

Plaintiffs promptly (on Aug. 20) filed suit against county officials to enjoin enforcement of the ordinance and to declare it invalid. Representatives of the commercial rafting organizations moved to intervene as plaintiffs on August 27. The trial court granted the intervention but denied a preliminary injunction. We stayed enforcement of the ordinance pending trial on the merits. Plaintiffs then moved for summary judgment. After the trial court issued an intended decision denying the motion, the parties agreed to submit the matter for decision on the merits based on the pleadings and documents in the record. The trial court found the ordinance established a special-use area and sanitation and

§ 25131

COUNTIES—BOARD OF SUPERVISORS

Title 3

Note 1

which specify procedures which cities and towns must follow in adopting ordinances should be made applicable to special districts.

Condit v. Solvang Mun. Imp. Dist. (1983) 194 Cal.Rptr. 683, 146 C.A.3d 997.

§ 25132. Misdemeanor; violation reduced to infraction by ordinance; prosecution; fines for infractions

(a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. Such a violation may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year. (Added by Stats.1975, c. 716, p. 1707, § 1. Amended by Stats.1983, c. 1092, § 136, urgency, eff. Sept. 27, 1983, operative Jan. 1, 1984.)

Historical Note

The 1983 amendment increased the maximum fine in subd. (b) for a first violation from \$50 to \$100; increased the maximum fine in subd. (b) for a second violation from \$100 to \$200; and increased the fine in subd. (b) for each additional violation from \$250 to \$500.

Library References

Counties 21½.
C.J.S. Counties § 49.

Article 8

PUBLICATION OF NOTICE AND PROCEEDINGS

Section

25150. Statement of proceedings; copies of agendas and summaries of proceedings.
25151. Notice of proceedings; posting.

Article 8 was added by Stats.1947, c. 424, p. 1110, § 1.

Library References

Counties 53.
C.J.S. Counties § 91.

§ 25150. Statement of proceedings; copies of agendas and summaries of proceedings

(a) Except as otherwise provided in subdivision (b), within 10 days after each session of the board of supervisors, it shall cause to be published a fair statement of all its proceedings.

(b) In lieu of the requirements imposed by subdivision (a), the board of supervisors may provide copies of agendas and summaries of proceedings to