

Exhibit B

County Code Ordinance 5.48

Streams and Rivers Commercial Boating

Chapter 5.48 STREAMS AND RIVERS COMMERCIAL BOATING

5.48.010 Title.

This chapter shall be referred to as the Streams and Rivers Commercial Boating Ordinance. (Ord. 4594, 1-15-2002)

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. (Ord. 4594, 1-15-2002)

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. (Ord. 4594, 1-15-2002)

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. (Ord. 4594, 1-15-2002)

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. (Ord. 4594, 1-15-2002)

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. (Ord. 4594, 1-15-2002)

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. (Ord. 4594, 1-15-2002)

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. (Ord. 4594, 1-15-2002)

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. (Ord. 4594, 1-15-2002)

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

- Page 5
- 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. (Ord. 4594, 1-15-2002)

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. (Ord. 4594, 1-15-2002)

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. (Ord. 4594, 1-15-2002)

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. (Ord. 4594, 1-15-2002)

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. (Ord. 4594, 1-15-2002)