

CHAPTER 3. USE OF PUBLIC RIVERS AND STREAMS

ARTICLE 1. GENERAL PROVISIONS

SECTION 2-03-1000. PURPOSE:

The purpose of this Chapter is to provide for the safe and beneficial use of the public rivers and streams over which the County of Tulare exercises police powers.

SECTION 2-03-1001. PARKS AND RECREATION DIRECTOR:

All reference in this Chapter to the Tulare county General Services Department and to the General Services Director shall be deemed to refer to the Tulare County Parks and Recreation Department and the Tulare County Parks and Recreation Director.

SECTION 2-03-1005. DEFINITIONS:

Unless the context otherwise requires, the following definitions shall govern the construction of this Chapter:

- (a) "Boat" includes every type of watercraft, other than a seaplane or aquaplane, used or capable of being used as a means of transportation of persons or property upon, under or over the surface of water including, but not limited to, any boat, vessel, barge, canoe, raft, skiff, dinghy, rowboat, sailboat, sailing vessel, yacht, motor vessel, launch, ship, jet ski, float, water ski, pontoon or other personal watercraft.
- (b) "General Services Director" means the Director of the General Services Department of the County of Tulare or his duly authorized representative or deputy.
- (c) "Owner" means the person registered by the California Department of Motor Vehicles, or any State other than California, as the owner of the boat.

This Chapter is not the exclusive regulation of public rivers and streams. It shall supplement and be in addition to the other statutes, rules, regulations and ordinances heretofore or hereafter enacted, adopted or otherwise propounded by the United States or any Department thereof, the State of California or any Department thereof, the County of Tulare, or any other legal entity or agency having jurisdiction. No provision of this Article is intended to supersede or be in conflict with any statute, rule or regulation of the United States or of the State of California relating to the river addressed by this Chapter. In the event of any conflict between the provisions of this Chapter and any such State or Federal statute, rule or regulation, the conflicting provisions of this Chapter shall be deemed

- (d) "Motorboat" shall mean and include every description of watercraft within the definition of boat used or capable of being used as a means of transportation on water and which is or may be propelled by machinery whether or not such machinery is the principal source of propulsion.
- (e) "Raft" shall mean any object used to float with the current, including but not limited to surfboards, styrofoam objects, logs, boards, air mattresses, rubber rafts and inner tubes but shall not include canoes, kayaks or rowboats.
- (f) "River" means any herein named public river or stream within the boundaries of the County of Tulare over which the County has and exercises police power jurisdiction, either exclusively or concurrently with the United States or the State of California, by contract, by law or otherwise.
- (g) "Stunt riding" means driving, riding or operating of a motorboat while facing or riding backwards, standing on head, standing on seat, or in a similar reckless and negligent manner so as to endanger the life, limb or property of any person. Stunt riding also includes but is not limited to the operating of a motorboat in a reckless or irresponsible manner so as to cause the boat to jump a ramp or other obstacle or otherwise be of danger to the operator or the public.

SECTION 2-03-1010. NOT EXCLUSIVE REGULATION:

superseded by the State or Federal statute, rule or regulation, and of no force or effect. Provided further, that other provisions of this Chapter not in conflict with any law or any State or Federal statute, rule or regulation shall remain in full force and effect.

SECTION 2-03-1015. STATE LAWS AND REGULATIONS:

The laws of the State of California relating to the operation and equipment of boats upon the waters of this State, and rules and regulations adopted pursuant to State law, are applicable to the operation and equipment of boats upon public rivers in Tulare County.

SECTION 2-03-1020. ADMINISTRATION AND ENFORCEMENT:

- (a) Except as otherwise provided, this Chapter shall be administered by the General Services Director.
- (b) Except as otherwise provided, this Chapter shall be enforced by the General Services Director or the Tulare County Sheriff and any of their duly authorized deputies or Lake Patrol employees.

SECTION 2-03-1025. PERMITS:

The Director is authorized to issue permits for activities identified in this Chapter upon such terms and conditions and according to such rules, regulations and restrictions as the Board of Supervisors may, from time to time, direct by resolution.

SECTION 2-03-1030. APPEALS ON PERMITS:

Any interested person may appeal any decision by the Director to grant, deny or condition a permit to the Board of Supervisors in accordance with section 165 of this Ordinance Code and upon payment of any fee established by resolution of the Board of Supervisors.

ARTICLE 3. FISHING

SECTION 2-03-1080. STREAMS DECLARED

The General Services Director or the Public Director may close or restrict the use of any portion of the Kings River to swimmers and/or any or all classes or types of boats when necessary to protect the public health or safety, including, but not limited to, situations when excessively high or low water levels and debris present an unreasonable danger to swimmers, boaters and/or adjacent property. It shall be unlawful for anyone, other than a person engaged in emergency activities carried out with the authorization and under the control of the Tulare County Sheriff or his duly authorized representatives, to use any portion of the Kings River in a manner that is contrary to a posted or signed closure or restriction under this section. Appeal of an action taken by the General Services Director or the Public Works Director to close or restrict any use of the Kings River under this section may be made by any interested person in accordance with section 165 of this Ordinance Code.

SECTION 2-03-1140. KINGS RIVER: BOATING GENERALLY:

In addition to the prohibitions of section 2-03-1135, it shall be unlawful to do any of the following on the Kings River:

PUBLIC HIGHWAYS FOR FISHING:

Pursuant to Government Code section 25660, it is hereby declared that the following rivers and streams situated in the County of Tulare are public highways for the purpose of fishing therein:

- (a) The waters of the Kern River and its tributaries lying north of the Kern County boundary line.
- (b) The waters of the Tule River and its tributaries lying within the boundaries of the Sequoia National Forest.
- (c) The waters of the Kaweah River and its tributaries lying within the boundaries of the Sequoia National Forest and National Park.

ARTICLE 5. BOATING AND SWIMMING

SECTION 2-03-1130. APPLICATION:

- (a) This Article shall apply to the use of the waters of the Kings River within Tulare County from the Fresno County boundary to the Kingsburg Weir, including any and all channels thereof.

SECTION 2-03-1135. KINGS RIVER: BOATING AND SWIMMING DURING HIGH WATER:

- (a) Operate a motorboat at any time on any portion of the River in excess of thirty (30) miles per hour.
- (b) Operate a boat or swim in violation or disregard of any posted restrictions in any areas designated under section 2-03-1150.
- (c) Operate a motorboat at any time on any portion of the River in excess of five (5) miles per hour when within one hundred (100) feet of a swimmer or sailboat or other boat not under power.
- (d) Operate a motorboat at any time on the River in excess of five (5) miles per hour when within two (200) hundred feet of a swimming area designated pursuant to section 2-03-1150 or a boat launch area designated pursuant to section 2-03-1150.
- (e) Operate a motorboat on any portion of the River in excess of five (5) miles per hour from sundown until sunrise of any day.
- (f) Operate a motorboat on any portion of the River in excess of five (5) miles per hour when the water release from the Pine Flat Dam is less than eight hundred (800) cubic feet per second as measured at the

Highway 99 bridge crossing east of Riverland and announced by the Kings River Watermaster and posted at all launch sites along the River designated under section 2-03-1150 by the Director.

- (g) Operate a motorboat within one hundred feet of another boat when crossing the wake of the other boat.
- (h) Operate a boat other than a raft within fifty feet (50) of a swimming area designated under section 2-03-1150.
- (i) Operate a boat at any time on any portion of the Kings River in a clockwise direction of travel in relation to the center of the river or any island or obstruction encircled by the River. Travel shall be in a counter-clockwise direction only.

SECTION 2-03-1145. SUPERVISED BOAT RACES, SPECIAL EVENTS, WATER SHOWS AND GROUP OUTINGS:

- (a) It shall be unlawful to sponsor, hold, conduct, participate in, or to cause, aid, advise or encourage the conduct of any races, boat races, speed contests, exhibitions of speed, time trials, record runs or trial runs in preparation of any such event on the River unless a permit is issued for such activities by the General Services Director. The foregoing events are unlawful, without permit, regardless of whether or not entry fees are charged or prizes are awarded.
- (b) It shall be unlawful to sponsor, hold, conduct, participate in, or to cause, aid, advise or encourage, or to operate any equipment or facilities in any parasailing or hang gliding activity or in any activity in which three or more water skiers or aquaplaners are towed behind any boat on the River unless a permit is issued for such activity by the General Services Director.
- (c) It shall be unlawful to sponsor, hold, conduct, participate in, or to cause, aid, advise or encourage the conduct of any water carnivals, boat regattas, music festivals, dramatic presentations, water shows, group sporting events or group outings on the River unless a permit is issued for such activities by the General Services Director.

- (d) It shall be unlawful to place or operate any boat on the River for a fee or profit without a permit issued by the General Services Director.
- (e) It shall be unlawful to engage in, sponsor, hold, conduct, participate in, or to cause, aid, advise or encourage in any stunt riding on the River unless a permit is issued for such activities by the General Services Director.

SECTION 2-03-1150. ESTABLISHMENT OF DESIGNATED AREAS:

The General Services Director may designate, and cause to be appropriately marked, boat launching areas, areas designated exclusively for swimming, areas where swimming is prohibited, areas where diving into the water is prohibited, areas where boats are prohibited, passageways for boats, areas of restricted speed or "slow" areas and other areas in which engaging in specified activities shall be prohibited or permitted, and may change the same from time to time as the public safety and welfare may require, and when so marked it shall be unlawful for any person to fail to comply with such designations.

SECTION 2-03-1155. INTERFERENCE WITH MARKERS:

It shall be unlawful to secure any floating or stationary mooring facilities to, or interfering with, a buoy, channel marker, designated area marker or other navigational aid upon the River. It shall be unlawful to move, remove or interfere with any buoy, channel marker, designated area marker or other navigational aid placed upon the River by under section 2-03-1150.

ARTICLE 7. VIOLATIONS

SECTION 2-03-1205: VIOLATIONS:

Any person violating any provision of this Chapter shall be guilty of a misdemeanor and shall be punishable as provided in section 125 of this Ordinance Code.

