

CHAPTER 11. RIVER RAFTING

SECTION 6-11-1000. PURPOSE:

The several rivers located within Tulare County provide significant recreational opportunities for both the residents and visitors of the County. In recent years, such opportunities have induced several commercial operators to arrange and guide rafting trips on some of the County's rivers. The Board of Supervisors has found that such increased commercial use of the County's rivers poses a threat to the health, safety and welfare of the recreational users of the rivers, as well as to the property and environment owned or located in the vicinity of the rivers. The purpose of this Chapter is to address certain problems which result from use of the County's rivers by commercial rafting, including, without limitation, the following: parking and traffic congestion; food handling and sanitation; access to and from the rivers; violation of property rights; and, adverse impacts on the riparian environment. This Chapter shall be liberally construed for the accomplishment of its purpose.

SECTION 6-11-1005. APPLICABILITY:

This Chapter shall apply to any person or business entity which, for legal consideration, guides, leads or accompanies any person(s) using any raft, kayak or other floating device on any river, or portion of any river, designated for that purpose by resolution of the Board of Supervisors.

SECTION 6-11-1010. LICENSE REQUIRED:

It shall be unlawful for any person, whether as owner, agent, employee or otherwise, to advertise, market, or conduct any activity to which this Chapter applies without first obtaining a commercial river license.

SECTION 6-11-1015. LICENSE APPLICATION:

Applications for commercial river licenses shall be made to, and may be issued by, the Tulare County Planning Director ("Director"). Applications will be accepted no later than January 31 for each rafting year.

- into and out of the applicable river, including the location of any planned nonemergency stops on property (such as meal stops, rest stops, and detours around rapids), accompanied by written verification of authorization to use such property.
- (c) Specific plans for parking and land transportation from the point of egress to the point of ingress,

SECTION 6-11-1020. LICENSE APPLICATION: CONTENTS:

Applications shall be filed in the form required by the Director, and shall include as a minimum, or be accompanied by, the following:

- (a) The name and address of the applicant.
- (b) If the activity will be conducted by an association, the names and addresses of all members, or officers if there are more than ten (10) members; if by a corporation, the names and addresses of all officers and managing employees; and, if by a limited liability company, the names and addresses of all managers and officers.
- (c) The name, address and telephone number of a person residing in Tulare County authorized to receive notices and communication from the County regarding any problems concerning the river use permitted by this Chapter during the actual period of such use.
- (d) Verification acceptable to the County Risk Manager of the insurance required by Section 6-11-1040.
- (e) The Commercial River Use Plan described in Section 6-11-1025.
- (f) The application fee required by Section 6-11-1035.
- (g) Such other information as the Director shall require.

SECTION 6-11-1025. COMMERCIAL RIVER USE PLAN:

A Commercial River Use Plan shall include, but need not be limited to, the following information:

- (a) A complete description of the commercial activity proposed to be conducted under this Chapter in detail sufficient to confirm that the proposed activity will comply with any and all federal, state and local laws and regulations.
- (b) Specific plans for ingress and egress

insuring that the applicant will require no parking on State or County rights of way, and verifying the availability of at least one (1) parking space per employee, and one (1) parking space per every two (2) commercial users for each commercial river trip, conforming to the Tulare County site plan Development Standards.

- (d) Specific plans for food preparation and/or handling, sanitation, solid waste disposal, and potable water supply, accompanied by any applicable permits required by the Tulare County Environmental Health Director.
- (e) An estimate of the number of floating devices (by type), number of persons, and number of trips proposed for commercial river use by the applicant for the term of the license.
- (f) A facsimile of any logo proposed to be used by the applicant in association with the proposed commercial river use.

and public hearing on the matter, that the licensee has failed to comply with the requirements of this Chapter, or that the suspension or revocation is required to protect the public health, safety or welfare.

SECTION 6-11-1050. APPEALS:

Any applicant, licensee or interested persons may appeal any decision under this Chapter in compliance with Section 165 of the General Provisions of this Ordinance Code upon payment of a fee in the amount of \$100.00 to the Clerk of the Board of Supervisors.

SECTION 6-11-1055. LIMITATIONS:
Notwithstanding the provisions of Sections

SECTION 6-11-1030. LICENSE: ISSUANCE:

Upon receipt of an application, the Director shall determine whether the applicant has complied with the requirements of Section 6-11-1020 and 6-11-1025. The grant or denial of a permit is intended to be a ministerial act based solely upon a determination of whether such requirements have been met. Within forty-five (45) days of receipt of an application, the Director shall either issue the license or notify the applicant of any deficiencies in the application. All licenses shall be issued in form provided by the Director, and may include conditions consistent with any applicable River Management Plan authorized by this Chapter and reviewed and approved by the Board of Supervisors, including, but not limited to, limitations on the number of floating devices, persons and trips permitted per day.

SECTION 6-11-1035. LICENSE: FEE:

An applicant shall pay an application fee in the amount of \$250.00 unless modified by resolution of the Board of Supervisors.

SECTION 6-11-1040. INSURANCE:

Prior to the issuance of a license an applicant shall file with the Director policies or certificates of general liability insurance covering the activities under the license and in form and amount acceptable to the County Risk Manager. The insurance policies shall name the County, its officers, employees and agents, and the riparian property owners, as additional insured, and shall be maintained without material modification for the term of the license.

SECTION 6-11-1045. LICENSE: TERM: REVOCATION:

Each Commercial River License shall be valid only for the calendar year in which it is issued, shall be nontransferable, shall be subject to any limitations authorized by Section 6-11-1055, and may be suspended or revoked if the Board of Supervisors finds, following reasonable notice to the licensee

6-11-1020 and 6-11-1025, the Board of Supervisors may by resolution, at any time after reasonable notice and public hearing on the matter, limit the number or term of licenses and/or the number of floating devices, person or trips, proposed for commercial use on a particular river if necessary to protect the public health, safety or welfare.

SECTION 6-11-1060. LIMITATIONS ON THE KAWEAH RIVER:

The Board of Supervisors has reviewed and approved the Kaweah River Management Plan, and finds that protection of the public health, safety and welfare requires that the number of licenses and commercial river users on the Kaweah River be limited as provided therein. The Director shall continue to accumulate and monitor information concerning the impacts of such licensed use on the Kaweah River, and shall advise the Board of Supervisors of any need to consider adjustments to these limitations. When issuing licenses, the Director shall give first priority to qualified applicants who are renewing their licenses. After issuing such licenses, if there are more qualified applicants than available licenses, the issuance of the remaining licenses shall be determined by lot.

SECTION 6-11-1065. REPORTS:

Every licensee shall file a monthly report with the Director no later than the 20th day of each month describing any commercial river use conducted within the County during the previous calendar month. The report shall be used to verify compliance with the provisions of this Chapter, and to assist the Director with the development of a River Management Plan.

SECTION 6-11-1170. IDENTIFICATION: Every licensee shall identify their business on the sides of their rafts, kayaks or other flotation devices with six-inch block letters so that the name is visible from either shore of a river they navigate, except that where space is limited the letter size may be reasonably reduced.

SECTION 6-11-1075. TIME LIMITATIONS:

It shall be unlawful for any licensee to conduct any activity described in Section 6-11-1005 upon any river, or any portion of any river, designated pursuant to that section, between the hours of 6:00 p.m. and 8:00 a.m.

SECTION 6-11-1080. PENALTIES:

The violation of any provision of this Chapter which is declared to be unlawful shall be a misdemeanor and shall be punishable as provided in Section 125.

SECTION 6-11-1085. PUBLIC NUISANCE: Any conduct declared to be unlawful by this Chapter is also declared to be a public nuisance.