

Chapter 10.28

CONDUCT IN PARKS*

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10.28.010 Definitions - For the purpose of this Chapter, the following words and phrases are defined as follows:

- A. "Board" means the Board of Supervisors of the County of Merced.
- B. "Parks and Recreation Commission" means fifteen (15) members appointed by the Board of Supervisors pursuant to Chapter 2.48 of the Merced County Code.
- C. "Director" means the Director of Public Works or his designated representative.
- D. "Person" includes individuals, firms, co-partnerships, corporations, clubs, and all associations or combinations of persons whatsoever, whether acting alone or through an agent or employee.
- E. "County Park" shall include any park and any river, beach, or area owned, leased, or under the control of, the County of Merced as designated in the Parks Master Plan. These include, but are not limited to, the following:

County Parks

Courthouse Park	Los Banos Park
Hagaman Park	O'Banion Park
Henderson Park	South Dos Palos Park
Houlihan Park (Planada)	Winton Park
Lake Yosemite Park	

COMMUNITY PARKS

Ballico Community Park
Cressey Community Park
Shattuck Community Park (Delhi)
El Nido Community Park
Hilmar Community Park
LeGrand Community Park
Snelling Community Park
Winton Fire Station Park
El Capitan Estates Park
Harmony Ranch Parks
Taylor Park
La Paloma Park
Campus Recreational Area

- F. "Recreation Area" means and includes all land, facilities, and other property for public recreation owned and/or operated by the County of Merced, including parks, playgrounds, camping areas, swimming pools, golf courses, picnic grounds, athletic fields, and beaches.
- G. "Lake" or "River" means any lake, pond, pool, body of water in a reservoir, or any other body of standing water, whether natural stream of water, or any portion of any lake, pond, pool, body of water impounded or stored by or behind a dam, dike, or levee, or any other body of standing water, whether natural or artificial or natural stream of water within the County of Merced, State of California.
- H. "Vessel" means any watercraft used or capable of being used as a means of transportation on water as described in the California Harbors and Navigation Code [Chapter 5, Article 1, Section 651(c)]. (Ord. 1231, 1987) or Vehicle Code Division 3.5 Chapter 1, 2 & 3.

10.28.020 Purpose - It is the purpose of this Chapter for the Board of Supervisors, with the advice of the County Parks and Recreation Commission and/or the Director of Public Works, to adopt rules and regulations applicable to each County Park, which will carry out the objectives of this Chapter and promote safety, sanitation, quiet, moral conduct of the users, and beauty of the County Parks. Any violation of such rules and regulations is unlawful and shall constitute a violation of this Chapter.

10.28.030 Director of Public Works to Operate Parks - The operation and maintenance of all County Parks and Recreation areas shall be under the control of the Director of Public Works, or his designated representative, and subject to the review of the Merced County Parks and Recreation Commission and approval of the Board of Supervisors. (Ord. 1231, 1987).

10.28.040 General Rules of Conduct

- A. Firearms Prohibited

1. No person shall use, possess, transport, carry, fire, or discharge any firearm, weapon, air gun, slingshot, or explosives of any kind in a County Park or Recreation area.
 2. No firearms shall be discharged into any County Park or Recreation area from the outside.
- B. Hunting - Hunting is prohibited in all County Parks and Recreation areas. All County Parks and Recreation areas of the County of Merced are sanctuaries for wildlife. There will be no hunting or killing, wounding, frightening, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from inflicting personal injury.
- C. Fireworks Prohibited - No person shall discharge any firecracker, bomb, torpedo, rocket, or other fireworks in any County Park or Recreation area, unless approved by the Board of Supervisors.
- D. Destruction of Trees and Plants Prohibited - No person shall pick, dig, remove, injure, destroy, or carry away wood, soil, leaf mold, rock, or any tree, flower, plant, or shrub or in any way injure or destroy any growing tree, flower, plant, or shrub in any County Park or Recreation area except with the permission of the Director or his designated representative. No person, other than staff, shall climb any tree or structure or tie any rope, cable, chain or object to a tree or structure, unless permitted by the County.
- E. Animals Prohibited in County Parks and Recreation Areas - No person shall ride, drive, bring, possess, or permit any animal within any County Park or Recreation area except seeing-eye dogs or animals used for demonstration, educational purposes, or special events and approved by the Director of Public Works or his designated representative. County employees residing within a County Park or Recreation area may possess licensed and confined domestic animals.
- F. Fishing Spear Guns and Bow and Arrows Prohibited - It shall be unlawful for any person to use or have in his possession a fishing spear gun or similar instrument or a bow and arrow in a County Park or Recreation area.
- G. Advertising Prohibited - No person shall circulate, distribute, or deposit any handbills, circulars, pamphlets, or advertisements or to post or affix to any tree, fence, or structure situated within any County Park or Recreation area any such handbill, circular, pamphlet, or advertisement, except with the permission of the Merced County Board of Supervisors and within or on a specified rented facility for the duration of the rental period.
- H. Unauthorized Fires Prohibited
1. No person shall build, kindle, or light, or permit to be built, kindled, or lighted, a fire in any location in a County Park or Recreation area except in a safe place established for that purpose; and no person shall throw away any lighted cigar, cigarette, tobacco, or lighted match, or any other matter that could set fire to any grass, shrubs, or buildings.
 2. All dead wood, moss, dry leaves, or other combustible material that may have gathered around any place provided for fires shall be carefully removed so that there is no possible danger of any fire spreading.
 3. No fires shall be lighted except in places specifically provided therefore.
 4. When any fire is no longer needed, it shall be completely extinguished.

- I. Littering Prohibited - All garbage shall be placed in containers as provided. It shall be unlawful for any person to litter
- J. Games and Playground Area - No person shall play softball, baseball, football, or any other active game, or games, except in such places as shall be specifically designated for that purpose.
- K. Swimming
 - 1. Swimming is permitted only in the designated swimming areas (Lake Yosemite Main Beach and Bedesen Beach) in County Parks or Recreation areas.
 - 2. Diving off the pier at Lake Yosemite Park and other swimming areas is prohibited where posted. Diving off any tree or bridge at any County Park is prohibited and swimming in any canals at a county park is prohibited. It shall be unlawful for any person to disregard or fail to obey lawful instructions or requests regarding water safety, conduct on the beach or other rules of the park by the deputy sheriffs, lifeguards or other County Park employees. Failure to comply can result in expulsion from the Park.
 - 3. Proper swimming clothing is required in swim areas. Long pants (below the knee), shoes, and any other heavy clothing not designed for swimwear is prohibited.
- L. Special Events Approval - No person shall set up or maintain any exhibition, show, performance, concert, or special event in any County Park without obtaining a Special Event Permit from the Director of Public Works or his designated representative pursuant to the following procedure:
 - 1. The applicant shall submit a written request with the Parks and Recreation Division for staff review and comment.
 - 2. The application request shall be reviewed by the County department listed below as applicable.
 - 1. Risk Management pertaining to insurance and safety;
 - 2. Public Works Road Division when the use or closure of County roads is requested;
 - 3. Merced County Sheriff when the use requires law enforcement or traffic control.
 - 3. The Director of Public Works or his designee, upon reviewing the application and comments thereto, may issue a Special Event Permit subject to conditions and other requirements as deemed necessary by the Director. The Director's denial of a permit or permit conditions may be appealed by the applicant to the Board of Supervisors by filing a written appeal with the Clerk of the Board not later than five (5) working days after written notice of the Director's action.
- M. Inflatable Rafts and/or Flotation Devices - Inflatable rafts and/or flotation devices are prohibited in the Lake Yosemite Main Beach/Concession swim area. Such devices are allowed at the Bedesen Beach swim area.
- N. Classes and/or Instruction Lessons - Use of County Parks for classes and/or instruction lessons is prohibited unless reviewed by the Parks and Recreation Commission and/or the Director of Public Works or designee and authorized by the Merced County Board of Supervisors.

- O. Skydiving Prohibited - No person(s) shall skydive or parachute into or onto a County Park or Recreation area, except as specifically authorized by the Director of Public Works or the Merced County Board of Supervisors.
- P. Amplified Music - All amplified music must be confined to enclosed buildings, except if otherwise approved by the Director of Public Works or his designee. The Director's denial of a request for use of amplified music in outdoor areas of parks may be appealed by the applicant to the Board of Supervisors by filing a written appeal with the Clerk of the Board not later than five working days after written notice of the Director's action. Amplified sound is not allowed on vessels on the water, unless by special permit. (Ord. 1719 § 1, 2004; Ord. 1388, 1991; Ord. 1231, 1987).
- Q. Gang clothing and attire is prohibited at all County Parks.
- R. Anyone violating park rules, county code or State laws can be cause for ejection from said park.

10.28.050 Boating and Skiing Rules and Regulations

- A. Rules and Regulations - California Boating Laws as described in the California Harbors and Navigation Code and the California Vehicle Code are hereby incorporated and become a part of these rules and regulations and apply where rules and regulations are not specified in this Chapter.
- B. Annual Permit for all Types of Vessels
 - 1. All vessel owners must register for a permit. Persons launching any type of a vessel in a lake or river in a County Park must obtain permission for rivers and for Lake Yosemite a daily or annual permit from the Parks Division Lake Yosemite tollbooth.
 - 2. Every vessel owner, or other person having the possession or right of use of a vessel shall, before using, running, operating, driving, launching, or propelling said vessel, or allowing, permitting, or authorizing the using, running, operating, driving, launching, or propelling of said vessel, or hiring, renting, or leasing a vessel for such purpose, must obtain a permit as hereinafter provided, before launching any vessel in a lake or river in a County Park.
 - 3. The Sheriff's Department has authority to inspect all vessels as to safety, and sea worthiness.
- C. Applications for Vessel Berth at Lake Yosemite
 - 1. All applications for vessel berths at Lake Yosemite's sailboat docks must be made with the Parks and Recreation office or current contract vendor (when space is available) annually on a first-come, first-served basis.
 - 2. The County of Merced will not be responsible for theft of boating equipment or damage to any vessel while docked in lakes or rivers.
- D. Fees for Vessel Berths - The Parks Division or current contract vendor shall charge and collect the permit fee. No permit shall be issued unless and until said fee has been paid. Said money shall be delivered deposited with the current contractor and used to maintain the docks or to the Director of Public Works or his designee and be deposited by him with the Treasurer of the County of Merced.

- E. Start of Boating Activities - Boats may be launched in lakes or rivers in County Parks on or after the date set by the Merced County Parks and Recreation Division. Boats launched in Rivers must be approved by the Merced County Parks and Recreation Division.
- F. Boating Hours - Lake Yosemite boating activity may commence at the designated park opening hour. Vessels primarily propelled by means of internal combustion engines must be off the water and boating activity terminated at official local sunset. All other vessels must be off the water or docked at 9:30 p.m. All vessels operating later than sunset must display appropriate night navigational lighting and/or markers in accordance with U.S. Coast Guard Regulations and the California Harbors and Navigation Code. No Boats are allowed on the water after 9:30 p.m., unless by special permit.
- G. Loading Ramp - All vessel owners or persons launching vessels shall park their trailers in designated areas as soon as vessel is launched. Cars and trailers shall not be parked in or around the loading ramp. No vessels shall be launched or parked in any area other than the designated launching piers or mooring docks.
- H. Areas of Vessel Usage and Speed Therein
 - 1. No person shall operate or use a vessel at a speed that creates a wake in any of the following areas:
 - a. In an area less than two hundred (200) feet off shore.
 - b. In areas two hundred (200) feet off swim pier or paddle boat area or area where persons are engaged in bathing or swimming in a designated swimming area or in a designated paddleboard area.
 - c. In an area within two hundred (200) feet from a vessel displaying a ski flag or a diver's flag.
 - 2. No vessels will be allowed in the canal inlet or outlet of Lake Yosemite, or in a designated swimming or paddleboard area.
 - 3. No towing of skiers or other floatation devices within two hundred (200) feet from the shore or docks.
 - 4. Boats and vessels must travel in a counter clockwise rotation at Lake Yosemite.
 - 5. Launching on the North side of the Lake is only for those Boat Manufacturers who are under contract with the County and boating groups under contract with the county for the sole purpose of launching on the North side.
 - 6. Boat launching fees apply to all motorized vessels or anyone using a trailer to launch a vessel. Canoes, non motorized rubber rafts and kayaks must be carried into the water to not be charged.
- I. Regulatory Buoys - Regulatory buoys and waterway markers may be placed on water areas. Adherence to these markers and buoys is mandatory.

- J. Repairs to Vessels - Repairs or painting of vessels will not be permitted in lake or river launching areas or loading ramps, except in emergency situations.
- K. Removal of Vessels - All vessels shall be removed from Lake Yosemite within seven (7) days after the normal water level commences receding.
- L. Use of Paddleboards and Rowboats - Persons using paddleboards or rowboats will be permitted only in designated areas.
- M. Parachute or Hang Glider Skiing Prohibited - No vessel shall pull a person for the purpose of becoming airborne with the aid of a parachute or hang gliding apparatus.
- N. Boat Races and Regattas
 - 1. Permission for the scheduling of any boat races or regattas in a County Park must be obtained and approved by the Director of Public Works or the Merced County Board of Supervisors.
 - 2. Organizations granted permission to conduct boat races, regattas, or special boat events will be responsible for those permitted activities during the schedule and the running of any of the above events.
- O. Violations
 - 1. Every person who operates, causes to be operated or used, or permits or allows the use and operation of a vessel upon a boating area for which there is no valid permit is in violation, whether as owner or otherwise.
 - 2. Every person who operates, causes to be operated or used, or permits or allows the use and operation of a vessel, subsequent to inspection, which is not equipped as required by law upon inspection is in violation, whether as owner, lessee, bailee, or otherwise.

10.28.060 Motor Vehicle Speed Limits and Restrictions

- A. Speed Limits - No person shall ride or drive any bicycle, motorcycle, motor vehicle, or other vehicle in any County Park or Recreation area at a greater speed than that specified below and indicated by a sign(s) posted along such street or area.
 - 1. Street Speed Limit - The maximum speed limit on streets is the prima facie or declared prima facie speed limit established pursuant to the provisions of Chapter 7 of Division 11 of the California Vehicle Code (commencing with Section 22349).
 - 2. Paths and Driveways - All areas not deemed a street, including paths and driveways, are hereby declared to be fifteen (15) miles per hour.
- B. Motor Vehicles - Motorized vehicles must stay on roadways, drives, and parking areas. Driving motorized vehicles on lawn areas, bicycle paths, and walkways is prohibited. Motor Vehicles must have a current registration and license plate.

10.28.070 Liquor Prohibition

- A. No person shall transport into, possess, or consume upon the premises within any County Park or Recreation area any intoxicating liquors having more than a 12 percent alcoholic content, except where there is no alcoholic content restriction within the following park facilities:

1. Lake Yosemite Park: Fish and Game Building, Rotary Cove Buildings I and II, and Veterans Cove;
 2. Henderson Park: Clubhouse and Picnic Shelter;
 3. Hagaman Park: Mahoney Shelter and Pit #1 Shelter;
 4. O'Banion Park: Del Hale Community Recreation Building;
 5. Winton Park: Picnic Shelter;
 6. Planada Park: Community Recreation Building;
 7. Delhi Shattuck Park: Community Recreation Building; and
 8. El Nido Park: Community Recreation Building.
- B. Persons serving or dispensing alcoholic beverages must comply with State Alcoholic Beverage Control regulations. Sale of alcoholic beverages to the general public is prohibited unless authorized by the Board of Supervisors. Sale to the general public does not include functions taking place in facilities that are reserved for private functions by clubs, fraternal organizations, or such similar groups. Authorization for such groups to serve or sell alcoholic beverages may be granted by the Director of Public Works or his authorized staff. The Merced County Sheriff's Department may require security personnel to be on duty for any group serving, dispensing, or selling alcoholic beverages.
- C. All alcoholic beverages are prohibited in those County Parks which are so designated and posted or selected areas of County Parks which are so designated by the Merced County Board of Supervisors. The said prohibition is effective upon posting notice thereof.
- D. Exceptions may be granted, by special authorization, to allow the possession, consumption, and/or sale of alcoholic beverages for special events in posted areas of County Parks. The authorization may be issued upon review and approval of the request by the Merced County Board of Supervisors upon the review of: Public Works Department; Sheriff's Department; and Risk Management Office. All liability insurance requirements must be met and all state laws regarding the possession, use, and/or sale of alcoholic beverages are to be strictly followed.

10.28.080 Authorized Operation of Concessions

- A. It shall be unlawful for any person to engage in the business of soliciting, selling, or peddling any liquids or edibles for human consumption or to distribute circulars or to hawk, peddle, or vend any goods, wares, or merchandise of any kind unless approved by the Merced County Board of Supervisors.
- B. The Merced County Board of Supervisors will enter into an agreement or contract of all concessions to be operated on any County Park or Recreation area.
- C. All persons, firms, or corporations holding concessions shall keep the grounds used by them properly policed and shall maintain the premises in a sanitary condition to the satisfaction of the Director of Public Works or his designated representative. No operator of any concessions shall retain in his employment any person whose presence is deemed by the Director of Public Works to be subversive of good order and management.

10.28.090 Facilities Reservations - All groups desiring to reserve specific facilities in County Parks or Recreation areas may procure reservations from the Director of Public Works or his authorized staff in accordance with the current "Facility Use Policy - Fees and Charges

for the Use of Merced County Park Facilities." Reservations for the Del Hale Community Recreation Building, Planada Community Recreation Building, and El Nido Community Recreation Building, and Delhi Shattuck Park Community Recreation Building may be obtained through those groups under contract with the County.

10.28.100 Hours of Operation - No person shall remain upon the grounds of a County Park or occupy the grounds of such Parks and Recreation areas, or any part thereof, or use any of the facilities or equipment therein, or permit any vehicle to remain therein, except during the hours listed below, unless authorized by the Director of Public Works or his designated representative.

- A. Lake Yosemite, Henderson and Hagaman Parks open at 7:30 a.m.
October 1 thru March 31 of each year: No person shall remain upon the above Parks one hour after sunset, with the exception of those individuals or groups at a rental facility or by special permit and then the facility must be vacated by 11:00 p.m. and the park closes at 11:30 p.m.
- B. April 1 thru September 30 of each year the parks will close at 11:30 p.m. When no reservations or special permit events are scheduled, the parks may close anytime after 9:30 p.m.
- C. All other Parks
With the exception of rented facilities or special permitted events, all other parks shall open at 7:30 a.m. and close at 10:00 p.m.

10.28.110 Fees

- A. Park Admission Fees - Admission fees established and required by the Merced County Board of Supervisors for the use of any Merced County Park shall be paid by users as and when required. Failure of any person to pay such fees when such fees are being collected is unlawful and a violation of this Chapter.
- B. Fees and Charges
 - 1. The fees and charges set for the privileges, services, or materials designated shall be paid to the Director of Public Works or his designated representative and shall be deposited with the Treasurer of the County of Merced and shall be credited to the general fund.
 - 1. Fees and charges may be set and collected for the Planada Community Recreation Building, El Nido Community Recreation Building, Delhi Shattuck Park Community Building, and Del Hale Community Building by the current organization under contract with the County in compliance with the management agreement between each area and the County of Merced, wherein the County may audit and retain ultimate control.

10.28.120 Enforcement Authority - The Merced County Sheriff's Department and any other law enforcement officer pursuant to Section 830 of the California Penal Code are authorized to enforce the rules of this Chapter.

10.28.130 Violation-Penalty

- A. Any person violating any of the provisions of Chapter 10.28 is guilty of a misdemeanor and is subject to the penalties set forth in Chapter 128, Section 1.28.020 of the Merced County Code for Misdemeanor.
- B. Any person violating any other provision of this Chapter is guilty of an infraction and is subject to the penalties set forth in Chapter 1.28, Section 1.28.030 of the Merced County Code for Infraction.

SECTION 3, Validity: If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Merced County Board of Supervisors hereby declare that they would have passed this ordinance, and each section, subsection, sentence, clause, word, or phrase thereof, irrespective of the fact that one or more section, subsections, sentences, clauses, words, or phrases be declared invalid or unconstitutional.

SECTION 4, Enactment: This ordinance shall become effective and be in full force on and after thirty (30) days of its passage and adoption, and prior to the expiration of fifteen (15) days from the passage and adoption thereof shall be published in a newspaper of general circulation printed and published in the County of Merced, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

The foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Merced, State of California, at a regular meeting thereof held on the _____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

Chairman, Board of Supervisors

ATTEST:

County Clerk and Ex-Officio Clerk of the
Board of Supervisors of the County of Merced

Deputy