

Sections:

12.08.010 - Definitions.

A. As used in this chapter:

"Berryessa Lake and Park area" means the federally owned or controlled lands, reservoir areas and waters known as Lake Berryessa in the county of Napa, including but not limited to the Capell Cove, Smittle Creek Park, Oak Shores Park, Pope Creek, and Putah Creek areas.

"Boat" is defined in Harbors and Navigation Code Section 651(d) to include any vessel which is any of the following:

1. Manufactured or used primarily for noncommercial use;
2. Leased, rented or chartered to another for the latter's commercial use;
3. Engaged in the carrying of six or fewer passengers, including those for-hire vessels carrying more than three passengers while using inland waters of the state that are not declared navigable by the United States Coast Guard; and
4. Commercial vessels required to be numbered pursuant to Section 9850 of the Vehicle Code.

"Boat" means and includes personal watercrafts, watercycles and similar devices.

"Bureau" means and is defined as the United States Department of Interior, Bureau of Reclamation.

"Camping" means and is defined as follows:

1. Erecting a tent or shelter or arranging bedding, or both, for the purposes of or in such a way as will permit remaining overnight;
2. Use of any parked or standing vehicle for the purpose of sleeping during nighttime hours is also included in the definition of camping;
3. Use of houseboats or boats for the purpose of sleeping during the nighttime hours, whether anchored, moored or beached, is also defined as camping, and may be permitted in certain areas by the bureau.

"Parasailing" means the propelling of a person on water skis or other similar device, through the water, on the surface of the water or through the air, by means of a boat or other device.

"Vehicle" means and includes all vehicles, including but not limited to automobiles, trucks, off-road vehicles, four-wheel-drive vehicles, motorcycles, minibikes, snowmobiles, dunebuggies, all-terrain vehicles, trailers, campers, recreational vehicles, bicycles, or any other such equipment.

"Vessel" means and includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

1. A seaplane on the water;
2. A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself. Harbors and Navigation Code Section 651(c).

"Water skis or similar devices" mean and include all forms of water skiing, barefoot skiing, skiing on ski boards, knee boards or other contrivances, parasailing, ski kiting or any activity where a person is towed behind or alongside a boat.

- B. Any word that is not specifically defined in this section shall be interpreted pursuant to any other definition, if any, as contained in this code, the California Harbors and Navigation Code, or in other cases according to the word's common meaning.

(Ord. 1287 § 1 (part), 2007; Ord. 1237 § 2 (part), 2004)

12.08.020 - Application of provisions—Statutory authority.

- A. The provisions of this chapter shall be applicable to all of the waterways connected to Lake Berryessa and shall be construed to supplement federal and state laws and regulations when not expressly inconsistent therewith on all waterways where such federal and state laws and regulations are applicable.
- B. This chapter is enacted pursuant to Section 660 of the Harbors and Navigation Code of the state, and other applicable federal and state laws.

(Ord. 1287 § 1 (part), 2007; Ord. 1237 § 2 (part), 2004)

12.08.030 - Unlawful activities designated.

- A. Within the Berryessa Lake and Park area, it is unlawful for any person:
 - 1. To pick flowers, foliage, berries or fruit, or cut, break, dig up or in any way mutilate or injure any tree, shrub, plant, fern, grass, turf, fence, structure or improvement of any kind, unless an employee of the county or an employee of the bureau while in the performance of official duties or unless authorized by special permit by the bureau;
 - 2. Unless authorized by the bureau, to cut, carve, paint, mark, paste or fasten to any tree, fence, wall, rock, building, monument or other object within the Berryessa Lake and Park area any bill, advertisement or inscription;
 - 3. Unless authorized by the bureau, to dig up or remove any dirt, stones, rocks or other substance whatever, make any excavation, quarry any stone, or lay or set off any blast within the Berryessa Lake or Park area. Any proposed blasting must first be submitted for and receive approval from the county;
 - 4. To leave or abandon in the Berryessa Lake and Park area, except in receptacles designated for that purpose by the bureau, human or animal waste, cans, bottles, waste, paper, broken glass or other rubbish or garbage;
 - 5. To light, build or maintain in the Berryessa Lake and Park area any open fire, with the following exceptions:
 - a. When a written permit has been obtained from the bureau,
 - b. When fires are maintained in fireplaces, grills or other facilities provided and designated for that purpose by the bureau, and
 - c. When fires are in oil or gasoline stoves or gas grills in camps and picnic areas maintained and designated by the bureau;
 - 6. To bring any dog or cat or any domestic animal into the Berryessa Lake or Park area except on a leash;
 - 7. To ride, drive, lead or keep a horse or other livestock in the Berryessa Lake or Park area except upon roads and trails designated for that purpose by the bureau, or in such other areas as may be designated as pasturage areas under lease by the bureau. No horse or other livestock shall be hitched to any tree or

shrub in such manner as to cause damage to such tree or shrub. This subsection shall not apply to the use of horses for law enforcement purposes, or if prior approval has been obtained through issuance of a special permit by the bureau;

8. To pursue, chase, hunt, molest, catch, capture, injure or kill any bird, mammal or reptile or to attempt to pursue, chase, hunt, molest, catch, capture, injure or kill, or to disturb any bird, mammal or reptile's habitat in the Berryessa Lake and Park area, unless certain areas are designated from time to time to be hunting areas by the bureau and the California Department of Fish and Game;
9. To operate any vehicle at a speed in excess of fifteen miles per hour on any road in the Berryessa Lake and Park area, other than upon state or county highways, unless otherwise posted;
10. To operate any vehicle within the Berryessa Lake and Park area except upon roads and thoroughfares and areas designated for such purpose by the bureau;
11. To sell, peddle or to offer for sale any food, liquids, edibles for human consumption, or any goods, wares, services or merchandise within the Berryessa Lake and Park area, except under permit issued by the bureau, and subject to such laws and regulations as may now or hereafter exist, promulgated by the board of supervisors of the county, the director of public health, or the director of environmental health of the county;
12. To camp in any portion of the Berryessa Lake and Park area other than in areas designated for such purpose by the bureau, unless authorized by special permit by the bureau;
13. To wade, swim, bathe, operate a boat or water ski within one thousand five hundred feet of Monticello Dam;
14. To operate a boat or pass through any logboom or line of buoys designating a closed area;
15. To contaminate or pollute the waters of Lake Berryessa or the shore area or the tributaries thereof, or to discharge any human waste, litter, garbage, oil or other debris therein;
16. To enter any areas of the Berryessa Lake and Park area which are closed to entry by the bureau, and posted against trespassing in accordance with the provisions of Section 602 of the California Penal Code;
17. To carry and possess any firearms in the Berryessa Lake and Park area without a valid concealed weapons permit or a permit issued by the bureau;
18. To destroy, injure, deface, remove and/or alter public property, including but not limited to developed facilities, natural formations, gravel, mud, sand, mineral deposits, designated historical or archaeological features, except when in accordance with written permission from the bureau;
19. To cut down or remove live trees, or gather wood, without the written permission of the bureau;
20. To bring into the Berryessa Lake and Park area any household or commercial garbage, trash, rubbish, debris, dead animal(s) or litter of any kind for disposal or dumping without the written permission of the bureau;
21. To engage in the sport or activity of parasailing on Lake Berryessa in the following areas:
 - a. Within one thousand feet of any powerline, or
 - b. As posted on at least two signs on shore or on buoys in or near the prohibited area, or
 - c. Within two thousand feet of Monticello Dam.
22. To park any vehicle in a fire lane, in a red zone, or in any other area that is not a designated parking area within the Berryessa Lake and Park area;
23. To bring any glass containers to the day use facilities at Oak Shores Park and Smittle Creek Park areas;
24. To tie or attach any vessel, rope, canopy, hammock or similar item(s) to any tree, shrub, bush, vegetation,

pole, picnic table, bench or other park facility, improvement, or structure;

25. To abandon a campfire or any open fire.

- B. Unless otherwise provided, a violation of any of the provisions of this section, other than provisions relating to the parking of vehicles, may be charged as a misdemeanor or an infraction pursuant to Section 17 et seq. of the California Penal Code, and Government Code Section 25132. Violation of any provision of this section relating to the parking of vehicles shall not be a criminal violation but shall instead be subject to civil penalty in accordance with Vehicle Code Section 40200 et seq. and Chapter 10.32 of this code.

(Ord. 1287 § 1 (part), 2007; Ord. 1237 § 2 (part), 2004)

12.08.040 - Boats and other vessels—Operation restrictions.

- A. No person shall operate or navigate any commercial motorboat carrying passengers for hire on or around the Berryessa Lake and Park area unless licensed in accordance with law. Authorization must also be obtained from the bureau prior to engaging in such activities.
- B. No person shall moor any boat, vessel, personal watercraft, watercycle, water ski, innertube, air mattress or other device which can be used for floating on the water, or designed for travel upon the water, to the pillars, abutments or appendages of the Pope Creek Bridge or the Putah Creek Bridge. A violation of this subsection shall constitute an infraction. A second violation within one year shall constitute a misdemeanor.
- C. No person shall operate a motorboat or other vessel at a speed in excess of five miles per hour in any area marked with a buoy bearing the words "5 miles per hour" or bearing the words "No Wake." "5 miles an hour" shall be interpreted to mean creating "no wake" as the boat travels through or on the water.
- D. No dock shall be constructed in the Berryessa Lake and Park area without prior approval from the bureau.
- E. Unless otherwise provided, a violation of any of the provisions of this section may be charged as a misdemeanor or an infraction pursuant to Section 17 et seq. of the California Penal Code, and Government Code Section 25132.

(Ord. 1287 § 1 (part), 2007; Ord. 1237 § 2 (part), 2004)

12.08.050 - Speed limit exemptions.

The sheriff and any of his deputies are exempt from the speed limits imposed by subsection (A)(9) of Section 12.08.030 and subsection (C) of Section 12.08.040 while driving a sheriff's patrol boat under all of the following conditions:

- A. If the boat is being driven in response to an emergency call or is engaged in rescue operations or in pursuit of an actual or suspected violator of the law;
- B. If the driver of the boat sounds a siren as may reasonably be necessary in the circumstances, and the boat displays a lighted blue lamp visible from the bow as a warning to other persons using the body of water in the vicinity of the boat.

(Ord. 1287 § 1 (part), 2007; Ord. 1237 § 2 (part), 2004)

12.08.060 - Enforcement authority regarding parking violations.

The sheriff and any of his deputies, and, at the discretion of the sheriff, any uniformed employee of the United States Bureau of Reclamation assigned to the Lake Berryessa and Park Area, are authorized to issue notices of violation to persons who violate provisions of this chapter relating to parking restrictions.

(Ord. 1287 § 1 (part), 2007: Ord. 1237 § 2 (part), 2004)

Chapter 12.12 - JUMPING FROM PUTAH CREEK AND POPE CREEK BRIDGES

Sections:

12.12.010 - Findings—Purpose of provisions.

- A. The county board of supervisors makes the following findings:
 1. That many persons, particularly young persons, when engaging in recreational pursuits at Lake Berryessa, have jumped, and have attempted to jump, from the Pope Creek Bridge and the Putah Creek Bridge into the waters or tributaries to the waters of Lake Berryessa;
 2. That a number of people have been hurt from this activity, and, particularly in years where there has been less than average rainfall, such an activity poses a danger to anyone engaging in same.
- B. Therefore, the board of supervisors also finds that it is in the interests of the public health, safety and welfare to specifically prohibit this activity, and enact a substantial fine in order to discourage persons from participating in this dangerous activity.

(Ord. 1237 § 3 (part), 2004: Ord. 921 § 3 (part), 1989: prior code § 8996)

12.12.020 - Unlawful activities designated.

- A. It is unlawful for anyone to jump, leap or otherwise propel one's own body or the body of another from the Pope Creek Bridge or the Putah Creek Bridge.
- B. It is unlawful for anyone to attach a rope or other apparatus to the Pope Creek Bridge or to the Putah Creek Bridge, for the purpose of swinging from either bridge.
- C. It is unlawful to swing from either the Pope Creek Bridge or to Putah Creek Bridge at any time.
- D. It is unlawful for anyone not otherwise authorized by law to climb onto, or to jump, leap, or otherwise propel one's own body or that of another, from the superstructure of the Pope Creek Bridge or the Putah Creek Bridge. For this purpose, "superstructure" means the part of a bridge which rests on the piers and abutments, but which is beneath the level of the roadway.
- E. It is unlawful for any person not otherwise authorized by law to attempt to commit any act made unlawful by this section.
- F. It is unlawful for any person to stop or loiter on the Pope Creek Bridge or Putah Creek Bridge.

(Ord. 1237 § 3 (part), 2004: Ord. 1111 § 1, 1996; Ord. 921 § 3 (part), 1989: prior code § 8996.1)

12.12.030 - Violation—Signs posted—Penalty.

- A. Anyone violating Section 12.12.020 of this chapter is guilty of a misdemeanor, and a fine shall be imposed in the minimum amount of two hundred fifty dollars for the first violation, three hundred fifty dollars for the second violation, and five hundred dollars for third or subsequent violations.
- B. Before such minimum fines may be imposed, signs must be posted at both ends of each such bridge stating the activity prohibited and the amount of fine which may be imposed.

(Ord. 1237 § 3 (part), 2004: Ord. 921 § 3 (part), 1989: prior code § 8996.2)