

Selected Sections From Ordinance No. 202

An Ordinance Of The County Of Napa Prescribing Regulations For Berryessa Lake And Park Area And The Waters Thereof And Providing For Penalties For The Violation Thereof.

The Board of Supervisors of the County of Napa, State of California, do ordain as follows:

Section 1. Berryessa Lake and Park Area defined. "Berryessa Lake and Park Area," herein referred to is hereby defined to be the federally owned or controlled lands and reservoir area and waters thereof in the County of Napa, the administration of which has been or may hereafter be transferred to County of Napa by United States of America by contract or otherwise.

Section 2. It shall be unlawful for any person:

(a) To camp, picnic, hunt, launch or land boats on any portion of the Berryessa Lake and Park Area situated on the easterly side of Berryessa Lake and lying between Eticuera Creek and the Monticello Dam, or to swim or bathe in the waters of Lake Berryessa within one hundred feet of the shore - line of Lake Berryessa between Eticuera Creek and Monticello Dam.

(b) 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 of Napa engaged in work of improvement authorized by the Park Director.

(c) Unless authorized by the Park Director, 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.

(d) Unless authorized by the Park Director, 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 and Park Area.

(e) To leave or abandon in the Berryessa Lake and Park Area, except in receptacles designated for that purpose by the Park Director.

(f) To light, build or maintain in the Berryessa Lake and Park Area any open fire; provided that fires may be maintained in fireplaces provided and designated for that purpose by the Park Director, and provided that fires may be maintained in camp and picnic areas designated by the Park Director in oil or gasoline stoves.

(g) To bring any dog or cat or other domestic animal into the Berryessa Lake and Park Area, except on leash.

(h) To ride, drive, lead or keep a horse or other animal in the Berryessa Lake and Park Area, except upon roads and trails designated for that purpose by the Park Director or in such other areas as may be designated as pasturage areas under lease by the Board of Supervisors. No horse or other animal shall be hitched to any tree or shrub in such manner as to cause damage to such tree or shrub.

(i) To molest, injure or kill any bird or mammal, or disturb its habitat in the Berryessa Lake and Park Area unless certain areas are designated from time to time to be hunting areas by the Park Director.

(j) To use threatening, abusive, boisterous, insulting or indecent language or gesture in the Berryessa Lake and Park Area.

(k) To operate any vehicle at a speed in excess of fifteen (15) miles per hour on any road in the Berryessa Lake and Park Area, other than upon State or County highways and to operate vehicles within said Area

except upon roads and thoroughfares and parking areas designated for said purpose by the Park Director.

(l) 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 Park Director, and subject to such laws and regulations as may now or hereafter exist, promulgated by the Board of Supervisors of the County of Napa, the Park Director or the Director of Public Health of the County of Napa.

(m) To camp, picnic or occupy any portion of the Berryessa Lake and Park Area as a trailer site, except in areas designated for such purpose by the Park Director.

(n) To wade, swim, bathe, operate a boat or water ski within fifteen hundred (1500) feet of Monticello Dam.

(o) To contaminate or pollute the waters of Lake Berryessa or the shore area thereof or the tributaries thereof or to discharge any human waste, litter, garbage, oil or other debris into the water.

(p) To enter any areas of the Berryessa Lake and Park Area which are closed to entry by the Park Director and posted against trespassing in accordance with the provisions of Section 627 of the Penal Code of the State of California.

(q) To carry or possess any firearms in the Berryessa Lake and Park Area without a Permit in writing issued by the Park Director.

Section 3, Water Skiing. The following regulations shall relate to water skiing on Lake Berryessa and any violation of said regulations shall be unlawful:

(a) No person shall operate a boat or other means of motor power which is pulling or towing any aquaplane or water skier or ride an aquaplane or water skis except between the hours one-half hour before sunrise and one-half hour after sunset.

(b) All boats towing water skiers shall take off counter clockwise and come into ski landing docks or ramps counter clockwise and shall take off and land only in areas designated for such purpose by the Park Director.

(c) All persons shall wear a life jacket while riding an aquaplane or while water skiing,

(d) Tow lines for water skiing or aquaplaning shall not exceed one hundred twenty-five (125) feet in length, and not more than two (2) skiers shall be towed by any boat at any one time.

(e) There shall be one person other than the operator of a boat present in the water at all times while such boat is engaged in the act of towing a water skier or skier or aquaplane, competent to handle the tow lines thereof, all boats while engaged in towing a water skier or aquaplane shall be equipped with a rear view mirror.

(f) No person shall engage in waterskiing or aquaplaning while under the influence of intoxicating liquors.

(g) To tow a ski line in excess of one hundred (100) yards without a rider.

(h) To follow any person engaged in water skiing or aquaplaning within a radius of two hundred (200) feet of such person.

(i) Nothing contained herein shall prevent or make unlawful exhibitions of water skiing and aquaplaning in contravention of the foregoing provided that such exhibitions are conducted under permit in writing is sued by the Park Director and in accordance with rules established therefor by the Park Director.

Section 4. Operation of Boats . The following regulations shall relate to the operation of boats upon Lake Berryessa and any violation thereof shall be unlawful:

(a) To place in, use or operate any boat on Lake Berryessa without having submitted said boat to inspection by the Park Director or his duly authorized representative , and without obtaining from the Park Director or his duly authorized representative a permit decal which shall be affixed to the port bow of such boat before such boat is placed in or operated upon Lake Berryessa. Such permit decal shall be issued by the Park Director for such fee as may from time to time be established by the Board of Supervisors by Resolution and shall be valid for one calendar year and shall terminate on December 31st in each year . All boats issued a permit to operate upon Lake Berryessa shall be of design and type possessing sufficient buoyancy to keep afloat if overturned or swamped if loaded to capacity, and shall be not less than ten (10) feet in length, gunwale measurement, and not less than forty-two (42) inches in width.

(b) To permit any child under the age of twelve (12) years to be in or on board any boat upon Lake Berryessa unless such child is wearing a Coast Guard approved life preserver .

(c) To operate upon or to place in Lake Berryessa any boat having operating sink drains or flush toilets , and all boats maintained on Lake Berryessa shall be kept in a safe and sanitary condition , and all such boats while in operation shall be equipped with not less than one adult life preserver , life ring or buoy of approved Coast Guard type for each person occupying such boat.

(d) To operate upon Lake Berryessa a boat which is occupied by a greater number of persons than the number for which said boat is rated as shown upon the permit decal for such boat issued by the Park Director or his representative .

(e) To operate upon Lake Berryessa a motor boat unless the operator thereof is in possession of a valid Motor Vehicle Operator 's license , or unless accompanied by an adult person possessing such license , who shall supervise the operation of such boat; provided , however , that this section shall not apply to motor boats unless capable of attaining a speed in excess of ten (10) miles per hour. No persons under the age of ten (10) years shall operate a motor boat upon Lake Berryessa.

(f) To use or operate any boat on Lake Berryessa except between the hours one hour before sunrise & one hour after sunset , unless such boat is licensed by the Park Director to operate as an excursion boat under rules established by resolution of the Board of Supervisors .

(g) No person shall operate a boat within fifteen hundred (1500) feet of Monticello Dam or pass through any log boom or line of buoys designating a closed area.

(h) No persons shall mutilate , damage or move from position any buoy placed in Lake Berryessa or operate any boat at a speed in excess of five (5) miles per hour within three hundred (300) feet of any buoy .

(i) No persons shall operate any motor boat unless the motor thereof is equipped with a muffler or other silencing device excepting motors with underwater exhausts which are not equipped with a cut-out , and racing boats actually participating in authorized races in designated areas.

(j) No persons shall operate any boat while under the influence of any intoxicating liquors .

(k) No person shall operate any motor propelled boat at a speed greater than is reasonable or prudent, having regard for the traffic on the lake and the condition and width of the lake, or in such manner as is likely to endanger the safety of persons or property.

(l) No person shall operate any motor propelled boat upon the waters of Lake Berryessa at a speed in excess of five (5) miles per hour within three hundred (300) feet of any way or landing wharf to which boats are made fast and which is used for the embarkation or discharge of passengers; or within two hundred (200) feet of any buoy or boom, or within an area designated as "slow" are a or within two hundred (200) feet of any person who is bathing or swimming or a designated swimming area, or within two hundred (200) feet from the shore at any place except while in the act of launching or landing an aquaplane or water skier; or within one hundred (100) feet of any sail boat or within one hundred (100) feet of any watercraft sixteen (16) feet in length or smaller, which might be seriously in danger by the action caused by the wake created by the passing vessel or within one hundred (100) feet of any person riding water skis or an aquaplane; or within two hundred (200) feet of any authorized boat, sheriff's boat or any other boat while said boat or boats are in the act of rescue operations, dragging for bodies or equipment or in the pursuit of any violator of the provisions of this ordinance provided such boats are marked.

(m) No person shall operate any boat within such a distance of any anchored fishing boat so that the wake thereof shall endanger such anchored fishing boat.

(n) No person shall operate any boat so as not to allow at least two hundred fifty (250) feet clearance behind trolling fishing boats so as to avoid fouling the trolling lines. Trolling fishing boats shall display a white flag not less than two (2) feet by two (2) feet in size, to give adequate warning of such boat's trolling activities.

(o) No person shall operate or navigate any commercial motor boat carrying passengers for hire without being licensed in accordance with law, or without being authorized by the Board of Supervisors to engage in such services.

(p) No person shall use or operate any boat without the consent of the owner or person in charge thereof, or to be an accessory to the taking, or use or operation of any boat without the consent of the owner or person in charge thereof. The consent of the owner or person in charge of a boat to its taking, or use or operation shall not be presumed or implied because of such consent on a previous occasion to the taking, or use, or operation of said boat by the same or different person.

(q) No person shall use a siren on any boat used, operated, driven, or propelled on Lake Berryessa, except, a police boat or a boat used by an authorized officer in the performance of his duty.

(r) No person shall land or moor any boat except at an approved dock site or mooring site or such other areas as may be specifically designated by the Park Director.

(s) No person shall launch any boat except at approved launching areas, designated by the Park Director.

Section 5. Amendments .—This Ordinance may be amended hereafter by Resolution of the Board of Supervisors of the County of Nap a regularly adopted.

Section 6. Punishment for Violation. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor which shall be punishable by imprisonment in the County Jail for not to exceed six (6) months, or by a fine not to exceed Five Hundred Dollars (\$500.00) or by both such fine and imprisonment.

Violation of any of the provisions of this Ordinance, shall be ground for revocation of any boat license or permit, and for the withdrawal of the privilege of using any of the facilities at Lake Berryessa of any person who violates the provisions of this Ordinance.

Section 7.—Constitutionality . If any section , subsection , sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance . The Board of Supervisors of the County of Napa hereby declares that it would have passed this ordinance irrespective of the invalidity of any one or more sections , subsections , sentences , clauses or phrases thereof , declared unconstitutional or ineffective .

Section 8. Effective Date . It is hereby declared that this Ordinance is necessary to and is required for the immediate preservation of the public peace, health, safety, and general welfare , and shall take effect immediately upon its passage . The declaration of facts constituting such urgency is as follows:

That the Berryessa Lake and Park Area, herein defined, being an area recently acquired by the United States of America for water storage , and including a lake created for such purpose , has been placed in the jurisdiction of the County of Napa for administration; that said area is being visited and used by great numbers of the public; that said area is not equipped with health facilities ; that no regulations for the use of said area by the public for recreational purposes have been adopted by any public body; that the unregulated use of said area by the public has created a situation dangerous to health, life and property .

Section 9 . Publication . This Ordinance , together with the names of the members of the Board of Supervisors voting for and against the adoption of the same, shall be published once in the Napa County Record, a newspaper of general circulation published in the County of Napa, State of California.

The foregoing Ordinance was duly and regularly passed and adopted at an adjourned regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the 14th day of August, 1958, by the following vote:

AYES: Supervisors: N. D. Clark, A. M. Lauritsen, Howard H. Dickenson, Andrew G. Fagiani

NOES: Supervisors: None

ABSENT: Supervisors: Julius Caiocca, Jr .

(August 20, 1958)