

Ordinance No. 22

Establishing Rates, Rules And Regulations

For Use of District Lands* By The

Humboldt Bay Municipal Water District

Chapters:

- 22.01 General Provisions.
- 22.02 Visitor Conduct.
- 22.03 Resource Protection.
- 22.04 Vehicle and Traffic Regulations.
- 22.05 Domestic Animal Regulations.
- 22.06 Fishing Regulations.
- 22.07 Fire Regulations.

** For statutory provisions authorizing a District to construct, maintain, improve, and operate public recreational facilities appurtenant to any water reservoir contracted to be operated or operated by the District, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof, and to punish the violation of any such regulation as a misdemeanor or infraction as specified therein, see Cal. Water Code §71660*

Chapter 22.01 GENERAL PROVISIONS

Sections:

- 22.01.01 Scope of this title.
- 22.01.02 Purpose.
- 22.01.03 Authority.
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- 22.01.06 Closure of District lands.
- 22.01.07 Facility Use charges and permits.
- 22.01.08 Misdemeanors and infractions.
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- 22.01.10 Impoundment.
- 22.01.11 Exemptions.

22.01.01 Scope of this title.

The rules and regulations contained in this title shall be known as “Ordinance 22 Rules and Regulations for use of Humboldt Bay Municipal Water District Lands” and may be referred to as such, or as “Ordinance 22” or “land use regulations.” Except as otherwise provided, the provisions of this title shall apply to all District-owned lands including both active watershed lands and contiguous buffer properties.

22.01.02 Purpose.

These land use regulations are adopted to provide for and manage public access on unimproved District Lands, to assure effective stewardship, protection and management of District lands and to govern use of said lands in a fashion consistent with the District’s Mission, its Habitat Conservation Plan and Long-Term Streambed Alteration Agreement.

22.01.03 Authority.

The land use Ordinance and Regulations enacted in this title are authorized by the California Water Code Section 71660. District employees shall have the authority to enforce within the District’s boundaries the provisions of this Ordinance, and any amendment or amendments thereto, and the laws of the State of California, including but not limited to, California Water

Code Section 71660, the California Administrative Code Title 14, relating to Fish and Wildlife regulations, and the California State Boating Law.

22.01.04 Enforcement.

Powers granted under this Ordinance shall be construed to be powers delegated by the Board to the General Manager and redelegated by the General Manager to District Personnel, as deemed appropriate. Designated District employees shall have the authority to enforce these regulations and to revoke the use by any person in violation of these regulations. These regulations may also be enforced by other law enforcement officials. Any person who resists, delays, obstructs, threatens or attempts to intimidate District personnel in the discharge of, or attempted discharge of, their duty shall be subject to criminal prosecution.

22.01.05 Lands open to public.

Designated District unimproved lands may be open to the public for recreational use, in accordance with the provisions of these regulations, during daylight hours only, beginning thirty minutes before sunrise and ending thirty minutes after sunset. Persons using District lands shall have a revocable license to enter upon, use and enjoy District Lands for recreational purposes subject to compliance with all applicable federal, state, county and District laws and regulations.

Those District lands designated for public recreational use are the unimproved portions of the following parcels as follows: a) APN 516-271-005 and 504-201-010 [Park 1]; b) APN 516-351-002 [Park 4]; and c) APN 504-142-012 and 516-251-001 [Glendale Public River Access] (hereinafter referred to as "District lands"), excluding any and all District offices, buildings, infrastructure and appurtenances (including, but not limited to, all pipelines, pump stations, and Collectors), whether or not such offices, buildings, infrastructure or appurtenances are fenced or otherwise designated as being restricted areas. The Board reserves the right to add or de-designate District lands for public recreational use in its sole discretion.

22.01.06 Closure of District lands.

All or any portion of District lands may be closed to the public or have public uses restricted during an emergency or for health, safety, maintenance or watershed management purposes or for any other reason in the District's sole discretion.

22.01.07 Facility Use charges and agreements.

a) Park 1 and Park 4 facility use charges or fees may be charged by the District for facility use agreements to use designated areas of or otherwise use District lands. Charges for facility use agreements shall be determined by the board of directors from time to time by resolution and are initially set as delineated in attached Exhibit A. Facility use agreements are not transferable and may be revoked for failure to comply with any provision of the agreement or applicable

portions of these regulations. Facility use agreements must be carried while on District lands and shown upon request to District personnel or otherwise displayed as directed.

b) Facility Use agreements are required for any group larger than ten (10) people and will be issued on a first come first serve basis.

c) No group larger than 200 individuals will be issued a facility use agreement.

d) Facility Use agreements shall contain standard District insurance and indemnification requirements as may exist at the time of issuing the agreement.

e) Alcohol may be sold in conjunction with a Facility Use Agreement activity, provided the event organizers comply with the District's alcohol concessions requirements and the appropriate Department of Alcoholic Beverage Control license is obtained and provided to the District in advance of the event.

22.01.08 Misdemeanors and infractions.

Violations of the following land use regulations are misdemeanors punishable by imprisonment in the Humboldt County jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars, or both:

(1) Defacement of District property, in violation of Section 22.02.03;

(2) Use, possession or discharge of firearms, weapons, or fireworks, in violation of Sections 22.02.11 and 22.07.02;

(3) Creation of fire hazards, in violation of Section 22.07.01;

(4) Being under the influence of intoxicating beverages or dangerous drugs, in violation of Section 22.02.19(3);

(5) Dumping of garbage, refuse and trash, in violation of Section 22.02.15; also per California Penal Code Section 374.3.

(6) Remaining on or reentering District lands after an authorized District employee has specifically withdrawn consent for said person to use such lands, in violation of Section 22.02.21; and

(7) Construction, reroute or alteration of a hiking trail without District authorization, pursuant to Section 22.03.06, also per California Penal Code Section 384a.

Violation of any land use regulation of the District not mentioned above is an infraction, unless the violation is also deemed a misdemeanor or felony under any applicable provision of county, state or federal law, in which case the violation may be prosecuted as such under the applicable provision of county, state, and/or federal law.

The enumeration of violations and punishments above is not intended to be exhaustive of all potential violations and punishments. All users of District lands are subject to all applicable provisions of county, state, and federal penal laws.

22.01.09 Separate offenses.

Any violation of these regulations occurring on more than one calendar day shall constitute a separate offense.

22.01.10 Impoundment.

The District may impound any animal, property or equipment found to be in violation of these regulations. Items shall be disposed of according to law.

22.01.11 Exemptions.

These regulations shall not apply to employees of the District engaged in and acting within the scope of their authorized duties. The District, at its sole discretion, may grant written exemption to all or any portion of these land use regulations by special use permit, contract or lease; however, written exemptions shall be limited to uses consistent with the purpose of these regulations and shall not violate any provision of federal, state or county law or regulation.

Chapter 22.02 VISITOR CONDUCT

- 22.02.01 Compliance with all laws, regulations and signs.
- 22.02.02 Closed areas and use restrictions.
- 22.02.03 Care of property and facilities.
- 22.02.04 Group use.
- 22.02.05 Minors.
- 22.02.06 Reserved.
- 22.02.07 Reserved.
- 22.02.08 Camping and possession of camping gear.
- 22.02.09 Running and jogging.
- 22.02.10 Games and other activities.
- 22.02.11 Firearms, traps and other weapons.

- 22.02.12 Audio devices.
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- 22.02.14 Littering.
- 22.02.15 Garbage, refuse and trash.
- 22.02.16 Structures.
- 22.02.17 Abandoned and unattended property.
- 22.02.18 Commercial activity.
- 22.02.19 Disorderly conduct.
- 22.02.20 Introduction of organisms.
- 22.02.21 Revocation of privileges.

22.02.01 Compliance with all laws, regulations and signs.

No person while on District lands shall violate or fail to comply with any provision of federal, state, county or District laws, regulations or posted signs.

22.02.02 Closed areas and use restrictions.

No person shall enter or remain in any area of District lands closed to the public, nor use any area of District lands for an unauthorized or unlawful purpose.

22.02.03 Care of property and facilities.

No person shall damage, deface, tamper with or remove any District property or facilities, including but not limited to: dams, buildings, signs, gates, fences, equipment, markers, structures, tables, benches, trash receptacles, barbeques, fireplaces, paving material, utility or water lines.

22.02.04 Group use.

No group, school, club or similar organization, whether formally organized or not, shall hold or conduct any picnic, hike or other activity on District lands with ten or more participants without prior written approval of the District and no person shall take part in any such activity without said prior written approval. Groups will be permitted in designated areas only and are subject to prior reservations, conditions and charges as provided under Section 22.01.07.

22.02.05 Minors.

Parents, guardians, and any other adult having custody or accompanying of any minor children shall be responsible for the conduct of their minor children and shall not permit such minor children to do any act on District lands prohibited by the provisions of these regulations. No parent, guardian or any person having the custody of any child under the age of sixteen years shall allow such child to enter or visit District lands unless accompanied by a person at least eighteen years of age.

22.02.06 Reserved.

22.02.07 Reserved.

22.02.08 Camping and possession of camping gear.

No person shall possess camping gear or camp on District lands. Camping gear includes sleeping bags, tents, lean-to materials or any other articles connected with camping as differentiated from picnicking.

22.02.09 Running and jogging.

No person shall run or jog in such a way as to endanger hikers, or others using District lands. No school, club or other organization shall hold running, jogging or cross-county meets, events or practice sessions on District lands without prior written approval of the District and no person shall take part in any such activity without said prior written approval.

22.02.10 Games and other activities.

a) No person shall engage in games or other activities which interfere with others using District lands or which endanger any person, property, public safety or environmental or cultural resources, except as authorized in sub paragraph "b" herein. Non-permitted activities include but are not limited to:

- (1) Skateboarding, roller skating, in-line skating mountain boarding, operation of any motorized or motor assisted skateboard or other similar type activity;
- (2) Operating a motor-driven model airplane, boat, automobile, drone / quadcopter / single or multi motor copter, or other model craft;
- (3) Throwing, releasing, or discharging missiles, rockets, stones or similar objects;
- (4) Hitting a golf ball;
- (5) Participating in baseball, softball or football;
- (6) Hang-gliding, parachuting, or parasailing;
- (7) Metal detecting or the collection or disturbance of cultural or archeological artifacts; and

(8) Any activity or operation of any device in such fashion as to interfere with others using District lands or to endanger property, public safety or environmental or cultural resources.

Any equipment used in violation of this section may be impounded.

b) The District, under a license agreement, has authorized the use of its Park 4 located on Warren Creek Road by Par Infinity Disc Golf Club, Inc., a California not-for-profit corporation for its use as a Disc Golf course. Use of Park 4 for these purposes as enumerated under such agreement are allowed under this Ordinance. The District may terminate its authorization as provided under the license agreement.

22.02.11 Firearms, traps and other weapons.

No person shall possess, use, carry, discharge or cause to be discharged any firearm or weapon while on District lands, including any air rifle, spring gun, paint ball gun, bow and arrow, sling, animal trap, knife with blade over five inches long, explosive or any other form of weapon potentially dangerous to wildlife or human safety. No person shall discharge or cause to be discharged any firearm or weapon onto or across District lands from outside the boundary of District lands.

22.02.12 Audio devices.

No person shall operate any audio equipment, public address system, amplified musical instrument or other noise producing or transmitting device on District lands whether fixed, portable or vehicle/mounted in excess of 70 decibels without prior written authorization by District.

22.02.13 Sanitation.

No person using District lands shall do any of the following:

- (1) Urinate or defecate other than at restrooms provided;
- (2) Fail to cooperate in maintaining rest-rooms in a neat and sanitary condition.

22.02.14 Littering.

No person shall throw, drop, place or deposit any object, including, but not limited to, paper, food scraps, fish remains, cigarette butts, bottles, bottle caps or cans in District streams or reservoirs or elsewhere on District lands, except in trash receptacles. Where trash receptacles are not provided or are full, all such matter shall be carried away from District lands by the person responsible for its presence and properly disposed of elsewhere.

22.02.15 Garbage, refuse and trash.

No person shall bring garbage, refuse, trash or yard clippings onto District lands, nor dump or deposit such garbage, refuse, trash or yard clippings on District lands or in any District trash receptacle.

22.02.16 Structures.

No person shall erect any temporary or permanent structure, monument or facility on District lands. Any such structure may be demolished by the District and its contents impounded.

22.02.17 Abandoned and unattended property.

No person shall abandon or leave any personal property unattended on District lands for longer than twelve hours. Any such property may be impounded.

22.02.18 Commercial activity.

No person shall do any of the following on District lands without prior written approval from the District:

- (1) Sell or offer to sell goods, merchandise or services;
- (2) Station or place any stand, cart or vehicle for display of goods, merchandise or services;
- (3) Distribute, circulate or post any handbill, pamphlet or other advertisement regarding sale of goods, merchandise or services;
- (4) Conduct any commercial photography or activity related to commercial photography; and
- (5) Conduct any activity of a commercial nature.

22.02.19 Disorderly conduct.

No person shall do any of the following on District lands:

- (1) Accost another person for the purpose of begging or soliciting;
- (2) Loiter in or about any restroom;
- (3) Be under the influence of intoxicating liquor or dangerous drug in such a condition that the individual is unable to exercise care for their own safety or the safety of others;
- (4) Engage in loud or disturbing conduct or any act tending to a breach of the peace; and
- (5) Appear in a state of dress or undress in which the pubic hair, genitals, buttocks or any portion of the female breast below the top of the areola are exposed.

22.02.20 Introduction of organisms.

No person shall introduce, cause to be introduced or otherwise disperse on District lands any organism, living or dead, including cremated human remains, native or nonnative plants, animals, fish, insects or bacteria, aquatic invasive species including but not limited to mollusks, crustaceans and algae except as permitted in Section 22.06.03.

California Department of Fish and Wildlife rules and procedures for decontamination of all fishing gear, boats, and clothing shall be followed prior to entering and immediately following the use of the Mad River.

22.02.21 Revocation of privileges.

No person may remain on or reenter District lands after an authorized District employee has specifically withdrawn consent for said person to use such lands.

Chapter 22.03 RESOURCE PROTECTION

22.03.01 Water supply.

22.03.02 Botanical resources.

22.03.03 Wildlife and animal resources.

22.03.04 Geological resources.

22.03.05 Archeological and historical resources.

22.03.06 Cultural and recreational resources.

22.03.01 Water supply.

No person shall do any of the following while on District lands:

- (1) Pollute or in any manner contaminate any reservoir, stream, channel, spring or other water sources or water supply;
- (2) Possess or apply any pesticide, herbicide, fungicide or other poison; and
- (3) Impede the quantity or quality of water.

22.03.02 Botanical resources.

No person shall do any of the following while on District lands, unless authorized in advance in writing by the District. The Board delegates this authorization authority to the General Manager:

- (1) Damage, cut, carve, transplant, or remove any vegetation, living or dead, including any tree, plant, foliage, seed, bark, turf, leaf, mold, fungus, grass or wood, except Himalaya black berries or Tribal vegetation uses that support the cultural, spiritual, ceremonial, or traditional rights or Lifeways of California Native American Tribes;
- (2) Attach any rope, wire or other object to any tree or plant; and
- (3) Damage or otherwise disturb the natural environment.

22.03.03 Wildlife and animal resources.

No person shall take, hunt, trap, harass or otherwise harm any kind of animal or the eggs of any animal, whether living or dead, or remove, destroy or in any manner disturb the natural habitat of any animal. Fishing or taking of fish is permitted as regulated in Chapter 22.06.

22.03.04 Geological resources.

No person shall damage, injure, collect or remove soil, earth, rocks, sand, gravel, fossils, minerals or any article of geological interest or value.

22.03.05 Archeological and historical resources.

No person shall damage, injure, collect or remove any object of paleontological, archeological or historical interest or value.

22.03.06 Cultural and recreational resources.

No person shall add to, alter or modify any watershed facility or cultural resource including but not limited to construction, rerouting or alteration of any hiking trail. Possession of trail construction or excavation tools including, but not limited to, a mccloud, polaski, shovel, rake or other similar tool by any unauthorized person is prohibited.

Chapter 22.04 VEHICLE AND TRAFFIC REGULATIONS

22.04.01 Motor vehicles.

22.04.02 Bicycles.

22.04.03 Speed limits.

22.04.04 Parking and vehicle removal.

22.04.05 California Vehicle Code.

22.04.01 Motor vehicles.

No person shall operate any motor vehicle, including, but not limited to, cars, trucks, motorcycles, motor-driven cycle, motorized bicycle, motorized scooter, self-balancing motorized personal transportation vehicle or similar vehicles on District lands except upon public roads or parking lots.

22.04.02 Bicycles.

(a) No person shall operate any bicycle or similar vehicle on District lands except upon public roads, parking lots or protection roads not signed against such use. Use may be restricted or prohibited on any or all roads at the District's discretion.

(b) No bicycle or similar vehicle shall be operated in a manner to endanger or frighten hikers, or others using District lands. Any bicycle or similar vehicle used in violation of these regulations may be impounded.

(c) A person under 18 years of age shall not operate a bicycle or ride as a passenger on a bicycle upon District lands unless wearing a bicycle helmet which is properly fitted and fastened.

22.04.03 Speed limits.

Maximum speed limit for all motor vehicles and bicycles is fifteen miles per hour, unless otherwise posted; however, speeds shall be reduced as conditions warrant. Bicycles are required to slow to five miles per hour when passing others using District lands or approaching blind turns. In no case shall a person operate any motor vehicle, or bicycle, at a speed greater than is reasonable or prudent for safe operation or to protect the safety of others using District lands.

22.04.04 Parking and vehicle removal.

No person shall park any motor vehicle on District lands in the following locations:

- (1) Within the traveled portion of any road;
- (2) On any protection road or trail;
- (3) In front of any gate;
- (4) On any hillside;

- (5) In areas designated for disabled or handicapped persons without appropriate authorization;
- (6) In more than one parking space per vehicle;
- (7) Within posted “no parking” areas; and
- (8) In any manner obstructing the free flow of traffic.

No person shall park any motor vehicle for more than twelve consecutive hours, nor earlier than thirty minutes before sunrise, nor later than thirty minutes after sunset, on any day. Any law enforcement officer mentioned in Vehicle Code Section 22650 - 22856 is authorized to remove any vehicle parked on District property in violation of this section.

22.04.05 California Vehicle Code.

Except as otherwise provided in these regulations, the provisions of the California Vehicle Code shall be applicable to the operation of motor vehicles on District roads maintained for public use.

Chapter 22.05 DOMESTIC ANIMAL REGULATIONS

22.05.01 Dogs and other animals.

22.05.02 Horses.

22.05.03 Animals at large.

22.05.04 Animal removal and impoundment.

22.05.01 Dogs and other animals.

Dogs and other domestic animals are permitted on District land only when under the control of the owner or while fastened to and restrained by a chain or leash not exceeding six feet in length or confined in a vehicle. No person shall do any of the following on District lands:

- (1) Bring or keep a dog five months of age or more without proof that the dog has a valid rabies inoculation or a valid license;
- (2) Bring or keep a noisy, vicious or dangerous dog or animal or one which is disturbing to other persons;
- (3) Allow any dog or other animal to hunt, pursue or harass any animal;

(4) Fail to promptly remove from District lands any dog or other animal after being ordered by District personnel to do so;

(5) Bring or keep a dog or other animal onto any area which is closed to animals; and

(6) Fail to promptly pick up and properly dispose of dog or other animal feces.

22.05.02 Horses.

Horses are ~~not~~ permitted on District lands. As used in these regulations, "horse" includes all saddle animals.

22.05.03 Animals at large.

No person shall permit any horse, cow, pig, sheep, goat or other animal of any kind to ~~graze or~~ run at large. No person shall bring onto or keep on District lands any living thing that constitutes a safety hazard or detriment to the public enjoyment of the area.

22.05.04 Animal removal and impoundment.

Any animal found at large on District lands may be impounded. The District may destroy any animal which is injured, diseased or endangering other animals or humans. Carcasses or unlawfully taken wildlife may be confiscated.

Chapter 22.06 FISHING REGULATIONS

22.06.01 Fishing regulations and enforcement.

22.06.02 Cleaning of fish.

22.06.03 Bait.

22.06.04 Health and safety regulations.

22.06.01 Fishing regulations and enforcement.

All fishing on District lands is subject to the California Fish and Wildlife Code, the rules and regulations of the State Department of Fish and Wildlife and these regulations. District employees, fish and game officials and other law enforcement personnel are authorized to

issue citations for violations, confiscate fish and impound fishing gear upon violation of regulations.

22.06.02 Cleaning of fish.

No person shall clean, gut or scale any fish in any District reservoir or stream, nor dispose of dead fish or fish parts in any District reservoir or stream, nor on District lands, except in District trash receptacles.

22.06.03 Bait.

No person shall use or possess for use as bait or otherwise, any live aquatic life contrary to California Department of Fish and Wildlife regulations, nor take any action which may result in introduction of any invasive fish or other aquatic organism into reservoirs or streams.

22.06.04 Health and safety regulations.

No person fishing on or otherwise using District lands shall do any of the following:

- (1) Fish from areas which are posted closed to fishing or any District structure.

Chapter 22.07 FIRE REGULATIONS

22.07.01 Fires.

22.07.02 Fireworks.

22.07.03 Smoking.

22.07.04 Extreme fire hazard.

22.07.01 Fires.

a) No person shall light, build or maintain a fire of any nature on District lands, except in permanent fixed barbecues, or fireplaces established by the District. The use of portable barbecues and camp stoves is prohibited.

b) No person shall leave any fire unattended or fail to put out a fire prior to departure, or to leave a fire burning unattended.

22.07.02 Fireworks.

No person shall possess, bring onto, set-off or otherwise cause to explode on District lands any firecrackers, skyrockets or other fireworks or explosives.

22.07.03 Smoking.

a) No person shall smoke on District lands at any time.

b) No person shall smoke or ingest cannabis or cannabis products in District parks or public access areas.

c) "Smoke" means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated tobacco, cannabis or cannabis product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoke" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place.

22.07.04 Extreme fire hazard.

During extreme fire hazard conditions, the District may prohibit fires on all or designated portions of District watershed lands and may close all or designated portions of District watershed lands to public entry.

This ordinance shall become effective thirty (30) days following the date of its adoption.

PASSED, APPROVED AND ADOPTED this 12th day of February, 2019 by the following roll call vote:

AYES: Directors Fuller, Hecathorn, Latt, Rupp and Woo

NOES: None

ABSENT: None

ATTEST:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer