

ORDINANCE NO. 2010-01

AN ORDINANCE OF THE CITY OF SANTA CRUZ
AMENDING PORTIONS OF CHAPTER 16.05 OF THE SANTA CRUZ MUNICIPAL CODE
TO CHANGE THE CHAPTER TITLE TO LOCH LOMOND RECREATION AREA AND
THE SCHEDULE AND HOURS OF OPERATIONS.

The City Council of the City of Santa Cruz ordains as follows:

Section 1. Chapter 16.05 of the Municipal Code of the City of Santa Cruz shall be amended to read as follows:

Chapter 16.05
LOCH LOMOND RECREATION AREA

SECTIONS:

- 16.05.010 General recreational use.
 - 16.05.020 Additional rules and regulations.
 - 16.05.030 Places and times.
 - 16.05.040 Permits – Contents – Fees.
 - 16.05.050 Boating standards and regulations.
 - 16.05.060 Fishing regulations.
 - 16.05.070 Picnicking regulations.
 - 16.05.080 Hiking regulations.
 - 16.05.090 Sanitation regulations.
 - 16.05.100 General regulations.
 - 16.05.110 Fire rules and regulations.
 - 16.05.120 Posting of notices – Authority to enforce regulations.
 - 16.05.130 Penalty for violation.
- 16.05.010 General Recreational Use.
- (a) Permitted recreational uses at Loch Lomond Recreation Area shall consist of boating, fishing, picnicking and hiking and shall be in accordance with rules and regulations for the said uses as provided in this chapter.
 - (b) Prohibited uses or activities:
 - (1) No person shall publicly appear nude or disrobe while in any area of the Loch Lomond Recreation Area. All persons visiting Loch Lomond Recreation Area shall be clothed sufficiently to conform to common standards.
 - (2) No person shall possess, discharge, set off, or cause to be discharged, in or into any portion of the Loch Lomond Recreation Area any firecrackers, torpedoes, rockets, fireworks, oil, explosives or any substance harmful to the life or safety of persons or wildlife.

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- (3) No person shall operate or ride a bicycle, scooter, skateboard or other operator-propelled vehicle or device in the Loch Lomond Recreation Area when the chief ranger finds that the conditions are unsafe for the operation of such vehicles.

16.05.020 Additional Rules and Regulations.

The city manager is authorized and empowered to adopt such additional rules and regulations, or modifications thereof, as he or she may deem necessary to regulate and control entry, use, fishing privileges, fees, and sanitation upon Loch Lomond Recreation Area to ensure the safety of persons using said facility, and to aid in the proper administration thereof.

16.05.030 Places and Times.

- (a) The designated recreation area shall be open for recreation, picnicking, boating, hiking and fishing only as authorized by the director of the water department.
- (b) The recreation area shall be open every day from March 1st through Labor Day of each year. The Recreation Area shall also be open on Saturdays and Sundays after Labor Day through the second full weekend in October each year. The director of the water department shall have the authority to close the facility or to restrict public use during this period when, in the judgment of the director, continued public use under the circumstances would endanger the users or endanger or compromise the integrity of natural resources within the recreational area.
- (c) The open period shall be as follows:

March	7:00 a.m. to 7:00 p.m.
April	7:00 a.m. to 7:30 p.m.
May	7:00 a.m. to 8:00 p.m.
June	7:00 a.m. to 8:30 p.m.
July	7:00 a.m. to 8:30 p.m.
August	7:00 a.m. to 8:00 p.m.
September 1 st through Labor Day	7:00 a.m. to 8:00 p.m.
Saturdays and Sundays after Labor Day through 2 nd full weekend in October	7:00 a.m. to 6:00 p.m.

All boats shall be off the lake at least one hour before the end of the open period.
All persons shall depart from the recreation area at the end of the open period.

16.05.040 Permits – Contents – Fees.

- (a) No person shall enter or use Loch Lomond Recreation Area without having in his possession a valid permit issued by the city of Santa Cruz. All holders of such permits shall present the same to the water department personnel upon demand for inspection.

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- (b) Permits for use shall be obtained at the entrance to the recreation area. Any violation of rules and regulations contained in this chapter invalidates such permit and subjects the holder thereof to the penalties contained in Section 16.05.130.
- (c) The number of permits issued for any particular day shall be limited by the number of available vehicle parking spaces to insure the safety of persons using said facility.
- (d) All permits shall be issued in the form prescribed by the city, which will show the amount paid for the permit, and the purpose, date and period of time for which the permit was granted.
- (e) Fees for permits shall be established by the city of Santa Cruz, including but not limited to fees for day use, seasonal use, pedestrian or bicycle entry, pets, boat rental, and for launching a privately owned boat.

16.05.050 Boating standards and regulations.

- (a) The launching of city-operated boats and private boats shall be prohibited except from the designated boat launch ramp or boat rental dock area.
- (b) It shall be unlawful for any person to launch any boat upon the reservoir unless said boat complies with the following required boat standards:
 - (1) Each boat shall have stable flotation characteristics and shall have not less than eight inches freeboard when fully loaded.
 - (2) The ratio of maximum beam to length shall be one to two-and-one-half (1:2-1/2) or more.
 - (3) The minimum length of any boat authorized for public use shall be not less than eight feet.
 - (4) Each boat shall be of good construction and in good repair.
 - (5) Each boat shall be equipped with one Coast Guard-approved life jacket per passenger, a minimum of one oar or paddle (except peddle boats), and one bailing device.
- (c) Canvas boats, vessels constructed of flexible fabric (canvas, vinyl, or animal hide) stretched over a frame, styrofoam boats, sailboats, boats with less than two-person capacity, and boats with freakish lines shall be prohibited. Kayaks must be at least 6 feet in length, 28.75 inches at the beam, and must be of solid construction. Ocean kayaks shall have any through drain holes plugged with approved plugs.
- (d) Metal or fiberglass boats of conventional design shall be permitted when equipped with approved flotation material of sufficient capacity to hold up the boat plus three hundred pounds of dry weight or approximately 2.6 cubic feet of flotation capacity. Air tanks in metal boats that form an integral part of the hull shall be prohibited.

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- (e) A fiberglass boat constructed of honeycomb frame, fiberglass inside and out, shall be permitted without flotation tanks if otherwise meeting the requirements of this section.
- (f) The maximum length of any boat authorized for public use shall not exceed eighteen feet.
- (g) Canoes less than thirteen feet in length and thirty-two inches in width shall be prohibited unless such canoes meet American Canoe Association racing requirements.
- (h) All boats that do not demonstrate suitable buoyancy and stability to insure floatability in case of capsizing and overturning shall be prohibited.
- (i) All boats, kayaks, and canoes that do not comply with all applicable Coast Guard, state and federal registration, safety and safe boating requirements and regulations shall be prohibited.
- (j) Plastic or canvas inflatables shall be prohibited from entering upon the reservoir. All other inflatables shall be prohibited unless said inflatables are constructed with at least three flotation chambers of reinforced synthetic rubber fabric or the equivalent of at least eight millimeters thickness, are not less than six feet in length overall, and are equipped with floorboards.
- (k) The boarding and exchange of boat passengers shall be prohibited except at boat docks so provided. Disembarking on the west bank is also prohibited.
- (l) Boats with internal combustion engines shall be prohibited.
- (m) The foregoing boat standards shall not apply to canoes or motorboats operated by the city.
- (n) All boats shall be subject to inspection by the chief ranger or his assigns prior to being launched, and any boats that do not meet the standards set forth in this chapter shall be prohibited from being launched. The opinion of the chief ranger is final. In addition, the chief ranger may revoke the permission for any boat to be upon the reservoir for the failure to comply with this chapter or any other applicable ordinance, statute or regulation.
- (o) All persons shall be prohibited from occupying or using a canoe or kayak upon the reservoir unless all occupants wear a United States Coast Guard-approved personal flotation device at all times while canoeing.
- (p) Persons under sixteen years of age shall be prohibited from using or occupying boats on the reservoir unless accompanied by an adult. Persons under sixteen years of age using a single passenger kayak must be directly supervised (in direct line of sight, and within thirty feet distance) by an adult in another vessel.

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- (q) The chief ranger may limit the maximum number of canoes, kayaks, and inflatables on the reservoir at any particular time in order to adequately protect the water quality of the reservoir and avoid interference with public uses of said reservoir.

16.05.060 Fishing regulations.

- (a) Fishing shall be prohibited except from city-rented boats, from private boats and from bank areas so posted by the director of the water department, provided said fishing is at least one hundred feet from any boat dock and work dock structures.
- (b) It is unlawful for persons to exceed the creel limits on fish established by the California Department of Fish and Game and United States Fish and Wildlife Service, which limits shall be posted at the recreational area.
- (c) Possession of a use fee receipt shall not constitute a State Fish and Game License and shall not release an individual from the necessity of having such license in accordance with applicable state laws.
- (d) The use of live minnow bait while fishing shall be prohibited.

16.05.070 Picnicking regulations.

- (a) Picnicking shall be prohibited except at established picnic areas and at such other places as determined and posted by the director of the water department.
- (b) Cooking fires shall be prohibited except at the picnic area limits so designated, and only in fireplaces provided for that purpose or in portable barbecues.
- (c) The gathering or taking of firewood from any part of the Loch Lomond Recreation Area shall be prohibited.
- (d) The use of charcoal in fireplaces shall be permitted.

16.05.080 Hiking regulations.

Hiking shall be restricted to trails so designated by the director of the water department.

16.05.090 Sanitation regulations.

- (a) It shall be unlawful for any person to deposit human wastes in the waters of the reservoir, the adjacent tributary system on reservoir property, or on city watershed land. Persons in boats shall avail themselves of portable sanitary facilities established by the water department along the east bank of the reservoir.
- (b) No person shall bathe, swim, wade with float tubes or waders, wash or otherwise enter the water of the reservoir. The foregoing shall not apply to water department personnel when performing their assigned duties.

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- (c) No person shall deposit or cause to be deposited food scraps, fish remains, paper, bottles, cans or any other waste material, organic or inorganic, into the water of the reservoir, the tributary system, or the adjacent watershed land. Persons using the picnic areas, the concession area, and the bank fishing areas shall use the waste-disposal containers there provided.

16.05.100 General regulations.

- (a) All persons permitted to use the facilities and engage in recreational activities at Loch Lomond Recreation Area do so entirely at their own risk.
- (b) It shall be unlawful for any person or automobile to enter restricted or closed areas. Automobiles so parked in restricted or closed areas shall be towed from the recreation area at the owner's expense.
- (c) Pets shall be kept on a leash not to exceed six feet in length and shall be prohibited from entering the water. Any person owning, having an interest in, harboring or having charge of the care, custody, control or possession of any dog which defecates upon the property of the recreation area must immediately remove and properly dispose of the feces. Pets creating a nuisance of any kind as determined by the chief ranger shall be removed from the recreation area.
- (d) It shall be unlawful for any person using the facilities at Loch Lomond Recreation Area to have alcohol in his/her possession anywhere in the recreation area or to be under the influence of alcohol, or otherwise disturb the peace, and such persons may be ejected by the chief ranger.
- (e) Trees, shrubs or other plants shall not be cut or otherwise mutilated. Persons shall not abuse or disturb the wildlife or trees and vegetation or any other natural features or manmade features of the watershed property, nor shall they allow their dogs to chase deer or other wildlife. The provisions of this section dealing with plants and wildlife shall not apply to water department personnel when performing their assigned duties.
- (f) It shall be unlawful for any unauthorized person to use or possess any kind of firearms in the Loch Lomond Recreation Area.
- (g) It shall be unlawful for any person to willfully mark, deface, disfigure, injure, displace or remove any building, structure, bench, monument, planter, paving or building material, sign, notice or other public property or appurtenances at Loch Lomond Recreation Area and watershed property whatsoever.

16.05.110 Fire rules and regulations.

- (a) Smoking shall be prohibited except in areas so designated.

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- (b) All open fires shall be prohibited in the area of Loch Lomond Recreation Area or on the watershed land owned by the city.
- (c) Fires shall be permitted only in fireplaces provided in the picnic areas.
- (d) The use of standard portable barbecues shall be permitted only in the picnic areas.
- (e) It shall be unlawful to dispose of charcoal in any area except in the picnic area fireplaces provided.
- (f) All smoking and fires shall be prohibited when, in the opinion of the chief ranger, weather conditions are unsafe for such activities.

16.05.120 Posting of notices – Authority to enforce regulations.

- (a) Loch Lomond Recreation Area shall be posted with notices against trespassing, bathing, shooting, hunting, camping, unauthorized fishing, and warning all persons against violation of any of the regulations of the city of Santa Cruz of the laws of the State of California, or any rules or regulations adopted pursuant thereto, which provide for the protection of Loch Lomond Recreation Area and all city-owned watershed lands.
- (b) All designated officials and employees of the water department of the city of Santa Cruz are hereby vested with authority to enforce all laws, orders, rulings and regulations enacted for the protection of Loch Lomond Recreation Area and all city-owned watershed lands.

16.05.130 Penalty for violation.

- (a) Any person availing himself of the recreational privileges, and while upon the properties of the city of Santa Cruz, shall be subject to such local rules and regulations as are in effect, or as may be hereafter enacted, and for the violation of the same the party violating may be ejected from the property.
- (b) Any person while upon the property of Loch Lomond Recreational Area, or upon property controlled by the city in the operation and management of its water system, shall be subject to such local rules and regulations, including sanitary regulations, for the protection of the water supply, as are in effect or may be hereafter enacted, and for the violation of the same the party may be ejected from the properties and be subject to such other penalties as are provided for by law.
- (c) Any person violating any of the rules or regulations enacted under this chapter shall be deemed a trespasser and is subject to the fines and imprisonment provided for trespass in accordance with Section 37359 of the Government Code of the state of California, and the trespass provisions for the Penal Code of the state of California.

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- (d) Any person violating any section of this chapter is guilty of an infraction. Any person convicted of any infraction under this chapter is punishable by a fine as prescribed in Chapter 1.08 of the code.

PASSED FOR PUBLICATION this 12th day of January, 2010, by the following vote:

AYES: Councilmembers Lane, Mathews, Beiers, Madrigal, Robinson, Vice Mayor Coonerty; Mayor Rotkin.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: ss/Mike Rotkin
Mayor

ATTEST: ss/Lorrie Brewer
City Clerk

This Ordinance is scheduled for further consideration at the Council meeting of January 26, 2010.