

## Chapter 5.50

# SPECIFIC USE REGULATIONS FOR THE SOUTH FORK, OF THE AMERICAN RIVER

### 5.50.010 Purpose and Authority.

A. The purpose of this chapter is to protect the public's health; safety, and welfare, to protect environmental resources, and to implement certain policies of the 2001 El Dorado County River Management Plan (River Management Plan), by designating a portion of the South Fork of the American River as a special use area and by requiring registration of all persons who, for noncommercial purposes, float or otherwise traverse all or any portion of that special use area.

B. The registration of noncommercial boaters is a mandatory implementation measure of the River Management Plan. The River Management Plan also obliges the county to implement boater education and carrying capacity programs. The registration requirement is necessary to ensure that all noncommercial boaters are aware of the following: boating safety rules and information; applicable carrying capacity mitigation measures; locations of public access points and public lands; approved human sanitation methods; and the defining characteristics of noncommercial river trips. The registration requirement is also necessary to ensure that institutional groups, as defined in this chapter, provide evidence of appropriate insurance coverage and safety training

C. This chapter is enacted under the authority of California Harbors and Navigation Code section 660, which authorizes the county to designate special-use areas and impose pollution and sanitation controls. This chapter regulates noncommercial recreational travel within the defined special-use area in order to ensure pollution and sanitation control; the safety of the travelers; the health, safety, and welfare of the community; and the protection of the environment. (Ord. 4596, 3-19-2002)

### 5.50.020 Definitions.

A. "Institutional group" means a group participating in a noncommercial river trip operated as a program of a non-profit organization that meets IRS tax-exempt requirements, or a noncommercial group participating in a river trip through an accredited academic program as part of the educational curriculum of a school, college, or university.

B. "Large group" means a non-institutional group of four or more boats having three or more occupants, or a total of 18 or more people, participating in a noncommercial river trip.

C. "Noncommercial river trip" means to float, traverse, or travel all or any part of the special-use area defined by this chapter on a trip that meets all of the following criteria:

1. Fees or charges are collected only to recover the actual costs of the trip.
2. All expenses are shared equally by all group members.
3. No member of the group obtains financial gain, including salaries, or otherwise benefits by increased assets.

4. No paid employees such as guides, lead guides, or drivers are compensated by salary, wages, or equipment, with the exception that educational leaders for accredited educational programs may be paid or compensated by their educational employer.

5. Donations or fees that exceed the actual costs of the trip are not solicited as a condition or participation, nor during or immediately after (on the day of) the trip. (Ord. 4596, 3-19-2002)

#### 5.50.030 Special-Use Area.

The portion of the South Fork of the American River between Chili Bar Dam and the confluence of the Folsom Lake State Recreation Area is hereby designated as a special-use area pursuant to California Harbors and Navigation Code section 660. (Ord. 4596, 3-19-2002)

#### 5.50.040 Registration Required for Noncommercial River Trips.

At least one person in or on each boat raft kayak, vessel, or any other type of craft who participates in a noncommercial river trip must register with the county each calendar year. Registration shall be accomplished by signing and dating a tag provided by the county. By signing the tag, the person certifies that he or she has read the information and rules on the tag and that failure to abide by those rules is a violation of this chapter. This tag must be displayed in a visible location throughout the noncommercial river trip, and must be surrendered to any peace officer upon demand. (Ord. 4596, 3-19-2002)

#### 5.50.050 Registration Required for Large Groups.

In addition to the requirements of section 5.50.040 and prior to every noncommercial river trip, each large group must complete and return a pre-trip large group registration form provided by the county. (Ord. 4596, 3-19-2002)

#### 5.50.060 Registration Required for Institutional Groups.

In addition to the requirements of section 5.50.040 and prior to its first noncommercial river trip in any season, each institutional group must:

- A. Complete and return a pre-season annual registration form provided by the county.
- B. Provide proof of liability insurance meeting current county standards.
- C. Provide proof of guide certification on guiding, safety, and rescue training, first aid, and knowledge of County regulations.
- D. Have previously provided post-season annual reporting of the prior year's river use, by date. (Ord. 4596, 3-19-2002)

#### 5.50.070 Litter and Human Waste.

A. Each boat, vessel, raft, kayak or other craft, ~~which by design or capacity is capable of carrying two or more persons~~ must carry a container of durable construction that ~~is can~~ be used for trash and litter disposal while engaged in a noncommercial river trip. ~~All litter and waste must be removed by the user in accordance with sections 5.48.130, Littering and Trespass, 9.46.280, Littering, and 9.46.290, Waste Disposal, of the El Dorado County Ordinance Code.~~

B. Each person or group of persons who uses any public or private lands adjacent to the South Fork of the American River within the special-use area must have access to or

provide an approved privy, toilet, **A**Porta-potty or other approved human waste disposal method. The approving agency for any human waste disposal method shall be the Environmental Health Division of the El Dorado County Environmental Management Department (Ord. 4596, 319-2002)

#### **5.50.080 Quiet Zone.**

The provisions of Chapter 9.16 of this Code, entitled "Noise," shall be applicable to all persons engaged in noncommercial river trips within that portion of the designated special-use area that is also designated as a "Quiet Zone" pursuant to the River Management Plan, as it may be amended from time to time. (Ord. 4596, 3-19-2002)

#### **5.50.090 Penalty for Violation.**

In addition to any other penalties provided by law, violation of any provision of this chapter shall be an infraction punishable as specified in section 1.24.030 of this Code. (Ord. 4596, 3-19-2002)

#### **5.50.100 Glass Ban.**

**Due to the serious hazard created by discarded and/or broken glass, possession of any glass bottle, jar, tumbler or vessel of any kind is prohibited:**

- A. Within 100' of the waterline of the South Fork of the American River on County property including but not limited to Henningsen Lotus Park and Chili Bar Park. This prohibition does not apply to Permitted Special Events or private property.**
- B. On the South Fork of the American River.**