



Legislation Text

File #: 14-0716, **Version:** 3

The River Management Advisory Committee and the Chief Administrative Office, Parks Division, recommending the Board approve final passage (Second Reading) of **Ordinance 5007** amending Chapter 5.50 of the El Dorado County Ordinance Code to include the following;

- 1) Prohibition of any glass bottle, jar, tumbler or vessel of any nature within 100 feet from the waterline on the South Fork of the American River on County Property including but not limited to Henningsen Lotus Park and Chili Bar Park, and
- 2) Ban any glass bottle, jar, tumbler or vessel of any nature on the South Fork of the American River (Cont. 6/10/14, Item 76)

Fiscal Impact/Change to Net County Cost

No Fiscal Impact or change to Net County Cost.

Background

Glass Ban

On June 10, 2014 (Item 76) the Board approved the First Reading of Ordinance 5007 and continued the item to June 17, 2014 for consideration of final passage.

On March 18, 2014 the County River Management Advisory Committee (RMAC) held a meeting and recommended the Board of Supervisors ban glass within 100' of the waterline of the South Fork of the American River due to the serious public health and safety hazard created by discarded and broken glass on and around the river. This recommended ban was essentially a continuation of an item on the agenda for the July 9, 2009 RMAC meeting where the committee voted to support a ban of glass on the South Fork American River and within 100' of the waterline on County and State properties.

County Ordinance 5.50, titled "Specific Use Regulations for the South Fork, of the American River" states "The County has designated the portion of the South Fork of the American River between Chili Bar Dam and the confluence of the Folsom Lake State Recreation Area as a special-use area pursuant to California Harbors and Navigation Code section 660. (Ord. 4596, 3-19-2002)"

The County has a River Management Plan (Plan) that states that the Harbors and Navigation Code (Section 660 [a]) defines what police power the County may exercise that will be deemed acceptable in the context of the public's right to access and use the river. Specifically the Plan states that regulations must pertain only to "time-of-day restrictions, speed zones, special use areas, and sanitation and pollution control". The proposed ordinance revision falls into the category of sanitation and pollution control.

On May 8, 2007 the State Parks Department created Order Number 693-01-003 (Attachment F) to ban the possession of glass containers in Marshall Gold Discovery State Historic Park out of concern for the health and safety of the visiting public. This order prohibits glass in the entire North Beach picnic area including the parking lot and boat launch area and within 100' of the waterline of the South Fork of the American River in the park.

In order to assist RMAC with moving forward with their initial Glass Ban recommendation in July 2009, staff provided RMAC with the following options regarding the banning of glass at their March 18, 2014 meeting.

Option 1: Make a presentation to the BOS to direct staff to prepare a Glass Ban Ordinance banning glass within 100' of the waterline of the South Fork of the American River for County Parks along the 21 mile section of the river below Chili Bar Dam

Option 2: Make a presentation to the BOS to direct staff to prepare a Glass Ban Ordinance banning glass within 100' of the waterline at Henningsen Lotus Park

Option 3: Make a presentation to the BOS to direct staff to prepare a Glass Ban Ordinance banning glass within 100' of the waterline of the South Fork of the American River for County Parks along the 21 mile section of river below Chili Bar Dam in addition to requesting that the BOS request CalTrans to ban glass within 100' of the waterline of the South Fork of the American at the Highway 49 and 193 bridge crossings

Option 4: Do nothing.

Staff recommended option 3 due to broken glass along the banks of the river being a health and safety issue and the public has alternatives to bringing glass to the river (Attachment E). The Highway 49 Bridge crossing is especially impacted by trash and broken glass.

The Committee made the following motion and vote:

Member Pugliese made a Motion, seconded by Member Gershon, to approve Option 3 in its entirety (Make a presentation to the BOS to direct staff to prepare a Glass Ban Ordinance banning glass within 100' of the waterline of the South Fork of the American River for County Parks along the 21 mile section of river below Chili Bar Dam in addition to requesting the BOS request CalTrans to ban glass within 100' of the waterline of the South Fork of the American at Highway 49 and 193 bridge crossings) and to include making a recommendation that the BLM adopt a similar ban.

Yes: 7 - Deitchman, Gershon, Pugliese, Lasko, Tahl, Cushman and Liles

Staff is also recommending altering the current requirement in Section 5.50.070 for carrying a litter container to include all watercraft (changing from watercraft capable of carrying two or more people). This change will help reduce the amount of trash that can be lost by inner tubers and other single person crafts that currently are not required to carry a litter container. The river program has been organizing a low water clean up annually on the Coloma to Greenwood Creek section of the river which is the popular floating section. These clean ups have gathered a significant amount of trash that should be reduced by this change.

There has been an increase in rafting and inner tube use on of the South Fork of the American over the past several years along with an increase in public litter associated with this increased use.

Alcohol Ban

Also for consideration on the March 18, 2014 RMAC meeting agenda was a recommendation on the "Banning of alcohol on Holidays and Holiday Weekends on the South Fork of the American River". This request, similar to the glass ban request in 2009, was a continuation from RMAC's support of

such a ban at their July 9 2009 meeting.

The original recommended ban was based on a concern that the ban on alcohol on Holiday weekends on the Lower American River in 2007 would result in many of the alcohol related problems moving up to the South Fork of the American River. There was also a concern of the same type of problem related to an annual ban on alcohol on the Truckee River for July 4 weekends which started in 2008. The Lower American River and Truckee River saw rafters consuming large amounts of alcohol during certain summer holiday weekends that contributed to alcohol related problems including fights, public nudity, and littering.

RMAC and members of the public have expressed concerns about litter and the alcohol related problems that occurred on the Lower American River moving up to the South Fork of the American River. This concern could be enhanced by the possible scenario that there will be only 500 cubic feet per second (cfs) released from Folsom Reservoir this summer. This scenario would likely lead to the Lower American River not being as popular for floating or make floating impossible over the summer which could likely increase alcohol use on the South Fork of the American River. This increase in alcohol consumption would likely lead to an increase in alcohol related problems.

Absent special legislation, the County does not have authority to ban the possession of alcohol on the South Fork of the American River or on private property along the banks of the river. As such, banning alcohol on the South Fork of the American River would need to be done at the State Legislative level and such a request would need to come from the Board of Supervisors (BOS).

Staff asked the El Dorado County Sheriff's Department to provide statistics on river related inner tubing and boating citations for the South Fork of the American River and whether the citations were alcohol related. Citations and calls were requested for alcohol related issues including trespassing by landowners and quiet zone violations by boaters for the last three years. The Sheriff's Department did not report any citations based on the request.

Staff provided RMAC with the following options regarding the banning of alcohol on Holidays and Holiday Weekends on the South Fork of the American River at their March 18, 2014 meeting.

Option 1: Request the BOS to Ban Alcohol on Holiday weekends in perpetuity: Recommend the BOS to request the State Legislature to ban alcohol on the South Fork of the American River for Holiday Weekends in perpetuity.

Option 2: Request the BOS to Ban Alcohol on Holiday weekends in 2014: Recommend the BOS to request the State Legislature to ban alcohol on the South Fork of the American River for Holiday Weekends for 2014 in light of the low water conditions on the Lower American River.

Option 3: Request the El Dorado County Sheriff to meet: Request a meeting with the El Dorado County Sheriff requesting his participation in requesting the BOS to request the State Legislature to ban alcohol on the South Fork of the American River for Holiday Weekends for 2014 in light of the low water conditions on the Lower American River.

Option 4: Request the BOS to determine this to be an emergency order based on fire conditions and water releases: Request the Sheriffs Office to declare this as an emergency

measure based on conditions and request that the BOS pass a resolution for 2014.

Option 5: Do Nothing: Do not make a recommendation at this time and wait to see if problems do occur.

Staff did not make a recommendation to the committee regarding the banning of alcohol on the river.

The Committee made the following motion and vote:

Member Lasko made a Motion, seconded by Member Gershon, to Request the Board of Supervisors to Ban Alcohol in perpetuity on the South Fork of the American River.

Yes: 7 - Deitchman, Gershon, Pugliese, Lasko, Tahl, Cushman and Liles

Staff does not recommend supporting the alcohol ban motion made by the RMAC.

Pursuant El Dorado County Board of Supervisor's Policy A-3, new or amended ordinances "shall be presented to the Board of Supervisor's for conceptual approval before requesting County Counsel to prepare a draft ordinance or ordinance amendment". In order to make the revised ordinance effective in time for the July 4th weekend, this ordinance revision deviates from Policy A-3 in that conceptual approval has not yet been received.

Reason for Recommendation

Staff is recommending approval and continuation for final adoption of the ordinance revision due to the serious public safety and health hazard created by discarded and broken glass on and around the river, and to reduce the amount of trash associated with boating and floating activities on the South Fork of the American River.

Clerk of the Board Following Board Approval:

The Clerk will obtain the Chair's signature on the Ordinance and provide a fully executed copy to the Parks Division.

The Clerk will add the Ordinance to the County Code accordingly.

Contact

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