

MARIPOSA COUNTY ORDINANCE NO. 455

AN ORDINANCE REGULATING THE PUBLIC USE OF LAKE McCLURE AND  
LAKE McSWAIN RECREATION AREAS

The Board of Supervisors of the County of Mariposa do  
hereby ordain as follows:

Mariposa County Ordinance No. 311, enacted on June 10,  
1969, and Ordinance No. 383, amending Ordinance No. 311, enacted  
on April 9, 1974, are hereby repealed.

SECTION 1: DEFINITIONS, INCLUDING MEANINGS OF WORDS  
AND EFFECTS OF SECTION HEADINGS.

(A) As used in this Ordinance, unless otherwise  
apparent from the context:

1. Words used in the present tense include the  
future as well as the present; words used in the masculine gender  
include the feminine and neuter; the singular number includes the  
plural and the plural, the singular.

2. "District" means the Merced Irrigation District,  
an irrigation district organized and existing under and by virtue  
of the laws of the State of California.

3. "Park Manager" means the parks manager appointed  
by the District and shall include such assistants, deputies and  
subordinates of the Parks Manager as he may have specifically  
authorized in writing as having power to exercise all or certain  
as designated functions hereunder.

4. "Lake McClure Recreation Area" and "Lake  
McSwain Recreation Area" means all that property as delineated

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1 on those certain maps designated as "Exhibit K", Federal Power  
2 Commission License No. 2179 and filed in the offices of the  
3 Merced Irrigation District, together with the water surfaces of  
4 Lake McClure and Lake McSwain.

5 5. The term "vehicle" means a device by which  
6 any person or property may be propelled, moved or drawn upon a  
7 highway, including devices moved by human power.

8 6. The term "boat" means any vessel or device,  
9 except an aquaplane, in or upon which persons or property may  
10 be transported upon, under and over the surface of the water.

11 7. The term "aquaplane" shall mean any device  
12 used for transportation of one or more persons upon the surface  
13 of the water and which is pulled or towed by any boat, vehicle  
14 or other motive power.

15 (B) Section headings, when contained herein, shall  
16 not be deemed to govern, limit, modify, or in any manner affect  
17 the scope, meaning or intent of the provisions of any section.

18  
19 SECTION 2: PERMIT REQUIRED

20 (A) No person shall enter the Lake McClure Recreation  
21 Area, operate any boat or vehicle therein, or camp or picnic  
22 therein without first having obtained from the District a permit  
23 to do so and paying therefore any fee established from time to  
24 time by the Board of Directors of the Merced Irrigation District.  
25 Section 2 (a) shall not apply unless signs forbidding trespass  
26 are displayed at intervals of not less than three (3) to the  
27 mile along all exterior boundaries of the Lake McClure and Lake  
28 McSwain Recreation Areas and at all roads and trails entering

1 such areas.

2 (B) Said permit may be revoked by the District at any  
3 time without refund for any violation of this ordinance or of  
4 State law.

5 (C) No person shall leave the said Lake McClure  
6 Recreation Area or the said Lake McSwain Area without exhibiting,  
7 if so required by an authorized employee of the District, evidence  
8 of payment of the required fees.

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10 SECTION 3: LAKE USE REGULATIONS

11 No person shall, within the Lake McClure Recreation  
12 Area or the Lake McSwain Recreation Area:

13 (A) Operate any boat equipped with a sink, drain or  
14 head unless said sink or head is made inoperable by use of an  
15 external plug acceptable to the District.

16 (B) Operate any boat under ten feet in length or  
17 forty-two inches (42") in width or any sailboat, kayak, rubber  
18 raft or canoe except in designated areas and within 100 feet of  
19 shoreline. See Ordinance No. 383.

20 (C) Launch, moor or beach any boat except in designated  
21 areas. Boats left unattended in areas not designated or any  
22 other areas without permission, may be towed away and stored by  
23 the District and said removal and storage costs shall be charged  
24 to and paid by the owner prior to release.

25 (D) Operate any boat while carrying passengers for  
26 hire, or rent or lease any boat for hire, without authorization  
27 by the District.

28 (E) Operate or ride on an aquaplane without wearing

1 a ski belt, lifebelt or vest of non-deflatable material or the  
2 jacket portion of a wet suit in good condition.

3 (F) Operate a boat or aquaplane in any pattern except  
4 a counter-clockwise pattern, or operate any boat except to the  
5 right of the center of the lake channels.

6 (G) Operate a boat or aquaplane except in compliance  
7 with the symbols on all state regulatory markers placed on the  
8 lake by the District.

9 (H) Climb on, mutilate, tie any object to, or in any  
10 other way harm, disturb or remove any buoy or marker placed by  
11 the District.

12 (I) Engage in boat races without special permission  
13 of the District and the Mariposa County Sheriff's Office. Special  
14 permission may include provisions, the non-compliance of which  
15 shall be grounds for revocation of the permit without refund.

16 (J) Remain or sleep overnight in any boat except with  
17 the written permission of the District.

18 (K) Swim or float further than 100 feet from the  
19 shoreline, except while engaging in aquaplaning, and except at  
20 designated beach areas where the beach is protected by a floating  
21 barrier and so long as the swimmer or floater stays between the  
22 beach and the barrier.

23 (L) Use any hard or sharp objects while swimming or  
24 floating in the designated areas.

25 (M) Land any airplane except in an emergency.

26 (N) Pull any airborne kite.

27 (O) Operate a boat or aquaplane at a speed in  
28 excess of a posted speed limit.

1                    SECTION 4: VEHICLE USE REGULATIONS

2                    No person shall, within the Lake McClure Recreation  
3 Area or the Lake McSwain Recreation Area:

4                    (A) Operate any vehicle at a speed in excess of the  
5 limit posted by the District or operate any vehicle except upon  
6 District roads and parking lots unless otherwise approved by  
7 the District.

8                    (B) Park and leave unattended any vehicle in areas  
9 other than those designated for parking. Vehicles left unattended  
10 in areas not so designated, or in other areas without permission,  
11 may be towed away and stored by the District and said removal  
12 and storage costs shall be charged to and paid by the owner prior  
13 to release.

14                    (C) Operate any motor vehicle without a muffler  
15 system conforming to the provisions of the California Vehicle  
16 Code.

17                    SECTION 5: CAMPING AND PICNICKING REGULATIONS

18                    No person shall, within the Lake McClure Recreation  
19 Area or the Lake McSwain Recreation Area:

20                    (A) Camp or picnic except in designated sites and  
21 then only with a permit from the District.

22                    (B) Permit the occupancy of a campsite overnight with  
23 more than eight occupants without District approval.

24                    (C) Camp or occupy a campsite for more than fourteen  
25 (14) consecutive days without special permission from the District.

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27                    SECTION 6:

28                    No person shall, without permission of the District,

1 within the Lake McClure Recreation Area or the Lake McSwain  
2 Recreation Area:

3 (A) Pick flowers, foliage, berries or fruit, or  
4 cut, break, dig up or in any way mutilate or injure any tree,  
5 shrub, plant, fern, grass, turf, fence, structure, or any other  
6 object.

7 (B) Cut, carve, paint, mark, paste or fasten to any  
8 tree, fence, wall, building, monument or other object, any bill,  
9 advertisement or inscription.

10 (C) Dig up or remove any dirt, stones, rocks or other  
11 substances whatever, make any excavation, quarry any stone, or  
12 lay or set off any blast or cause or assist in doing any of  
13 said things.

14 (D) Molest, injure or kill any bird or mammal, or  
15 disturbe its habitat.

16 (E) Despoil, place or leave any broken glass, ashes,  
17 waste paper, cans or other rubbish or polluted matter, except  
18 in a receptacle provided for that purpose.

19 (F) Possess, discharge or set off, over, onto or  
20 through the Recreation Area any firearms, firecrackers, torpedoes,  
21 rockets or other explosives or fireworks.

22 (G) Permit or allow any domestic animal to be within  
23 the Lake McClure Recreation Area or the Lake McSwain Recreation  
24 Area unless the same shall at all times be under the actual and  
25 physical control of the owner or person having custody.

26 (H) Engage in soliciting, selling or peddling any  
27 goods or services or to distribute any circulars.

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SECTION 7:

Any person who violates any of the provisions of this ordinance is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.

SECTION 8:

If any section, subsection, paragraph, sentence, clause or phrase of the ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Mariposa hereby declares that it would have this ordinance and section, sub-section, paragraph, sentence, clause or phrase irrespective of the fact that any one or more other sections, subsections, paragraphs, sentences, clauses or phrases thereof be declared invalid or unconstitutional.

SECTION 9:

The County of Mariposa will furnish through the Sheriff's office of Mariposa County the necessary police protection and services to enforce all state and federal laws and county rules and regulations as the same come within the knowledge and notice of the members of the Mariposa County Sheriff's Office in respect to said Recreation Areas and the "District" shall under the direction and control of the Sheriff's Office of Mariposa County have the limited authority to designate Park Rangers who

1 shall have the authority to issue citations for violations of  
2 provisions of this ordinance; any such designated Park Ranger  
3 shall have law enforcement training which shall meet the minimum  
4 training standards as required by the California Commission on  
5 Peace Officers Standards and Training and shall be approved by  
6 the Sheriff's Office of Mariposa County as having met said  
7 minimum standards.

8 The Mariposa County Sheriff's Office and the District  
9 shall develop written policy procedures from time to time  
10 covering the issuance of citations by the District's Park  
11 Rangers pursuant to the provisions of this ordinance.

12  
13 PASSED AND ADOPTED, this 7th day of June,  
14 1977, by the following vote:

15 AYES: Dalton, Long, Walton, Owings


16 NOES: None

17 ABSENT: Clark

18 NOT VOTING: None

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20   
FRANK L. LONG, JR., Chairman

21 ATTEST:

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24 ELLEN BRONSON, County Clerk  
25 and Ex-Officio Clerk of the  
26 Board  
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