

MARIPOSA COUNTY ORDINANCE No. 599

AMENDING CHAPTER 12.16 OF THE MARIPOSA COUNTY CODE
RECREATION AREA REGULATIONS

THE BOARD OF SUPERVISORS of Mariposa County does hereby
ordain as follows:

SECTION 1: Section 12.16.035 shall be added to the Mariposa
County Code to read as follows:

"12.16.035 Airborne activity regulations. Except as
set forth herein, no person shall operate a parakite, para-
sail, hangglider, ultralite or other aircraft within the
Lake McClure Recreation Area or the Lake McSwain Recreation
Area:

A. Parakite and parasail activities are permitted
in all areas except: the channel between Arnold Bay and
Ryman Bay to Brown Island; the channel from Ryman Bay to
Bagby; the area between Mack Island and South Bay on the
west side of Mack Island; and all 5 mile per hour buoys.

B. In the Horseshoe Bend area, ultralite activities
are permitted in the Willow Creek area behind the Marina;
hanggliders are permitted in the area directly behind the
Marina.

C. In the Barrett Cove area, ultralite activities
are permitted in the cove area directly behind the Marina
on the north side, but shall be limited to ultralite air-
craft with water landing capabilities only.

D. In the McClure Point area, ultralites are per-
mitted in the Mudflat area only.

E. All of the activities described herein are per-

1 mitted only during daylight hours, and must be terminated
2 at any time when so instructed by law enforcement officers.

3 F. All group activities and races involving the
4 activities described in this section require an Assembly
5 Permit, which must be applied for at the Sheriff's Office
6 30 days prior to the event.

7 G. All special areas described herein must be buoyed
8 or properly marked by the Marina operators prior to any
9 of the described activities occurring in such areas.

10 H. Violation of the areas and activity regulations
11 set forth herein shall result in the impounding of the
12 craft in violation and/or the issuance of a citation to the
13 violator; serious offenses and activities creating danger
14 to other persons may result in the arrest of the violator."

15 SECTION II: Section 12.16.030, subparagraphs K and L, are
16 amended to read as follows:

17 "K. Land any airplane except in an emergency and ex-
18 cept as set forth in this chapter;

19 L. Pull any airborne kite, parachute or hangglider,
20 except as set forth in this chapter;".

21 SECTION III: Section 12.16.045 shall be added to the Mari-
22 posa County Code to read as follows:

23 "12.16.045 Yield right-of-way to emergency vessel.

24 Upon the immediate approach of an authorized emergency
25 vessel sounding a siren and having at least one lighted lamp
26 exhibiting blue/red light, to the front of such vessel, ex-
27 cept as otherwise directed by a law enforcement officer:

28 A. The driver of every other vessel shall yield the

1 right-of-way and shall immediately drive to a position par-
2 allel to, and as close as possible to, the right hand side
3 of any channel, river or lake and thereupon stop and remain
4 in such position until the authorized emergency vessel has
5 passed;

6 B. All swimmers, bathers and divers upon the waters,
7 shall remain in a place of safety or proceed to the nearest
8 land or place of safety until the authorized emergency vessel
9 has passed;

10 C. This ordinance shall apply to, but not be limited
11 to, all sailboats, motorboats, windsailers, surface boards,
12 rubber boats, houseboats, sail kites, ultralite craft, all
13 types of jet skis and bikes, and all floating devices using
14 the water and or waterways of Mariposa County;

15 D. Every person who willfully disregards or otherwise
16 fails to yield right-of-way to an emergency vessel exhibiting
17 at least one lighted blue/red light, and sounding a siren, is
18 guilty of a misdemeanor."

19 SECTION IV: Section 12.16.046 shall be added to the Mari-
20 posa County Code to read as follows:

21 "12.16.046 Evading a peace officer. Every person who,
22 while operating a vessel of any type or class, willfully
23 disregards a siren and at least one lighted lamp exhibiting
24 a blue/red light emanating from a vessel which is distinc-
25 tively marked and operated by a peace officer wearing a
26 distinctive uniform, and who does so with intent to evade
27 the officer, and who flees or otherwise attempts to elude
28 a pursuing peace officer's vessel, is guilty of a misdemeanor.

1 This ordinance shall apply to, but not be limited to, swim-
2 mers, bathers, divers, sailboats, motorboats, windsailers,
3 surface boards, rubber boats, houseboats, sail kites, ultra-
4 lite craft, all types of jet skis and bikes, and all floating
5 or motor driven devices using the waterways of Mariposa
6 County."

7 SECTION V: Section 12.16.040, subparagraph B, shall be
8 amended to read as follows:

9 "B. Park and leave unattended, any vehicle in areas
10 other than those designated for parking; vehicles left un-
11 attended in areas not so designated or in any other areas
12 without permission, may be cited or towed away and stored
13 by the Sheriff's Department or the District and the removal
14 and storage costs shall be charged to and paid by the owner
15 prior to release; violation of these parking provisions
16 shall be punishable as an infraction."

17 SECTION VI: Section 12.16.090 shall be amended to read as
18 follows:

19 "12.16.090 Violation--Penalty. Except as otherwise
20 provided in this chapter, any person who violates any of the
21 provisions of this chapter is guilty of a misdemeanor and,
22 upon conviction thereof, shall be punishable by a fine of
23 not more than five hundred dollars, or by imprisonment in
24 the county jail for not more than six months, or by both
25 such fine and imprisonment."

26 SECTION VII: This Ordinance shall become effective thirty
27 (30) days from the date of final passage pursuant to Government
28 Code Section 25123.

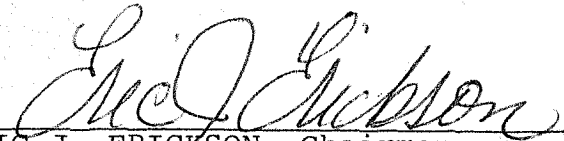
1 PASSED AND ADOPTED this 17th day of May, 1983,
2 by the Board of Supervisors of Mariposa County, by the following
3 vote:

4 AYES: Taber, Erickson, Moffitt, Dalton

5 NOES: None


6 ABSENT: Barrick

7 ABSTAINED: None

8 
9 ERIC J. ERICKSON, Chairman
Board of Supervisors

10 ATTEST:

11 ELLEN BRONSON

BY: 
12 PATRICIA E. ALBERTA
Clerk of the Board

13 ELLEN BRONSON, County Clerk and
14 Ex Officio Clerk of the Board

15 APPROVED AS TO FORM AND
16 LEGAL SUFFICIENCY:

17 
18 RICHARD K. DENHALTER, County Counsel