

**ORDINANCE NO. 94-95**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF BEAR VALLEY  
COMMUNITY SERVICES DISTRICT  
ADOPTING REGULATIONS GOVERNING THE USE OF ITS  
PARKS AND RECREATIONAL FACILITIES**

**WHEREAS**, the Bear Valley Community Services District (District) is a District formed pursuant to the Community Services District Law; and

**WHEREAS**, the Bear Valley Springs Association (Association) is a California Nonprofit Mutual Benefit Corporation, formed for the purpose, among other things, of operating and regulating the use of community facilities leased from the District; and

**WHEREAS**, one of the purposes of the Bear Valley Community Services District is to provide recreation by means of parks, including, but not limited to, aquatic parks, playgrounds, golf courses, swimming pools and recreation facilities; and

**WHEREAS**, the District is authorized pursuant to Government Code section 61621.5 to adopt by ordinance regulations binding upon all persons to govern the use of the District's parks and recreational facilities and property.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT AS FOLLOWS:**

**1.01 APPLICATION:** The terms public park or recreation area as used herein shall include, but are not limited to, all land, lakes, rivers, beaches, campgrounds, golf courses, all community facilities leased to the Association, equestrian trails, swimming pools, tennis courts, recreational areas, roadside rests and common areas, owned or operated by the District or its designee as a public park or public recreation area. "District or its designee" shall mean the District or the Bear Valley Springs Association.

**1.02 DAMAGE PROHIBITED:** It shall be unlawful for any person in any public park or recreation area to pick or damage any flowers, foliage, or to break, dig up, or in any way mutilate or damage any tree, shrub, plant, grass, railing, wall, seat, fence, or other structure or to cut, carve, write, paint, or otherwise make any mark thereon or to fasten to any tree, stone, fence, wall, monument, or other structure any sign, notice, advertisement or other inscription. No person shall dig up or remove any dirt, stones, rock, or other thing whatever, make any excavation, lay or set off any blast or otherwise alter the natural features of any park or recreation area without the specific permission of the District or its designee.

Any damage done to any park or recreation areas, including any buildings thereof, shall be the responsibility of the individual, and the District or its designee may assess appropriate charges.

**1.03 MISCELLANEOUS REGULATIONS:** It shall be unlawful for any person within any park or recreation area to do any of the following:

(A) Deposit, place, throw, or in any manner dispose of any rubbish, trash, garbage, can, bottle, glass, paper or any decaying or putrid matter except in containers provided for such purposes.

(B) Contaminate in any way any watershed, lake, river or other water supply. It shall be unlawful to wash any clothing or cooking utensils in such waters.

(C) Light any fire except in places specifically provided therefore. All dead wood, moss, dry leaves, chips or other combustible materials which may have gathered around any place provided for fires shall be carefully removed before lighting any fire. Only charcoal briquettes may be used as fuel for the fires. There shall be no unattended fires, and all fires must be extinguished when not attended. When the fire is no longer needed, it shall be completely extinguished with water.

(D) Possess or use any fireworks of any kind whatsoever except for a public display pursuant to a permit therefor.

(E) Possess any firearm or discharge such firearm within, into, or across such park or recreation area, provided that this provision shall not apply to any peace officer or concessionaire in the lawful discharge of his duty, except as permitted in any Firing Range or archery areas as set forth in Section 1.11.

(F) Kill, wound, chase, or capture any wild bird or animal, provided, however, that this provision shall not apply to the duly authorized agents of the District or its designee in the necessary control of predatory birds or animals.

(G) Permit any dog, cat, fowl, or other domestic animal under his control to enter within a park or recreation area; provided, however, that this provision shall not apply to dogs on a leash under the immediate control of the person in possession thereof; nor shall it apply to any horse in areas specifically marked in the equestrian center and along the equestrian trails; nor shall it apply to any domestic animal when specific permission therefor has been granted by the District or its designee. All individuals shall clean up after their dog, cat, fowl, or other domestic animal.

(H) Permit any animal, whether on a leash or not, to be in a park or recreation area with signs posted prohibiting animals, including but not limited to, the swimming pool area, tennis courts, or any lakes or ponds.

(I) Operate an automobile, motorcycle, or other vehicle in excess of posted speed limits or into any area where signs prohibiting the same have been placed.

(J) To practice, carry on, conduct, sell, peddle or solicit for any trade, occupation, business or profession, without the written permission of the Board or its designee.

(K) To indulge in riotous, boisterous, threatening, indecent or immoral conduct, or abusive, threatening, profane language, or to throw stones or other missiles. Radios, television sets, record or tape players must be kept at a volume that will not disturb others. Motorcycles must be equipped with working mufflers and spark arresters and operated in a manner that avoids creating a disturbance and a nuisance to others.

(L) To remain, stay, or loiter, in any public park between the hours of ten thirty o'clock (10:30) P.M. and five o'clock (5:00) A.M. of the following day, without written permission of the District or its designee, except as set forth in Section 1.09(f), for the purpose of fishing.

(M) To ride a skateboard or metal-wheeled roller skates within any public park or recreation area. Skateboard shall mean any vehicle, device or conveyance with any number of wheels, with a riding surface of any design upon which a person may place one or more feet, and which is designed to be or can be propelled by human power, and which is not classified as a bicycle.

(N) To open, expose, or interfere with any water or gas pipe, hydrant, stopcock, sewer basin, or other construction, in any park where prohibited.

**1.04 CAMPING:** It shall be unlawful for any person to camp within any park or recreation area without having first secured a written permit therefor from the District or its designee and no person shall camp outside of a camp site or site designated in such permit. Admission to campsites requires a permit, which must be displayed at all times at the campsite.

**1.05 FIREWOOD:** It shall be unlawful to cut firewood without a written permit from the General Manager of the District within the common areas.

**1.06 ALCOHOLIC BEVERAGES AND DRUGS:**

It shall be unlawful to be under the influence of any alcoholic beverage or illegal drugs in all park and recreation areas.

**1.07 EQUESTRIAN TRAILS:**

(A) It shall be unlawful for any person along or within the equestrian trails to do any of the following:

1. To operate a motorized vehicles or ride a bicycle.
2. To smoke along the equestrian trail at any time.

3. To race horses at any time.
4. To dispose of garbage, trash, manure and other debris along any equestrian trail.

(B) All riders must obey all signs along all trails.

(C) All riders must have their horses under control at all times and proceed at a safe gait.

#### 1.08 LAKES:

(A) CUB LAKE: It shall be unlawful to swim or operate a boat at Cub Lake.

(B) FOUR ISLAND LAKE: It shall be unlawful to operate any boat on Four Island Lake, except for sailboats, canoes, catamarans, kayaks, paddleboats, inflatable rafts and row boats. The maximum length of any boat shall be fourteen (14) feet. Sailboats, within the dock area with no one aboard, must have all sails lowered and secured.

(C) No power boats shall be permitted on Four Island Lake without a permit obtained from the District or its designee. Electric boats may be on Four Island Lake without a permit, if the boat has a motor with power not in excess of 3 h.p. or 43 #'s thrust, and the propellers adequately screened. All boat owners must carry liability insurance during any boating activity, at his own cost and expense, in an amount of not less than One Hundred Thousand Dollars (\$100,000), approved by the District or its designee. Said insurance shall be issued by companies authorized to transact insurance business in the State of California.

(D) All boats must be equipped with a life preserver approved by the United States Coast Guard for each person aboard. All persons must wear a life preserver at all times while participating in any boating activity.

(E) No person may operate any boat in a reckless manner.

(F) Swimming is permitted only in the designated area and boating is prohibited in that area.

(G) In all lakes, it shall be unlawful to aqua-lung skin dive or ice skate.

(H) No camping is permitted on any of the islands of Four Island Lake. Access to the Islands is prohibited during the duck nesting season (January 1, through the Thursday before Memorial Day).

(I) Model boats and floatplanes powered by electric motors or by wind shall be allowed without restriction on Cub Lake and Four Island Lake. Models powered by piston engines shall be allowed with the permission of the District or its designee.

**1.09 FISHING:**

- (A) All fishing rules and regulations must be observed at all times.
- (B) All members of the Association shall be deemed to have fishing permits, and guests of any members of the Association shall be required to obtain permits as follows at all lakes:
  - (1) Before fishing, a fishing permit issued by the District or its designee must be secured and carried while fishing by all guests of members of the Association.
  - (2) Single day fishing permits may be purchased at the Whiting Center.
- (C) It shall be unlawful to use or possess live bait or kernel corn while fishing. Absolutely no netting of live fish is allowed.
- (D) A person fishing may use one pole only, with not over two hooks per pole. All poles must be attended. Trot lines and chumming are prohibited.
- (E) Catch limits per day, per person are:
  - (1) Trout: Three
  - (2) Catfish: Five
  - (3) Bass: Five
  - (4) Bluegill: No Limit
  - (5) Crappie: Five
  - (6) Red Ear Sunfish: Five
- (F) Fishing hours are:
  - (1) Cub Lake: To start not earlier than two hours before sunrise and to end not later than two hours after sunset.
  - (2) Four Island Lake: To start not earlier than one half hour before sunrise and end not later than one half hour after sunset.

(G) Fishing is prohibited at all locations adjacent to the golf course that are in line with any ball driven from the golf course.

**1.10 TENNIS COURTS:** The tennis courts are for tennis play only. All other activities are prohibited. It shall be unlawful for any person to bring, or to possess or consume any alcoholic beverage or illegal drug, within the tennis court areas. Skates, skateboards, bicycles, and

similar equipment are prohibited on the tennis courts. Appropriate foot wear shall be worn on the tennis courts at all times. Appropriate foot wear shall not include any foot wear that leaves any marks on the tennis courts. Radios, television sets and cassette players or similar devices are prohibited in the tennis court area including the adjacent Gazebo (pavilion).

**1.11 FIRING RANGE AND ARCHERY COURT:** The following rules and regulations shall apply on all firing ranges and archery courts owned and operated by the District or its designee:

(A) All firearms and bow and arrows are classified as lethal weapons and it is unlawful for any person to aim any firearm or bow and arrow at another person or any animal, wild or domestic, at any time. Firearm means any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion. The term "firearm" also shall include any rocket, rocket propelled projectile compressed air launcher, or similar device containing any explosive or incendiary material.

(B) It shall be unlawful for any person to use tracer and hollow point ammunition.

(C) It shall be unlawful for any person to use any fully automatic weapon or assault weapon on the firing range or archery court at any time. Assault weapon shall be defined as set forth in California Penal Code section 12276 and weapons prohibited by federal law.

(D) Except for beer and wine, it shall be unlawful for any person to bring, or to possess or consume any alcoholic beverage or illegal drug, within the rifle, trap or archery ranges and a thirty foot (30') border thereof. Beer and wine are permitted only after all firing has ceased, all weapons are unloaded and stored, and the ranges are closed for firing, and the Range Master remains present.

(E) In order to promote the safety of persons using the firing ranges, the Range Master is designated the chief law enforcement official of this section, and shall have the responsible to ensure the safe operation of the firing ranges and the archery court. All individuals shall respect and obey the instructions of the Range Master, and may be removed from any firing range or archery court by the Range Master for failure to comply with any ordinance, resolution, policy of the District, or instruction of the Range Master.

**1.12 LIABILITY OF PARENTS FOR WILLFUL MISCONDUCT OF MINOR:** Any act of willful misconduct of a minor which results in injury or death to another person or in any injury to the District's or Association's property shall be imputed to the parent or guardian having custody and control of the minor for all purposes of civil damages, and the parent or guardian having custody and control shall be jointly and severally liable with the minor for all damages resulting from the willful misconduct.

The joint and several liability of the parent or guardian having custody and control of a minor under this section shall not exceed the amount specified in Section 1714.1 of the Civil

Code for each tort of the minor, and in the case of an injury to a person, imputed liability shall be further limited to medical, dental and hospital expenses incurred by the injured person, not to exceed the amount specified in Section 1714.1 of the Civil Code. The liability imposed by this section is in addition to any liability now imposed by law.

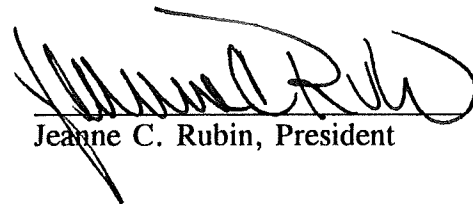
**1.13 DEFAACEMENT OF PROPERTY WITH PAINT:** Any act of willful misconduct of a minor which results in the defacement of District or Association property with paint or a similar substance shall be imputed to the parent or guardian having custody and control of the minor for all purposes of civil damages, including court costs, and attorney's fees, to the prevailing party, and the parent or guardian having custody and control shall be jointly and severally liable with the minor for any damages resulting from the willful misconduct, not to exceed the amount specified in Section 1714.4 of the Civil Code for each tort of the minor.

**1.14 LAW ENFORCEMENT OFFICER:** The chief law enforcement official of this Ordinance shall be the Chief of Police or his designees of the Bear Valley Community Services District. The Chief of Police shall assist the Range Master in the enforcement of section 1.11 of this Ordinance.

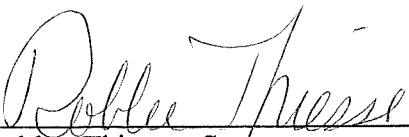
**1.15 PENALTY:** Any person violating any section of the Ordinance is guilty of a misdemeanor and shall be punished according to the laws of the State of California. Such violation may be prosecuted by the District Counsel in the name of the people of the State of California, or redressed by civil action. Any person convicted of a violation of any Section of this Ordinance shall be fined in a sum not to exceed one thousand dollars (\$1,000.00) for any one offense and the person may be confined in jail for a period of not more than six (6) months, or both.

PASSED, APPROVED AND ADOPTED on this 11th day of May 1994, by the following vote:

AYES: RUBIN, VIOLETT, MILLER, SAMUELS  
NOES: NONE  
ABSENT: MCCLOSKEY  
ABSTAIN: NONE

  
Jeanne C. Rubin, President

ATTEST:

  
Roblee Thiesse, Secretary