ORDINANCE NO. 2013- 1742

AN ORDINANCE AMENDING CHAPTERS 19 AND 20 OF THE
SOLANO COUNTY CODE, RELATING TO PARKS AND RECREATION

The Board of Supervisors of the County of Solano ordains as follows:

Section 1. Section 19-40(e) is repealed.

Section 2. Section 19-40(e) is added:

(e) Parks division means the county parks division of the Department of Resource Management.

Section 3. Section 19-60 is repealed.

Section 4. Section 19-60 is added:

Sec. 19-60. Enforcement

(a) The Solano County Sheriff, or his/her designee, shall enforce the provisions of this chapter or any other law or regulation within a county park.

(b) The manager of the parks division, park ranger supervisors, park rangers, and any other person designated by the manager of the parks division are authorized to:

(1) Issue warnings for violations of this chapter or any other law or regulation.

(2) Cite unoccupied vehicles for violations of applicable provisions of this chapter or any other law or regulation.

(c) The manager of the parks division, park ranger supervisors, park rangers, and any other person designated by the manager of the parks division are not "peace officers" within the meaning of the California Penal Code and are not "park rangers" within the meaning of California Penal Code section 830.31(b).

Section 5. Section 19-70 is repealed.
Section 6. Section 19-70 is added:

Sec. 19-70. Authority of parks division--closing or restricting use of parks and facilities

(a) The parks division is authorized to close to public use a portion or all of any county park, or any lake or stream within a county park; to restrict the times when a portion or all of any county park or any lake or stream within a county park shall be open to such use; and to limit or prohibit boating, fishing, or other recreational uses in a portion or all of any county park or on any lake or stream within a county park, whenever, in its sole discretion, it deems it prudent to do so to safeguard the health, safety, and welfare of the park, any of its facilities, park division employees, or the public.

(b) Situations in which the parks division may take one of these steps shall include, but not be limited, to the following: unreasonable fire hazard, dangerous weather or water conditions, sanitary protection of a watershed, construction or repairs in a park, conservation of fish or game, excessive boat traffic, unsafe or unsuitable shoreline, ramp, parking or road conditions, the prevention of damage to the park or any of its facilities, or any dangerous, unsafe, or unhealthy condition.

(c) Whenever the parks division closes a portion or all of any county park or any lake or stream pursuant to this section, the parks division shall report such closure to the parks and recreation commissioners on or before the next regular meeting of the commission.

Section 7. Section 19-90 is repealed.

Section 8. Section 19-90 is added:

Sec. 19-90. Fees for permits, certificates and decals; refunds; annual permits; exemptions

(a) The fees charged by the parks division for all permits, certificates, or decals authorizing use of a county park or any of its areas or facilities, shall be set forth in the Department of Resource Management’s fee schedule.

(b) No person shall enter or use any county park or any of its facilities without first paying the prescribed fee, if any, to the parks division at an established point of entry or collection, and receiving an appropriate permit, certificate, or decal.

(c) No person shall, upon leaving a park, refuse to exhibit to the parks division, upon its demand, any permit, certificate, or decal which has been issued pursuant to this section.
(d) No fee shall be refunded unless authorized in writing by the parks manager or designee. A denial by the parks manager or designee may be appealed to the Director of Resource Management or designee by filing a written appeal with the parks division within ten (10) days of issuance of the denial. The Director of Resource Management or designee shall hold a hearing to consider the appeal within sixty (60) days of the filing of the appeal. A denial by the Director of Resource Management or designee may be appealed to board of supervisors by filing a written appeal with the clerk of the board within thirty (30) days of the issuance of the denial.

(e) Annual permits shall be valid only for the calendar year in which they are issued, unless sooner revoked for cause or the parks division expressly issues the permit for a different period.

(f) Annual vehicle permits shall be visibly displayed on the vehicle and shall not be transferable to other vehicles owned by the same or other owners.

(g) The following persons are exempt from the permit and fee requirements of this section: officers, employees, agents, and contractors and their employees of any governmental entity while engaged in the performance of their duties; concessionaires of the county and their agents, employees, suppliers, and contractors, while performing the business of the concessionaire; employees of public utilities while performing their duties; volunteers, docents, and park hosts while engaged in the performance of park activities; and such other persons as may be designated by resolution of the board of supervisors.

Section 9. Section 19-100(f) is repealed.

Section 10. Section 19-100(f) is added:

(f) Any person who has had a permit, certificate, or decal revoked or who has been expelled from a county park may appeal that revocation or expulsion by filing a notice of appeal with the parks manager within ten (10) days of that revocation or expulsion; provided, however, that permanent expulsions may be appealed at any time. A denial by the parks manager or designee may be appealed to the Director of Resource Management or designee by filing a written appeal with the parks division within ten (10) days of issuance of the denial. The Director of Resource Management or designee shall hold a hearing to consider the appeal within sixty (60) days of the filing of the appeal. A denial by the Director of Resource Management or designee may be appealed to board of supervisors by filing a written appeal with the clerk of the board within thirty (30) days of the issuance of the denial.

Section 11. Section 19-150(a) is repealed.

Section 12. Section 19-150(a) is added:

(a) A peace officer on duty.
Section 13. Section 19-160(l) is repealed.

Section 14. Section 19-160(l) is added:

(l) Sell or advertise any product or service, or carry on any other commercial activity, or distribute any handbill, tract, or other literature, without authorization by the parks manager or designee. A denial by the parks manager or designee may be appealed to the Director of Resource Management or designee by filing a written appeal with the parks division within ten (10) days of issuance of the denial. A denial by the Director of Resource Management or designee may be appealed to the board of supervisors by filing a written appeal with the clerk of the board within thirty (30) days of the issuance of the denial.

Section 15. Section 19-160(m) is repealed.

Section 16. Section 19-160(m) is added:

(m) Conduct any public demonstration without a permit issued by the parks manager or designee. A denial of the parks manager may be appealed to the Director of Resource Management or designee by filing a written appeal with the parks division within ten (10) days of issuance of the denial. A denial by the Director of Resource Management or designee may be appealed to the board of supervisors by filing a written appeal with the clerk of the board within thirty (30) days of the issuance of the denial.

Section 17. Section 19-160(n) is repealed.

Section 18. Section 19-160(n) is added:

(n) Perform or participate in any group function, or any fund-raising activity, without a permit issued by the parks manager or designee. A denial by the parks manager may be appealed to the Director of Resource Management or designee by filing a written appeal with the parks division within ten (10) days of issuance of the denial. A denial by the Director of Resource Management or designee may be appealed to the board of supervisors by filing a written appeal with the clerk of the board within thirty (30) days of the issuance of the denial.

Section 19. Section 19-160(o) is repealed.

Section 20. Section 19-160(o) is added:

(o) Bring in or ride a horse, except in areas and on trails designated for this purpose, without first obtaining the written permission of the parks division.
Section 21. Section 19-160(z) is added:

(z) Possess or consume from any glass or glass bottle, except within designated camping areas.

Section 22. Section 19-180 is repealed.

Section 23. Section 19-180 is added:

The parks and recreation commission shall make recommendations to the board of supervisors with regard to the naming or renaming of any park, portion of a park, or park facilities, in accordance with the adopted policy of the board of supervisors. No naming or renaming shall be effective until adopted by the board of supervisors.

Section 24. Section 20-66 is repealed and the remaining section renumbered accordingly.

Section 25. Severability

If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, including but not limited to being preempted by state law, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof nor other applications of the ordinance which can be given effect without the invalid provision or application.

Section 26. Effective Date

This ordinance shall be effective thirty (30) days after its passage.

Section 27. Publication

A summary of this ordinance shall be published once within fifteen (15) days after its adoption, in the Fairfield Daily Republic, a newspaper of general circulation in the County of Solano.