

# Attachment 14

Napa County  
and the State of California  
Laws, Codes and Ordinances  
for Lake Berryessa,  
Bureau of Reclamation



NAPA COUNTY AND STATE OF CALIFORNIA  
LAWS, CODES AND ORDINANCES  
FOR LAKE BERRYESSA, BUREAU OF RECLAMATION  
LAND AND WATER

**NAPA COUNTY CODE OF ORDINANCES  
FOR  
BERRYESSA LAKE AND PARK AREA**

**Chapter 12.08**

**Sections:**

- 12.08.010 Definitions.**
- 12.08.020 Application of provisions-Statutory authority.**
- 12.08.030 Unlawful activities designated.**
- 12.08.040 Boats and other vessels-Operation restrictions.**
- 12.08.050 Speed limit exemptions.**

**12.08.010 Definitions.**

- A. As used in this chapter:

*"Berryessa Lake and Park area"* means the federally owned or controlled lands, reservoir areas and waters known as Lake Berryessa in the county of Napa.

*"Boat"* is defined in defined in Harbors and Navigation Code Section 651 (d) to include any vessel which is any of the following:

1. Manufactured or used primarily for noncommercial use;
  2. Leased, rented or chartered to another for the latter's use;
  3. Engaged in the carrying of six or fewer passengers, including those for-hire vessels carrying more than three passengers while using inland waters of the state that are not declared navigable by the United States Coast Guard; and
  4. Commercial vessels required to be numbered pursuant to Section 9850 of the Vehicle Code.
- "Boat"* means and includes jet skis, watercycles and similar devices.

*"Bureau"* means and is defined as the United States Department of Interior, Bureau of Reclamation.

*"Camping"* means and is defined as follows:

1. Erecting a tent or shelter or arranging bedding, or both, for the purposes of or in such a way as will permit remaining overnight;
2. Use of any parked or standing vehicle for the purpose of sleeping during nighttime hours is also included in the definition of camping;
3. Use of houseboats or boats for the purpose of sleeping during the nighttime hours, whether anchored, moored or beached, is also defined as camping, and may be permitted in certain areas by the Bureau;

*"Parasailing"* means the propelling of a person on water skis or other similar device, through the water, on the surface of the water or through the air, by means of a boat or other device.

*"Vehicle"* means and includes all vehicles, including but not limited to automobiles, trucks, off-road vehicles, motorcycles, minibikes, snowmobiles, dunebuggies, all-terrain vehicles, trailers, campers, bicycles, or any other such equipment.

*"Vessel"* means and includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

1. A seaplane on the water;
2. A watercraft specifically designed to operate on a permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself. Harbors and Navigation Code Section 651(c).

*"Water skis or similar devices"* means and includes all forms of water skiing, barefoot skiing, skiing on ski boards, knee boards or other contrivances, parasailing, ski kiting, or any activity where a person is towed behind or alongside a boat.

- B. Any word that is not specifically defined in this section shall be interpreted pursuant to any other definition, if any, as contained in this code, the California Harbors and Navigation Code or in other cases according to the word's common meaning.

**12.08.020 Application of provisions-Statutory authority.**

- A. The provisions of this chapter shall be applicable to all waterways connected to Lake Berryessa and shall be construed to supplement federal and state laws and regulations when not expressly inconsistent therewith on all waterways where such federal and state laws and regulations are applicable.
- B. This chapter is enacted pursuant to Section 660 of the Harbors and Navigation Code of the state, and other applicable federal and state laws.

**12.08.030 Unlawful activities designated.**

- A. Within the Berryessa Lake and Park area, it is unlawful for any person:
1. To pick flowers, foliage, berries or fruit, or cut, break, dig up or in any way mutilate or injure any tree, shrub, plant, fern, grass, turf, fence, structure or improvement of any kind, unless an employee of the county or an employee of the Bureau while in the performance of official duties;
  2. Unless authorized by the Bureau, to cut, carve, paint, mark, paste or fasten to any tree, fence wall, rock, building, monument or other object within the Berryessa Lake and Park area any bill, advertisement or inscription;
  3. Unless authorized by the Bureau to dig up or remove any dirt, stones rocks or other substance whatever, make any excavation, quarry any stone, or lay or set off any blast within the Berryessa Lake or Park area. Any proposed blasting must first be submitted for and receive approval from the county;
  4. To leave or abandon in the Berryessa Lake and Park area, except in receptacles designated for that purpose by the Bureau, human waste, cans, bottles, waste, paper, broken glass or other rubbish or garbage;
  5. To light, build or maintain in the Berryessa Lake and Park area any open fire, with the following exceptions:
    - a. When a permit has been obtained from the Bureau,
    - b. When fires are maintained in fireplaces, grills or other facilities provided and designated for that purpose by the Bureau, and
    - c. When fires are in oil or gasoline stoves in camps and picnic areas maintained and designated by the Bureau;
  6. To bring any dog or cat or any domestic animal into the Berryessa Park and Lake area except on a leash;
  7. To ride, drive, lead or keep a horse or other livestock in the Berryessa Lake or Park area except upon roads and trails designated for that purpose by the Bureau, or in such other areas as may be designated as pasturage areas under lease by the Bureau. No horse or other livestock shall be hitched to any tree or shrub in such a manner as to cause damage to such tree or shrub. This subsection shall not apply to the use of horses for law enforcement purposes, or if prior approval has been obtained through issuance of a special permit by the Bureau;
  8. To pursue, chase, hunt, molest, catch, capture, injure or kill any bird or mammal, or attempt to pursue, chase, hunt, molest, catch, capture, injure or kill, or to disturb any bird or mammal's habitat in the Berryessa Lake and Park area, unless certain areas are designated from time to time to be hunting areas by the Bureau and the California Department of Fish and Game;
  9. To operate any vehicle at a speed in excess of fifteen miles per hour on any road in the Berryessa Lake and Park area, other than upon state or county highways, unless otherwise posted;
  10. To operate or park any vehicle within the Berryessa Lake and Park area except upon roads and thoroughfares and within parking areas designated for such purpose by the Bureau;
  11. To sell, peddle or to offer for sale any food, liquids, edibles for human consumption, or any goods, wares, services or merchandise within the Berryessa Lake and Park area, except under permit by the Bureau, and subject to such laws and regulations as may now or hereafter exist, promulgated by the board of

supervisors of the county, the director of public health, or the director of environmental health of the county;

12. To camp in any portion of the Berryessa Lake and Park area other than in areas designated for such purpose by the Bureau;
  13. To wade, swim, bathe, operate a boat or water ski within one thousand feet of Monticello Dam;
  14. To operate a boat or pass through any logboom or line of buoys designating a closed area;
  15. To contaminate or pollute the waters of Lake Berryessa or the shore area or the tributaries thereof, or to discharge any human waste, litter, garbage, oil or other debris therein;
  16. To enter any areas of the Berryessa Lake and Park area which are closed to entry by the Bureau, and posted against trespassing in accordance with the provisions of Section 602 of the California Penal Code;
  17. To carry and possess any firearms in the Berryessa Lake and Park area without a valid concealed weapons permit or a permit issued by the Bureau;
  18. To destroy, injure, deface, remove and/or alter public property, including but not limited to developed facilities, natural formations, gravel, mud, sand, mineral deposits, designated historical or archeological features, except when in accordance with written permission from the Bureau;
  19. To cut down or remove live trees, or gather wood, without the written permission of the Bureau;
  20. To bring into the Berryessa Lake and Park area any household or commercial garbage, trash, rubbish, debris, dead animal(s) or litter of any kind for disposal or dumping without the written permission of the Bureau;
  21. To engage in the sport or activity of parasailing on Lake Berryessa in the following areas;
    - a. Within one thousand feet of any powerline, or
    - b. As posted on at least two signs on shore or on buoys in or near the prohibited area, or
    - c. Within two thousand feet of Monticello Dam.
- B. Unless otherwise provided, a violation of any of the provisions of this section may be charged as a misdemeanor or an infraction of the California Penal Code, and Government Code Section 25132.

**12.08.040 Boats and other vessels-Operation restrictions.**

- A. No person shall operate or navigate any commercial motorboat carrying passengers for hire on or around the Berryessa Lake and Park area unless licensed in accordance with law, Authorization must also be obtained from the Bureau prior to engaging in such activities.
- B. No person shall moor any boat, vessel, jet ski, watercycle, water ski, innertube, air mattress or other device which can be used for floating on the water, or designed for travel upon the water, to the pillars, abutments or appendages of the Pope Creek Bridge or the Putah Creek Bridge. A violation of this subsection shall constitute an infraction. A second violation within one year shall constitute a misdemeanor.
- C. No person shall operate a motorboat or other vessel at a speed in excess of five miles per hour in any inlet marked with a buoy bearing the words "5 miles per hour" or bearing the words "no wake." In the event that no speedometer is available, "5 miles an hour" shall be interpreted to mean creating "no wake" as the boat travels through or on the water.
- D. No dock shall be constructed in the Berryessa Lake and Park area without prior approval from the Bureau.
- E. A violation of any subsection of this section shall constitute a misdemeanor unless otherwise specified.

**12.08.050 Speed limit exemptions.**

The sheriff and any of his deputies are exempt from the speed limits imposed by subsection (a)(9) of Section 12.08.030 and subsection (c) of Section 12.08.040 while driving a sheriff's patrol boat under all of the following conditions;

- A. If the boat is being driven in response to an emergency call or engaged in rescue operations or in pursuit of an actual or suspected violator of the law;
- B. If the driver of the boat sounds a siren as may reasonably be necessary in the circumstances, and the boat displays a lighted blue lamp visible from the bow as a warning to other persons using the body of water in the vicinity of the boat.



Chapter 12.12

**JUMPING FROM PUTAH CREEK AND POPE CREEK BRIDGES**

**Sections:**

**12.12.010 Findings--Purpose of provisions.**

**12.12.020 Unlawful activities designated.**

**12.12.030 Violation--Signs posted--Penalty.**

**12.12.010 Findings--Purpose of provisions.**

A. The county board of supervisors makes the following findings:

1. That many persons, particularly young persons, when engaging in recreational pursuits at Lake Berryessa, have jumped, and have attempted to jump, from the Pope Creek Bridge into the waters or tributaries to the waters of Lake Berryessa;
2. That a number of people have been hurt from this activity, and, particularly in years where there has been less than average rainfall, such an activity poses a danger to anyone engaging in same.

B. Therefore, the board of supervisors also finds that it is in the interests of the public health, safety and welfare to specifically prohibit this activity, and enact a substantial fine in order to discourage persons from participating in this dangerous activity.

**12.12.020 Unlawful activities designated.**

- A. It is unlawful for anyone to jump, leap or otherwise propel one's own body or the body of another from the Pope Creek Bridge or the Putah Creek Bridge.
- B. It is unlawful for anyone to attach a rope or other apparatus to the Pope Creek Bridge or to the Putah Creek Bridge, for the purpose of swinging from either bridge.
- C. It is unlawful to swing from either the Pope Creek Bridge or to Putah Creek Bridge at any time.

**12.12.030 Violation--Signs posted--Penalty.**

- A. Anyone violating Section 12.12.020 of this chapter is guilty of a misdemeanor, and a fine shall be imposed in the minimum amount of two hundred fifty dollars (\$250.00) for the first violation, three hundred fifty dollars (\$350.00) for the second violation, and five hundred dollars (\$500.00) for third or subsequent violations.
- B. Before such minimum fines may be imposed, signs must be posted at both ends of each bridge stating the activity prohibited and the amount of fine which may be imposed.

## Chapter 10.16

### PARKING AT LAKE BERRYESSA FREE LAUNCHING AREA

#### Sections:

- 10.16.010 Definitions.
- 10.16.020 Parking outside designated stalls unlawful--Penalty.
- 10.16.030 Overnight parking unlawful--Penalty.
- 10.16.040 Signs and markings.
- 10.16.050 Enforcement authority.
- 10.16.060 Violations subject to civil penalties.

#### 10.16.010 Definitions

- A. As used in this chapter:

*"Boat trailer"* means a trailer attached to and pulled by a motor vehicle and designed or used to carry a boat or boats.

*"Lake Berryessa free launching facility"* means the Capell Cove launching ramp.

*"Motor vehicle"* means a vehicle as defined in the California Vehicle Code.

*"No-parking zone"* means that area of curbing in the parking lot painted red.

*"Parking lot"* means all of that paved area adjacent to the launching ramp to which access is gained through a gate.

#### 10.16.020 Parking outside designated stalls unlawful--Penalty.

- A. No person shall park a motor vehicle to which a boat trailer is not attached in those stalls marked "Vehicles with Boat Trailers Only."
- B. No motor vehicle with attached boat trailer shall park in any stall marked "Vehicles Only."
- C. No person shall park any motor vehicle, any boat trailer or any motor vehicle and boat trailer adjacent to any curb painted in red and marked "No Parking."

#### 10.16.030 Overnight parking unlawful--Penalty.

No person shall park a motor vehicle, a boat trailer or a motor vehicle and boat trailer in the parking lot between the hours of 10:00 p.m. and 04:00 a.m. (20:00 Hrs. to 04:00 Hrs.) This regulation applies three hundred sixty-five days each year.

#### 10.16.040 Signs and markings.

The United States Bureau of Reclamation shall post and maintain appropriated signs and shall appropriate curb areas in such a manner as to indicate to all persons the nature and extent of these regulations and the penalty for the violation thereof.

#### 10.16.050 Enforcement authority

The county sheriff or his deputies, and/or any uniformed employee of the United States Bureau of Reclamation assigned to the Lake Berryessa facility, are authorized to issue notices of violation to persons who violate this chapter.

#### 10.16.060 Violations subject to civil penalties.

Any violation of the provisions of this chapter, including the commission of any action declared to be unlawful by any provision of this chapter, shall not be a criminal violation but shall instead be subject to a civil penalty as prescribed by Vehicle Code Section 40200 et seq. and Chapter 10.32.

Lake Berryessa Wildlife Area  
Central Coast Region  
California Department of Fish and Game Section 550 Code  
Type C Area Regulations:

(1) **Regional Manager's Authority:** The regional manager shall have the authority to regulate public use of State wildlife areas where such use is not provided for in these regulations or in sections 551 and 552 of this title.

(2) **Entry Restrictions.** The department may limit the number of persons entering any area listed in section 550 or 551 of this title during any period for safety reasons, to reduce crowding, to provide for the limited take of a species, or may close portions of areas or close areas entirely to public entry or to specific activities

(3) **Procedures for Issuing Entry Permits.** In the event that the department elects to limit the number of hunters, trappers, or other users, entry permits will be issued on a first-come, first-served basis, or by a drawing to be held at a designated department office. The department shall inform the commission in writing and the public via the news media of any implementation of the provisions of this subsection, when limits imposed under this subsection differ substantially for a specific area from the prior year. Such notification shall include: the State wildlife area affected, the time period, the reason for the limitation or closure, the number of entry permits to be issued, and the method of issuance.

(4) **Permit Requirements.** No person shall enter any State wildlife area or portion thereof where the department has limited public entry without a valid entry permit in their immediate possession. [See subsections 551(f), (g), and (h) for regulations regarding general requirements and costs for individual entry permits. See subsection 551 (q) for entry permit requirements for specific areas.]

(5) **Use Permits for Organized Events.** Any person organizing an event or gathering to be conducted on a State wildlife area shall obtain a use permit from the appropriate regional manager. Such events or gatherings shall be compatible with wildlife area objectives.

(6) **Motor Driven Vehicles.**

(A) No person shall drive, operate, leave, place, or stop any motor driven vehicle on any State wildlife area except on public or established roads or on designated jeep trails and such other areas as designated by the Department.

(B) No person shall drive a vehicle carelessly in willful disregard of the rights or safety of others, or without due caution or at a speed or in a manner likely to endanger any person, property, or wildlife.



**(7) Traffic and Road Closures.**

(A) Drivers of motor driven vehicles operated within the wildlife areas shall comply with the directions of traffic signs posted in the area by the department.

(B) No person shall break down, remove, or destroy any barrier, sign, or signboard erected or placed on any road, jeep trail, or unimproved road.

**(8) Boats.**

(A) The department may restrict the use and operation of boats on State wildlife areas, department administered national wildlife refuges, and State recreation areas to protect natural resources or provide for the orderly operation of hunting and fishing programs on these areas. Boating restrictions may include, but not be limited to, limiting boat~ speeds, limiting motor size and type, or prohibiting the use of motors. During the times waterfowl are present, the provisions of Section 251 of this Title will also apply.

(B) Except as prohibited in subsection 551(q), boats may be used under the following regulations on State wildlife areas, department administered national wildlife refuges, and State recreation areas.

1. When launch sites are designated by the department, all boats must be launched and removed from those sites.
2. All persons shall remove their boats from the waters when instructed to do so by an employee of the department.
3. The use of boats may be restricted to certain zones designated by the department.
4. Boat speed shall not exceed five miles per hour.

**(9) Vandalism and Litter.**

(A) No person shall tamper with, damage, or remove any property not his own when such property is located within a State wildlife area.

(B) No person shall leave, deposit, drop, bury, or scatter bottles, broken glass, feathers, hides, wastepaper, cans, sewage, or other rubbish in any State wildlife area except in a receptacle or area designated for that purpose, and no person shall import and deposit any rubbish or toxic substance into State wildlife areas from other places. Where no designated receptacles are provided, any refuse resulting from a person's use of the area must be removed from the area by such person.

**(10) Trees and Minerals.**

(A) No person shall dig up, cut, damage, or remove from a wildlife area any trees, shrubs, vines plants or wood, except that vegetation may be cut and used for the purpose of building blinds, unless otherwise directed by the area manager.

(B) No person shall dig up or remove any humus, soil, sand, gravel, or rock.

**(11) Bottle and Artifact Collecting.** No person shall collect or remove bottles or artifacts, or dig or otherwise disturb the soil to locate or remove bottles or artifacts, from any Wildlife Area.

(12) **Camping and Unattended Personal Property.** No person shall camp in any part of a State Wildlife area except in areas designated by the department. (See subsection 551(q) for additional camping restrictions on specific areas). Camping on wildlife areas shall be limited to not more than seven consecutive days, and not more than 14 days total in any calendar year, except by written permission of the Regional Manager. Personal property may not be left on State wildlife areas for camping or other purposes, except at authorized locations. Decoys may not be left in the field overnight, except as provided in subsection 551 (q). Any hunting blinds on wildlife areas shall be available on a first-come, first-served basis.

(13) **Fires.** From April 30 through October 30 on Type C areas, and during the entire year on Type A and B areas, no person shall build or maintain fires except in portable gas stoves or in fireplaces at sites developed by the department. No fire shall be left unattended and all fires shall be extinguished with water before leaving. (See subsection 551(q) for additional fire restrictions.)

(14) **Use of Dogs and Field Trials.** The department may prohibit or restrict the use of dogs on any State wildlife area [see subsection 551(q)]. Except as further prohibited in subsection 551 (q3, dogs are allowed only for hunting or when under immediate control. Dogs must be leashed at designated campsites and check station areas. Special permits are required for field trials. Dog training is allowed only in areas designated by the department.

(15) **Pesticides Use.** No person, other than authorized federal, state, or local employees conducting a pest control program approved by the department, shall apply any pesticide in any State wildlife area.

(16) **Livestock.** No person shall permit livestock, including but not limited to cattle, horses, sheep, goats, and hogs, to browse, graze, bed, cross, or otherwise trespass on any State wildlife area except under an authorized grazing permit issued by the department. The recreational use of horses is allowed, except as designated in subsection 551(q). Persons who fail to remove their livestock from any State wildlife area within 48 hours after receiving of official notice of trespass by the regional manager through certified mail, shall be in violation of this section.

(17) **Fish and Frogs.** Frogs may not be taken for commercial purposes [see subsection 551(q) for specific area regulations].

(18) **Hunting and Trapping.** Hunting and trapping shall be allowed on State wildlife areas during the regular open seasons subject to subsections 550(b)(19), 551(b), and 551(q), and such other area use regulations as specified by the regional manager.

(19) **Special Restrictions (Areas where hunting and possession of firearms and archery equipment is prohibited).** No person, except authorized personnel, shall possess or discharge a firearm, bow and arrow, air or gas gun, spear gun, or other propulsive device of any kind in the following areas: Battle Creek, Crescent City Marsh, Elk Creek Wetlands, and Il Slough wildlife