

BOATING ON
THE MOKE-
LUMNE RIVER

City Manager Graves presented the following report regarding boating on the Mokelumne River:

"At the August 1, 1984 Council meeting, questions were raised about means of providing better boating safety on the Mokelumne River adjacent to the City of Lodi.

The County Administrator was contacted and the following information received:

1. The County does not have authority to prevent boating on the river. Speeds can be limited to maximum limits or possibly horsepower limits might be placed on the boats using a portion of the river.
2. The County does have an ordinance regarding boating on waters within the County.
3. Any actions by the County would be by the Board of Supervisors and probably involve public hearings.

I also talked to Sergeant Vierra of the Sheriff's Office about enforcement of the boating laws. I learned that enforcement on the Mokelumne River is only done periodically because of the enormous water area involved in the County. When the Sheriff's boat is on the Mokelumne it is extremely rare for them to find violations - everyone is on his good behavior. It is also quite rare for them to get reports of accidents. The recent one was first of that magnitude in several years.

If the City Council wishes to pursue the matter, a request should be made to the Board of Supervisors identifying the type of action desired."

No action was taken by the Council on this matter.

COUNCIL COMMUNICATION

TO THE CITY COUNCIL

FROM THE CITY MANAGER'S OFFICE

DATE

August 10, 1984

NO.

SUBJECT: Boating on Mokelumne River

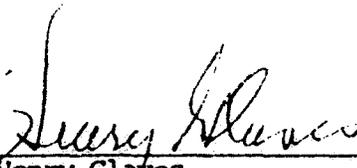
At the August 1, 1984 Council meeting, questions were raised about means of providing better boating safety on the Mokelumne River adjacent to the City of Lodi.

The County Administrator was contacted and the following information received:

1. The County does not have authority to prevent boating on the river. Speeds can be limited to maximum limits or possibly horsepower limits might be placed on the boats using a portion of the river.
2. The County does have an ordinance regarding boating on waters within the County. A copy of the ordinance is attached.
3. Any actions by the County would be by the Board of Supervisors and probably involve public hearings.

I also talked to Sergeant Vierra of the Sheriff's Office about enforcement of the boating laws. I learned that enforcement on the Mokelumne River is only done periodically because of the enormous water area involved in the County. When the Sheriff's boat is on the Mokelumne it is extremely rare for them to find violations - everyone is on his good behavior. It is also quite rare for them to get reports of accidents. The recent one was first of that magnitude in several years.

If the City Council wishes to pursue the matter, a request should be made to the Board of Supervisors identifying the type of action desired.


Henry Glaves
City Manager

OFFICE OF
COUNTY ADMINISTRATOR



COUNTY OF SAN JOAQUIN

COURTHOUSE, ROOM 707
322 EAST WEBER AVENUE
STOCKTON, CALIFORNIA 95202-2778
'AREA 209' 944 3211

August 7, 1984

Mr. Henry Graves
City Manager
City of Lodi
221 West Pine
Lodi, CA 95240

Dear Mr. *Graves*:

BOATING ON THE MOKELUMNE RIVER

In response to your request regarding options for maintaining boating safety on the Mokelumne River, I have enclosed a copy of the County Water Safety Ordinance. One option available to the Lodi City Council is to request the Board of Supervisors to designate this portion of the Mokelumne River as a "slow area". Upon receiving such a request, the Board of Supervisors would hold a public hearing. Should the Board find it in the best interest of the public to restrict speeds in the river, the City of Lodi, as the requesting entity, would bear the costs associated with posting the speed zone.

The Sheriff's Boating Safety Division does patrol this portion of the river on a periodic basis. However, with only seven boats county-wide, patrol time spent in this three-mile stretch of river is limited. I have asked Sergeant Wilbert Vieira of the Boating Safety Division to contact you to see if he can be of further assistance.

I hope that this information is of value to you in resolving this issue.

Very truly yours,

DAVID D. ROWLANDS, JR.
County Administrator

DDR:RSG:rl
Enclosure

c: Undersheriff Ken Stewart
Sergeant Wilbert Vieira

DIVISION 4. WATER SAFETY

CHAPTER 1. BOATING

SECTION 4-4000. APPLICABILITY. This chapter shall be applicable to and shall govern all public waters including lakes and rivers or portions thereof situated within the boundaries of the County over which the County has police power jurisdiction, either exclusively or concurrently with the United States or the State, or both, insofar as the provisions of this chapter do not conflict with applicable statutes or regulations of the United States or the State.

Source: Ordinance No. 682.

SECTION 4-4001. DEFINITIONS. The following words and phrases when used in any provision of this chapter shall be construed to have the following meaning:

- (a) "Boat" shall mean any vessel or device, except an aquaplane or water ski, in or upon which persons or property may be transported upon, under, or over the surface of water including, but not confined to, any boat, raft, barge, canoe, skiff, dinghy, rowboat, sailboat, sailing vessel, yacht, motorboat, motor vessel, float, pontoon, commercial boat, launch, and ship.
- (b) "Motorboat" shall mean any boat propelled in whole or in part by a motor, engine, or mechanical device of any kind except oars or sails, including boats temporarily equipped with detachable outboard motors.
- (c) "Aquaplane" shall mean any device, including skills, used for the transportation of one or more persons upon the surface of the water, and which is pulled or towed by any boat, vehicle, or other motive power by means of a rope, chain, cable, wire, or other connection.

Source: Ordinance No. 882.

SECTION 4-4002. RESTROOM FACILITIES. Operators of all boat launching ramps open to the public shall provide and maintain restroom facilities for the users of such ramps.

Source: Ordinance No. 2242.

SECTION 4-4003, and SECTION 4-4004. REPEALED by Ord. 2153.

SECTION 4-4005. SPEED. No person shall operate any boat or aquaplane in a manner or at a rate of speed which endangers the life, limb, or property of any person, taking into account weather conditions, light conditions, the ordinary use of waters navigated, the depth of the water, the proximity to shore, docks,

swimmers, boats, and other obstacles, the condition of the boat operated, and any other factor which a reasonable and prudent man would consider in the safe operation of the boat. Operation of a boat or aquaplane under any of the following conditions shall constitute prima facie evidence that the boat is being operated in violation of this section:

- (a) At a speed greater than will permit it to be fully stopped by the exercise of reasonable care within the assured clear distance ahead;
- (b) At a speed in excess of five (5) statute miles per hour in any of the following areas:
 - (1) Within any area designated as a "slow area";
 - (2) Within one hundred (100) feet of any person bathing or swimming.
 - (3) Within one hundred (100) feet of any watercraft sixteen (16) feet or less in length, which might be seriously endangered by the wake of the passing vessel;
 - (4) Within two hundred (200) feet of any swimming float, diving platform, life line, or designated swimming area;
 - (5) Within two hundred (200) feet of any legal dock, wharf, dam, way, or landing float to which boats are landed or made fast or which is used for the embarkation or discharge of passengers as approved by U.S. Army Engineers;
 - (6) Within two hundred (200) feet of any authorized boat, Sheriff's boat, or any other boat in the act of rescue operations, or dragging for bodies or equipment, if the boat is marked; attempting to overhaul or board a vessel involved in any violation of this chapter or other law, any vessel used for fire fighting, or any vessel in the act of fire fighting.

Source: Ordinance No. 682.

SECTION 4-4006. REPEALED by Ord. 2153.

SECTION 4-4007. REPEALED by Ord. 2153.

SECTION 4-4008. REPEALED by Ord. 2153.

SECTION 4-4009. MARKED SWIMMING AREAS. No person shall operate any motorboat or sailboat, ride, pull, or tow any aquaplane or water skis within any designated swimming area or within twenty (20) feet of the exterior boundaries of any designated swimming area.

Source: Ordinance No. 682.

SECTION 4-4010. NAVIGATING NEAR DAM. No person shall operate any boat within five hundred (500) feet of any dam owned or operated by any public agency or within any area designated by the regulatory agency of a body of public water where signs have been erected giving notice of the restriction.

Source: Ordinance No. 682.

SECTION 4-4011. ANCHORING IN PASSAGEWAY. No person shall anchor any boat for fishing, loading, discharging, servicing, or other purpose upon any body of water in a position which obstructs a passageway ordinarily used by other boats or an area designated as a passageway.

Source: Ordinance No. 682.

SECTION 4-4012. MOORING TO BUOYS. No person shall moor or attach any boat to any buoy, beacon, or marker placed in the water by any public agency, except mooring buoys or in an emergency.

Source: Ordinance No. 682.

SECTION 4-4013. NIGHT AQUAPLANING OR WATER SKIING. No person shall operate a boat, vehicle, or other motive power pulling or towing any aquaplane or water skier, nor shall any person ride any aquaplane or water skis between half an hour after sunset and half an hour before sunrise.

Source: Ordinance No. 682.

SECTION 4-4014. OPERATION OF MOTORBOATS ON SMALL LAKES. No person shall operate any motorboat on any lake containing less than three hundred (300) surface acres where signs have been erected at intervals of not over one-quarter mile around said lake giving notice of the prohibition.

Source: Ordinance No. 682.

SECTION 4-4015. DUMPING DEBRIS IN WATER. No person shall dump or place in any public waters any garbage, trash, gasoline, oil, sawdust, or any floating debris whether from a boat, the shore, or any other place.

Source: Ordinance No. 682.

SECTION 4-4016. SHOOTING ACROSS WATERS. No person shall shoot any firearm or gun operated by compressed gases or spring from any boat or across or over any portion of the waters of any lake or reservoir; but this section shall not prohibit the shooting of a shotgun from a boat or across lake or reservoir waters during the lawful waterfowl hunting season for the purpose of killing waterfowl.

Source: Ordinance No. 682.

SECTION 4-4017. SWIMMING IN PROHIBITED AREAS OR MORE THAN TWO HUNDRED (200) FEET FROM SHORE.

No person shall swim in any area designated as a no swimming area or more than two hundred (200) feet from the shore, or outside the boundaries of a marked swimming area or swim in a location or in such a manner as to create a hazardous or dangerous condition to the swimmer or any other person or object.

Source: Ordinance No. 682.

SECTION 4-4018. OWNERS' RESPONSIBILITY. No person owning, possessing, or in charge of any boat shall permit knowingly the boat to be operated in violation of any of the provisions of this chapter.

Source: Ordinance No. 682.

SECTION 4-4019. SIRENS. No person, except a duly authorized peace officer acting in the performance of his duties, shall use or sound a siren on any boat.

Source: Ordinance No. 682.

SECTION 4-4020. SUPERVISED BOAT RACES. No provision of this chapter shall be construed to prohibit or restrict the operation of any boat actually competing in a race or regatta over a marked racing course previously authorized in writing and actively supervised by the public agency having jurisdiction over the waters of such racing course or its duly authorized agent for that purpose, nor to conflict with any of the rules adopted by the agency or its agent supervising the race governing the conduct of such races.

Source: Ordinance No. 682, 2153.

SECTION 4-4021. SUPERVISED WATER SHOWS. No provision of this chapter shall be construed to prohibit or restrict the operation of any boat, aquaplane, or water skier actually participating in a water show previously authorized in writing and actively supervised by the public agency having jurisdiction over the waters on which the water show is conducted or its duly authorized agent for that purpose

Source: Ordinance No. 682.

SECTION 4-4022. METHOD OF ESTABLISHMENT. The Board of Supervisors by resolution as to waters under its jurisdiction and the authorized representative of any other public agency as to water under its jurisdiction may designate and cause to be appropriately marked boat launching areas, areas designed exclusively for swimming, areas where swimming is prohibited, areas where boats are prohibited, areas of restricted speed or "slow areas", and other boating and personnel control signs and devices and change them from time to time as the public safety and welfare may require. When appropriately marked, no person shall fail to comply with these designations.

Source: Ordinance No. 682.