

ORDINANCE CODE PART VI, CHAPTER 11
RIVER RAFTING

(Adopted by Ord. No. 3179, effective 3-11-97)

PURPOSE

SECTION 6-11-1000. The several rivers located within Tulare County provide significant recreational opportunities for both the residents and visitors of the County. In recent years, such opportunities have induced several commercial operators to arrange and guide rafting trips on some of the County's rivers. The Board of Supervisors has found that such increased commercial use of the County's rivers poses a threat to the health, safety and welfare of the recreational users of the rivers, as well as to the property and environment owned or located in the vicinity of the rivers. The purpose of this Chapter is to address certain problems which result from use of the County's rivers by commercial rafting, including without limitations, the following: parking and traffic congestion; food handling and sanitation; access to and from the rivers; violation of property rights; and adverse impacts on the riparian environment.

APPLICABILITY

SECTION 6-11-1005. This Chapter shall apply to any person or business entity which, for legal consideration, guides, leads or accompanies any person(s) using any raft, kayak or other floating device on any river, or portion of any river, designated for that purpose by resolution of the Board of Supervisors.

NOTE: The following river segments have been designated:

The Kaweah River from the boundary line of the Sequoia National Park to Lake Kaweah (Board of Supervisors Resolution No. 97-0170, effective 3/11/97).

**LICENSE
REQUIRED**

SECTION 6-11-1010. It shall be unlawful for any person, whether as owner, agent, employee or otherwise, to advertise, market, or conduct any activity to which this Chapter applies without first obtaining a commercial river license.

APPLICATION

SECTION 6-11-1015. Applications form commercial river licenses shall be made to, and may be issued by, the Tulare County Planning and Development Director ("Director"). Applications will be accepted no later than December 31 for use in the following year, except that for use in 1997 applications will be accepted until April 30, 1997.

APPLICATION CONTENTS

SECTION 6-11-1020. Applications shall be filed in the form required by the Director, and shall include as a minimum, or be accompanied by, the following:

- (a) The name and address of the applicant.
- (b) If the activity will be conducted by a partnership, the names and addresses of all general partners; if by an association, the names and addresses of all member, or officers if there are more that ten (10) members; if by a corporation, the names and addresses of all officers and managing employees; and, if by a limited liability company, the names and addresses of all managers and officers.
- (c) The name, address and telephone number of a person residing in Tulare County authorized to receive notices and communication form the County regarding any problems concerning the river use permitted by this Chapter during the actual period of such use.
- (d) Verification acceptable to the County Risk Manager of the insurance required by Sections 6-11-1040.
- (e) The Commercial River use Plan described in Section 6-11-1025.
- (f) The application fee required by Section 6-11-1035.
- (g) Such other information as the Director shall require.

COMMERCIAL RIVER USE PLAN

SECTION 6-11-1025. A Commercial River Use Plan shall include, but need not be limited to, the following information:

- (a) A complete description of the commercial activity proposed to be conducted under this Chapter in detail sufficient to confirm tat the proposed activity will comply with any and all federal, state and local laws and regulations.
- (b) Specific plans for ingress and egress into and out of the applicable river, including the location of any planned non-emergency stops on property (such as meal stops, rest stops, and detours around rapids), accompanied by written verification of authorization to use such property.
- (c) Specific plans for parking and land transportation form the point of egress to the point of ingress, insuring that the applicant will require no parking on State or County rights of way, and verifying the availability of at least one (1) parking space per employee, and

one (1) parking space per every two (2) commercial users for each commercial river trip, conforming to the Tulare county Site Plan Development Standards.

- (d) Specific plans for food preparation and/or handling, sanitation, solid waste disposal, and portable water supply, accompanied by any applicable permits required by the Tulare County Environmental Health Director.
- (e) An estimate of the number of floating devices (by type), number of persons, and number of trips proposed for commercial river use by the applicant for the term of the license.
- (f) A facsimile of any logo proposed to be used by the applicant in association with the proposed commercial river use.

**LICENSE
ISSUANCE**

SECTION 6-11-1030. Upon receipt of an application, the Director shall determine whether the applicant has complied with the requirements of Section 6-11-1020 and 6-11-1025. The grant or denial of a permit is intended to be a ministerial act based solely upon a determination of whether such requirements have been met. Within forty-five (45) days of receipt of an application, the Director shall either issue the license or notify the applicant of any deficiencies in the application. All licenses shall be issued in form provided by the Director, and shall be conditioned upon continued compliance with the requirements of this Chapter.

**LICENSE
FEE**

SECTION 6-11-1035. An applicant shall pay an application fee in the amount of \$250.00 unless modified by resolution of the Board of Supervisors.

INSURANCE

SECTION 6-11-1040. Prior to the issuance of a license an applicant shall file with the Director policies or certificates of general liability insurance covering the activities under the license and in form and amount acceptable to the County Risk Manager. The insurance policies shall name the County, its officers, employees and agents, and the riparian property owners, as additional insureds, and shall be maintained without material modification for the term of the license.

**LICENSE:
TERM,
REVOCATION**

SECTION 6-11-1045. Each Commercial River License shall be valid only for the calendar year in which it is issued, shall be nontransferable, shall be subject to any limitations authorized by Section 6-11-1055, and may be suspended or revoked if the Board of Supervisors finds, following reasonable notice to the licensee and public hearing on the matter, the licensee has failed to comply with the requirements of this Chapter, or that the suspension or revocation is required to protect the public health safety or welfare.

APPEALS

SECTION 6-11-1050. Any applicant, licensee or interested person may appeal any decision under this Chapter in compliance with Section 165 of the General Provisions of this Ordinance Code upon payment of a fee in the amount of \$100.00 to the Clerk of the Board of Supervisors.

LIMITATIONS

SECTION 6-11-1055. Notwithstanding the provisions of Sections 6-11-1020 and 6-11-1025, the Board of Supervisors may by resolution, at any time after reasonable notice and public hearing on the matter, limit the number or term of licenses and/or the number of floating devices, persons or trips, proposed for commercial use on a particular river if necessary to protect the public health, safety or welfare.

INTERIM LIMITATIONS

SECTION 6-11-1060. The Board of Supervisors hereby finds that protection of the public health, safety and welfare requires that the number of licenses for commercial river use on the Kaweah River be limited immediately until a River Management Plan for the Kaweah River can be prepared by the Director that will address the problems described in Section 6-11-1000. Therefore, commencing with the 1997 calendar year, and continuing thereafter until December 31, 1997, the licenses for the Kaweah River shall be issued only to those applicants who can verify that they have conducted any activity to which this Chapter applied during the 1996 calendar year on the Kaweah River, and only if they also comply with the other requirements of this Chapter.

REPORTS

SECTION 6-11-1065. Every licensee shall file a monthly report with the Director no later than the 20th day of each month describing any commercial river use conducted within the County during the previous calendar month. The report shall be made on a form provided by the Director, and shall be used to verify compliance with the provisions of this Chapter, and to assist the Director with the development of a River Management Plan.

IDENTIFICATION

SECTION 6-11-1070. Every licensee shall identify their business on the sides of their rafts, kayaks or other flotation devices with six-inch block letters so that the name is visible from either shore of a river they navigate, except that where space is limited the letter size may be reasonably reduced.

TIME LIMITATIONS

SECTION 6-11-1075. It shall be unlawful for any licensee to conduct any activity described in Section 6-11-1005 upon the river, or any portion of any river, designated pursuant to that section, between the hours of 6:00 p.m. and 8:00 a.m.

PENALTIES

SECTION 6-11-1080. The violation of any provision of this Chapter which is declared to be unlawful shall be a misdemeanor and shall be punishable as provided in Section 125.

**PUBLIC
NUISANCE**

SECTION 6-11-1085. Any Conduct declared to be unlawful by this Chapter is also declared to be a public nuisance.