NOTE: If you wish to address the MWD Board of Directors during discussion of an agenda item, or during the PUBLIC FORUM, please complete a Speaker Request card (blue in color) and give it to the Board Secretary. Unless a detailed presentation of an agenda item is required by the Board of Directors, it is requested that each speaker limit comments to FIVE MINUTES. All testimony given before the Board of Directors is tape recorded.

AGENDA
BIG BEAR MUNICIPAL WATER DISTRICT

BOARD OF DIRECTORS
Regular Meeting
April 1, 2010

PLACE: Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA 92315

Next Resolution Number: 2010- 03

OPEN SESSION: 1:00 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. DISCUSSION AND ACTION ON CLOSED SESSION ITEMS

4. REPORTS

A. General Manager
B. Lake Manager
C. Legal
D. Committee
E. Other

5. CONSENT CALENDAR

A. Minutes of a Regular Meeting of March 18, 2010
B. Warrant List Dated March 26, 2010 for $46,731.64

6. BUSINESS

A. Consider approval of second reading by title only of Ordinance 43, an ordinance of the Board of Directors of the Big Bear Municipal Water District adopting District Operations Code and repealing Ordinance Nos. 38, 40, 41, and 42 as it relates to commercial activities on the lake

7. PUBLIC FORUM

(The Board will receive comments from the public on items not on the agenda; no action is permitted on these items. Time set aside not to exceed 30 minutes total by all participants)

8. ANNOUNCEMENTS

9. DIRECTOR COMMENTS

10. ADJOURNMENT TO CLOSED SESSION

11. CLOSED SESSION
Conference with Legal Counsel:
Potential Litigation - 1 case

12. ADJOURNMENT

NEXT MEETING: Open Session at 1:00 P.M.
Thursday, April 15, 2010
Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA

MINUTES OF A REGULAR MEETING OF BIG BEAR MUNICIPAL WATER DISTRICT HELD ON THURSDAY, MARCH 18, 2010

CALL TO ORDER

President Fashempour called the Open Session to order at 1:00 PM. Those in attendance included Director Eminger, Director Suhay, Director Smith, Director Murphy, District Counsel Wayne Lemieux, General Manager Scott Heule, Lake Manager Mike Stephenson, and Board Secretary Vicki Sheppard.

REPORTS

Mr. Heule reported that he has been working closely with the Army Corps of Engineers (ACOE) in recent weeks regarding cost share accounting. He explained that the District's share can be shown through in-kind money. He stated that Mr. Stephenson will be meeting with them next week. Mr. Heule stated that the U.S. Census has been using the board room for testing and training this week. He explained that they requested an exemption to the rule that no one can reserve the room earlier than one week ahead of time stating that they were having a very hard time finding a meeting space. He stated that President Fashempour authorized the exemption and they have been using the room all week. Mr. Heule reported that he along with Mr. Stephenson and Mr. Carroll met with Western Outdoor News this morning to discuss this year's October Troutfest. He explained that many ideas and concerns were discussed. He added that it will be held the first weekend in October and should be a good event. Mr. Heule reported that after the Watermaster meeting he met with Don Evenson and Doug Headrick, the new General Manager of San Bernardino Valley Municipal Water District to discuss water releases and the in-lieu agreement. Mr. Heule reported that he met last week with the contractors regarding the Big Bear Marina gas contamination project. He explained that they have some concerns regarding the trench advising that they may have to wait until the area dries out to proceed (maybe until the fall). Director Suhay asked if they did core samples. Mr. Heule stated that they made a visual inspection.

Mr. Stephenson reported on his upcoming trip to Seattle for the Western Aquatic Plant Management Society conference. He commented that the lake clarity looks good. He reported on the progress of the office re-model. He also reported on the meeting with Western Outdoor News earlier today commenting that it was a successful meeting. Mr. Stephenson updated the Board on the East Ramp parking lot repair explaining that it now looks like they can go back to the original plan and complete the project. Director Smith asked where Western Outdoor News placed the Troutfest event in their list of priorities. Mr. Stephenson reported that it seems to have a high priority with them adding that he feels good about it. Director Eminger asked what date the event was scheduled to be held. Mr. Stephenson stated it is scheduled for October 2nd and 3rd. President Fashempour asked if the same people who came to the meeting were going to be coordinating and working the event. Mr. Stephenson stated they were.

District Counsel, Wayne Lemieux reported on the progress of the video conferencing system. He commented that it will allow Counsel to attend more meetings and provide the District with better service. Mr. Lemieux asked the Directors for feedback on the system. He added that Directors can take advantage of the system if they are out of the area and wish to attend a meeting.

APPROVAL OF CONSENT CALENDAR

Upon a motion by Director Murphy, seconded by Director Suhay, the following consent items were unanimously approved:

- Minutes of a Regular Meeting of March 4, 2010
- Warrant List Dated March 12, 2010 for $97,671.78
- Approval of the Special Event Permit for the Jim Hall Memorial May Trout Classic to be held May 15 & 16, 2010 & approval of a fish plant contribution
- Approval of a Special Event Permit for Fishin' for 50K Trout Derby to be held June 5 & 6, 2010
- Approval of a Special Event Permit for the Big Bear Lake Rotary Club's annual 4th of July Fireworks display
- Approval of a proposal from Big Bear Productions to provide outreach and information services

CONSIDER APPROVAL OF FIRST READING BY TITLE ONLY OF ORDINANCE 43, AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BIG BEAR MUNICIPAL WATER DISTRICT ADOPTING DISTRICT OPERATIONS CODE AND REPEALING ORDINANCE NOS. 38, 40, 41, AND 42 AS IT RELATES TO COMMERCIAL ACTIVITIES ON THE LAKE

Mr. Heule reported that adoption of this Ordinance will incorporate the previous amendments of Ordinance 38 into a single Ordinance and will add language further defining and controlling commercial activities below the high water elevation of the Lake. He added that in some cases amendments have been made that improve clarity within the document by consolidation of repetitive language and definitions. He explained that the significant changes in the Ordinance are in Title 2, "Lake Operations" as it relates to Permits and permit Applications. He stated that all commercial activities occurring below the high water elevation of the lake will require licensing either as a concessionaire of a licensed marina or with a concession permit issued by the District. Mr. Heule reported that the amendment specifically requires all boats except those operated or rented by owners of commercial marina or their concessionaires to have lake permits. He explained the changes proposed will prohibit boat rental businesses from launching vessels or using their vessels for training/teaching purposes below the high water elevation of the lake without a concession permit from the District or being a concessionaire of a licensed marina. He added that if the business is a concessionaire of a marina they can conduct their activities at a marina or out of the marina site only. Mr. Heule reported that changes to the ordinance also reference concession agreement policies that have not been developed by the District. He added that provisions in the proposed Ordinance note that no commercial lake use concession agreements will be issued by the District before April 1, 2011 and this will allow the Board time to draft and adopt policies that will be consistent with District Lake Management objectives.

Mr. Heule made a PowerPoint presentation highlighting various points and proposed changes to Ordinance 38 (copy attached).

Director Murphy inquired about concession agreements (refer to page 4 of presentation) asking if the year 2010 remains status-quo. Mr. Heule stated that is true but there is still no commercial activity below the high water line. Director Eminger commented that management and the Board worked very hard on this adding that it still has a ways to go but it is progressing.

Mr. Lemieux explained the Ordinance process stating that it begins with the first reading, then the second reading, and then it is published and becomes effective after 30 days later.

Director Suhay moved approval of the first reading by title only of Ordinance 43, an Ordinance of the Board of Directors of Big Bear Municipal Water District adopting District Operations Code and repealing Ordinance nos. 38, 40, 41, and 42 as it relates to commercial activities on the lake. Director Eminger seconded the motion and it was unanimously approved.

CONSIDER APPROVAL OF A WORK PLAN FOR A PROPOSED SAMPLING AND ANALYSIS PLAN FOR EVALUATING THE CHEMICAL AND PHYSICAL PROPERTIES OF LAKE SEDIMENT AT THE BIG BEAR MARINA

Mr. Heule reported that MWH has reviewed two sets of data collected by the Army Corps of Engineers on sediment engineering properties and sediment chemistry. He explained that they found sediment samples that were collected and analyzed within and adjacent to the proposed Big Bear Marina dredge area. He added that during conversations with the District's dredge design engineer, Moffett & Nichol, nine additional sampling locations were identified in order to provide sufficient information for moving forward on this work. He reported that in addition to sampling sediments adjacent to the marina fueling station specifically for hydrocarbon species, other locations were selected to provide additional chemical and engineering characterization of the sediment proposed to be dredged. He explained that sediment samples will be analyzed for engineering properties sediments collected during the sampling program will be analyzed for petroleum hydrocarbons, nutrients, PCB's, pesticides and metals in accordance with the plan. Mr. Heule reported that after completion of the sediment sampling and analysis a report of the findings of the project will be prepared and submitted to the District. He explained that the report will present a summary of the sampling operations, a map showing the locations of all sediment samples collected, a summary and discussion of the analytical results, and copies of all laboratory reports. He added that the report findings will be incorporated into the project CEQA document and will be referenced in pertinent permitting applications associated with the project. He reported that the Watershed/Lake Improvement Committee estimated the project should most likely cost less than $40,000 and the estimate from MWH came in at $36,018. He explained that one reason the estimate came in within the approved cost is because MWH will be assisted by District Staff and use of the District pontoon boat. President Fashempour asked about the timeframe of the project. Mr. Heule explained that the District pontoon boat motor has been rebuilt by District mechanic Jim Weber but is still buried under snow. He added that when all seasonal staff members are on board they will coordinate with Alan Sharp to work around Big Bear Marina's activities. Director Eminger commented that the first contamination reports from ACOE were very inaccurate and now they have been corrected. Mr. Heule stated that the original ACOE laboratory data summary spreadsheets were in error and he had to go back to the original laboratory reports to correct the data.

Director Suhay moved approval of a work plan for a proposed sampling and analysis plan for evaluating the chemical and physical properties of lake sediment at the Big Bear Marina. Director Murphy seconded the motion and it was unanimously approved.

PUBLIC FORUM

Alan Sharp, Big Bear Marina, asked if current concession renewals would be affected. Mr. Heule stated that the concessions at marinas would not be affected. Mr. Sharp commented that he went to the Fred Hall Fishing Show last week and found that the majority of people in the Sierra areas don't require Quagga Mussel inspections. He complimented the District on their pro-active Quagga program. He added that many of the visitors to their booth at the show were very interested in the Quagga issue. Mr. Stephenson stated that without the active marina

participation, the program would be useless. President Fashempour asked if we could contact these agencies and get them to be more active and aggressive in Quagga prevention. Mr. Heule stated that perhaps when Mr. Stephenson attends the WAPMS meeting he could bring this issue up. Mr. Stephenson commented that many agencies are evolving and learning. Director Smith asked if we had an updated list of affected lakes. Mr. Stephenson said he would get it at the Lake Managers meeting. He added that DFG is not funded in some of the Quagga programs like they have been in the past. He added that the District policy is if a boat is not clean, drained and dry it will be decontaminated without exception.

ANNOUNCEMENTS
Mr. Heule reported that he, President Fashempour and Director Suhay will be going to Washington DC next week. He added that they will be meeting with ACOE, Senators Boxer and Feinstein, Congressman Jerry Lewis, and networking time with other agency representatives.

DIRECTOR COMMENTS
No comments were made

ADJOURNMENT
There being no further business, the meeting was adjourned at 2:02 P.M.

NEXT MEETING Open Session at 1:00 P.M.
Thursday, April 1, 2010
Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA

_____

Vicki Sheppard
Secretary to the Board
Big Bear Municipal Water District

(SEAL)

Big Bear Municipal Water District

Board of Directors Meeting

March 18, 2010

Ordinance 38 Amendments

Proposed Changes to Ordinance 38

- Incorporates;
  - Ordinance 40 – boating operations and rules
  - Ordinance 41 – tour boat operations
  - Ordinance 42 – invasive species prevention
- Consolidates definitions, violations and appeals
- Revises some text to simplify the document
- Changes language to allow special permitting for commercial activities on the Lake
- Chapter, section and paragraph numbering has not been finalized
- Proposed new language shown in dark red

Proposed Changes to Ordinance 38

- Definition
  - "Commercial activities" - activities involving use of the Lake, other than special events or commercial boat landing operations, which are undertaken for monetary or other good and valuable consideration.
- New Definition
  - "Commercial activities" – means activities involving use of the Lake and shorezone below the high water elevation for gain or profit.

Proposed Changes to Ordinance 38

- Section 2-4.102 Permit Required
  - (a) Commercial activities may be conducted on District property above the high water line of the Lake only pursuant to a permit issued by the District.
- New Section 2-1.102 Permits
  - a) Except boats operated or rented by owners of commercial boat landing licenses or their concessionaires no person shall launch, use, operate or moor a boat on the Lake without a valid Lake Use Permit properly displayed.

Proposed Changes to Ordinance 38

- Section 2-4.102 Permit
  - (b) Commercial activities may be conducted on the Lake pursuant to a commercial boat landing permit, or if commercial landings are unable to conduct an activity, pursuant to a permit issued by the District.
- New Section 2-1.102 Permits
  - (b) Except for commercial activity conducted by a commercial boat landing operator no person shall conduct commercial activity below the high water elevation without securing a concession agreement from the District.

Proposed Changes to Ordinance 38

- Section 2-2.103 Permit Application
  - (a) Any person who desires to obtain a permit for personal use of a boat on the Lake, shall make written application to the District on forms approved for such purpose. No Lake Use Permit shall be issued for commercial use of the Lake, except pursuant to existing contracts.
- New Section 2-1.103 Applications
  - (a) A person who desires to obtain a permit for use of a boat on the Lake or who desires to secure a concession for commercial activity shall make written application to the District on forms approved for such use.

Proposed Changes to Ordinance 38

- Section 2-2.103 Permit Application
  (b) The General Manager shall review each application and shall issue the permit if the application is complete and the boat satisfies District boat standards as set forth in this Code and in compliance with state laws and regulations. If the General Manger recommends denial, no further action shall be taken unless the applicant appeals the decision to the Board.
- New Section 2-1.103 Applications
  (b) The General Manager shall issue the boat permit if the application is complete and the boat satisfies District boat standards and complies with state laws and regulations.
  (c) If the General Manager recommends denial of the application, no further action shall be taken unless the applicant appeals the decision to the Board.

Proposed Changes to Ordinance 38

(d) The Board of Directors shall consider approval of the concession agreement if the application is complete and satisfies District concession policies. No concession agreements for Lake use will be issued before April 1, 2011.

Proposed Changes to Ordinance 38

- Section 2-2.106 Boat Operations
  - Incorporates Ordinance 40
- Section 2-2.106 (w) ...(regarding tour boats)
  - Incorporates Ordinance 41
- Section 2-4.103 Invasive Species Prevention
  - Incorporates Ordinance 42

Big Bear Municipal Water District
Computer & Manual Check Register
Current and History Files, After 03/12/10
Account 10010-00-001, Sessions 000000 to 001873

Active Sessions (Not Included in Report)
001760, 001814, 001869

Check	Payment / Vendor Information	Ck Date	Prity	Invoice	Session	Reference	Amount
Checking Account:	10010-00-001						
147921	CCONNE / CONNELLY PUMPING SERVICES	03/12/10	2	8805	001847	PORTABLES	510.67
147921		03/12/10	2	8816	001847	PORTABLES	440.00
147921		03/12/10	2	8817	001847	PORTABLES	290.28
147921		03/12/10	2	8818	001847	PORTABLES	580.55
147921		03/12/10	2	8820	001847	PORTABLE	580.55
						CCONNE Subtotal :	2402.05
147922	JPFLOO / JP Floors	03/18/10	2	1617	001855	MAINOFFREM	600.00
						JPFLOO Subtotal :	600.00
147923	ALLPR / ALL PRO OUTDOOR POWER EQUIP	03/24/10	2	PO14263	001867	EQUIPMAINT	22.50
						ALLPR Subtotal :	22.50
147924	ALLPRO / All Protection Alarm Co.	03/24/10	2	35933	001867	FACILMAINT	35.00
147924		03/24/10	2	36315	001867	FACILMAINT	30.00
147924		03/24/10	2	36505	001867	FACILMAINT	175.00
147924		03/24/10	2	36784	001867	MAINT-WEST	75.00
						ALLPRO Subtotal :	315.00
147925	ATT785 / AT&T	03/24/10	2	03132010	001867	PHONE-LD	30.27
						ATT785 Subtotal :	30.27
147926	BVELEC / Bear Valley Electric	03/24/10	2	03052010A	001867	UTIL-MAIN	2386.04
147926		03/24/10	2	03052010B	001867	UTIL-MAIN	17.10
147926		03/24/10	2	03052010C	001867	UTIL-RV	69.08
						BVELEC Subtotal :	2472.22
147927	BVHOSP / Bear Valley Community Hospital	03/24/10	2	635525	001867	PHYSICAL40	129.00
147927		03/24/10	2	6358982	001867	PHYSICAL30	129.00
						BVHOSP Subtotal :	258.00
147928	BVPRIN / Bear Valley Printing	03/24/10	2	79472	001867	PRINT-DISP	3608.16
						BVPRIN Subtotal :	3608.16
147929	CASH / Victoria Moore /Petty Cash	03/24/10	2	03242010	001867	CHANGEBANK	3550.00
						CASH Subtotal :	3550.00
147930	CENTUR / CENTURY FORMS, INC.	03/24/10	2	68849	001867	PERMITPRIN	6350.91

Big Bear Municipal Water District
Computer & Manual Check Register
Current and History Files, After 03/12/10
Account 10010-00-001, Sessions 000000 to 001873

Active Sessions (Not Included in Report)
001760, 001814, 001869

Check	Payment / Vendor Information	Ck Date	Prity	Invoice	Session	Reference	Amount
						CENTUR Subtotal :	6350.91
147931	CMANC / C-MANC	03/24/10	2	2010	001867	WASHINGTON	500.00
						CMANC Subtotal :	500.00
147932	COMPVI / Computer Village	03/24/10	2	117372	001867	COMPCONSLT	650.00
						COMPVI Subtotal :	650.00
147933	COMSER / ComSerCo	03/24/10	2	5039455	001867	RADIOHAND	26.10
147933		03/24/10	2	5039462	001867	RADIOHAND	95.00
						COMSER Subtotal :	121.10
147934	CTTSPO / CT&T Sports	03/24/10	2	3589	001867	UNIFORMS	1839.61
						CTTSPO Subtotal :	1839.61
147935	DISH / Dish Network	03/24/10	2	03042010	001867	UTIL-MAIN	50.98
						DISH Subtotal :	50.98
147936	ENTEMA / ENTENMANN-ROVIN CO.	03/24/10	2	60058-IN	001867	UNIFORMS	69.96
						ENTEMA Subtotal :	69.96
147937	EVANS / BILL EVANS	03/24/10	2	03072010	001867	TRAINING	448.38
						EVANS Subtotal :	448.38
147938	FEDRAL / Federal Express, Corp.	03/24/10	2	702019439	001867	SHIPPING	329.33
						FEDRAL Subtotal :	329.33
147939	GALLS / GALLS, AN ARAMARK COMPANY	03/24/10	2	510461403	001867	UNIFORMS	52.48
147939		03/24/10	2	510486683	001867	OPS UNIF	70.79
						GALLS Subtotal :	123.27
147940	GRNWOD / Greenwood's Uniforms	03/24/10	2	92932	001867	UNIFORMS	301.94
						GRNWOD Subtotal :	301.94
147941	IDEARC / SUPERMEDIA LLC	03/24/10	2	03192010	001867	PHONE-WEB	29.95
						IDEARC Subtotal :	29.95
147942	IMPERI / IMPERIAL HEADWEAR INC.	03/24/10	2	789303	001867	OPS OSHA	207.24
						IMPERI Subtotal :	207.24
147943	JPFLOO / JP Floors	03/24/10	2	1617B	001867	FRONOFFREM	595.00
						JPFLOO Subtotal :	595.00

Big Bear Municipal Water District
Computer & Manual Check Register
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Account 10010-00-001, Sessions 000000 to 001873

Active Sessions (Not Included in Report)
001760, 001814, 001869

Check	Payment / Vendor Information	Ck Date	Prity	Invoice	Session	Reference	Amount
147944	LABSAF / Lab Safety Supply, Inc.	03/24/10	2	1015063558	001867	WTRSHDMGMT	52.78
						LABSAF Subtotal :	52.78
147945	MCMSTR / McMaster-Carr Supply Co.	03/24/10	2	49510120	001867	PUBLICINFO	8.95
						MCMSTR Subtotal :	8.95
147946	MERCER / Mercer Tire Co.	03/24/10	2	39135	001867	ONRDMAINT	16.99
147946		03/24/10	2	39222	001867	ONRDMAINT	186.57
						MERCER Subtotal :	203.56
147947	MNTROP / Mountain Trophy & Awards	03/24/10	2	7580	001867	UNIF OPS	60.91
147947		03/24/10	2	7583	001867	OPS UNIF	43.51
						MNTROP Subtotal :	104.42
147948	NATBUS / National Business Furniture	03/24/10	2	MK369815ER	001867	FURNITURE	594.58
						NATBUS Subtotal :	594.58
147949		03/24/10	2	MK369705TE	001867	FRNTOFFREM	1501.40
						NATBUS Subtotal :	1501.40
147950	NATNOT / National Notary Association	03/24/10	2	2010	001867	MEMBERSHIP	52.00
						NATNOT Subtotal :	52.00
147951	NOS / NOS Communications, Inc.	03/24/10	2	03182010	001867	PHONE-LD	458.88
						NOS Subtotal :	458.88
147952	ORION / Orion Radiology	03/24/10	2	540310061	001867	PHYSICALS	34.00
						ORION Subtotal :	34.00
147953	PITNY / PITNEY BOWES (RENTAL)	03/24/10	2	1098706MR1	001867	POSTAGE	121.00
						PITNY Subtotal :	121.00
147954	PSTMST / U.S. POSTAL SERVICE	03/24/10	2	2010PERMIT	001867	POSTAGE	185.00
						PSTMST Subtotal :	185.00
147955	SCOTTC / SCOTT CONSTRUCTION	03/24/10	2	516485	001867	FRNTOFFREM	3775.00
						SCOTTC Subtotal :	3775.00
147956	SQUEEG / Squeegee Clean	03/24/10	2	19	001867	FACILMAINT	50.00

Big Bear Municipal Water District
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Current and History Files, After 03/12/10
Account 10010-00-001, Sessions 000000 to 001873

Active Sessions (Not Included in Report)
001760, 001814, 001869

Check	Payment / Vendor Information	Ck Date	Prity	Invoice	Session	Reference	Amount
	Window Service						
						SQUEEG Subtotal :	50.00
147957	SWSTGS / Southwest Gas Corp	03/24/10	2	03182010A	001867	UTIL-RV	55.97
147957		03/24/10	2	03182010B	001867	UTIL-MAIN	608.16
						SWSTGS Subtotal :	664.13
147958	TERMIN / TERMINIX INTERNATIONAL	03/24/10	2	293451875	001867	FACILMAINT	47.00
147958		03/24/10	2	293844681	001867	FACILMAINT	39.00
						TERMIN Subtotal :	86.00
147959	TIFCO / Tifco Industries	03/24/10	2	70595327	001867	SHOPMAINT	402.87
						TIFCO Subtotal :	402.87
147960	VERIZO / Verizon California	03/24/10	2	03012010A	001867	PHONE-MAIN	592.06
147960		03/24/10	2	03012010B	001867	PHONE-RAMP	41.24
147960		03/24/10	2	03012010C	001867	PHONE-RAMP	40.29
147960		03/24/10	2	03012010D	001867	PHONE-MAIN	51.36
147960		03/24/10	2	03012010E	001867	PHONE-RAMP	42.44
						VERIZO Subtotal :	767.39
147961	VERONL / VERIZON COMMUNICATIONS	03/24/10	2	03132010A	001867	DSL-CREEK	89.99
						VERONL Subtotal :	89.99
147962		03/24/10	2	03132010B	001867	DSL-MAIN	159.95
						VERONL Subtotal :	159.95
147963	VERWIR / Verizon Wireless	03/24/10	2	0850618316	001867	PHONE-CELL	466.89
						VERWIR Subtotal :	466.89
147964		03/24/10	2	0841595639	001867	PHONE-CELL	830.48
						VERWIR Subtotal :	830.48
147965		03/24/10	2	0848683476	001867	PHONE-CELL	250.48
						VERWIR Subtotal :	250.48
147966	WAXIE / WAXIE	03/24/10	2	71829280	001867	JANITSUPPL	82.81
						WAXIE Subtotal :	82.81
147967	WINZER / Winzer Corporation	03/24/10	2	3667095	001867	SMTOOLS30	119.75
						WINZER Subtotal :	119.75
147968	AIM / Advanced Infastructure Management	03/24/10	2	1091-04	001870	DATABASEPR	2500.00

Big Bear Municipal Water District
Computer & Manual Check Register
Current and History Files, After 03/12/10
Account 10010-00-001, Sessions 000000 to 001873

Active Sessions (Not Included in Report)
001760, 001814, 001869

Check	Payment / Vendor Information	Ck Date	Prity	Invoice	Session	Reference	Amount
						AIM Subtotal :	2500.00
147969	BBPROD / BIG BEAR PRODUCTIONS	03/24/10	2	APRIL2010	001870	MULTIMEDIA	733.00
						BBPROD Subtotal :	733.00
147970	DATAME / DATAMECHANIX, INC	03/24/10	2	23722	001870	LAKEIMP	1282.50
						DATAME Subtotal :	1282.50
147971	SPCOMP / Standard Printing Company, Inc.	03/24/10	2	225860	001870	PERMITRENE	2452.53
147971		03/24/10	2	225873	001870	NONREGPOST	764.23
						SPCOMP Subtotal :	3216.76
147972	YEP / Walter Yep, Inc.	03/24/10	2	605	001870	PROFSVCS	2293.20
						YEP Subtotal :	2293.20
147973	AIM / Advanced Infastructure Management	03/24/10	2	1091-05	001873	DATABASEPR	768.00
						AIM Subtotal :	768.00
				Total For Check Account:		10010-00-001	46731.64
						Check Register Total :	46731.64

BIG BEAR MUNICIPAL WATER DISTRICT
REPORT TO BOARD OF DIRECTORS

MEETING DATE: April 1, 2010 ***AGENDA ITEM: 6A***

SUBJECT:

CONSIDER APPROVAL OF SECOND READING BY TITLE ONLY OF ORDINANCE 43, AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BIG BEAR MUNICIPAL WATER DISTRICT ADOPTING DISTRICT OPERATIONS CODE AND REPEALING ORDINANCE NOS. 38, 40, 41, AND 42 AS IT RELATES TO COMMERCIAL ACTIVITIES ON THE LAKE

RECOMMMENDATION:

The General Manager, Lake Manager, Lake Operations Supervisor, and Operations Committee recommend approval of Ordinance 43 and on advice of our attorney, denial of the marina arbitration request.

DISCUSSION/FINDINGS:

As discussed at the last Board meeting adoption of this Ordinance will incorporate the previous amendments of Ordinance 38 into a single Ordinance and will add language further defining and controlling commercial activities below the high water elevation of the Lake. In some cases amendments have been made that improve clarity within the document by consolidation of repetitive language and definitions. The significant changes in the Ordinance are in Title 2, "Lake Operations" as it relates to Permits and permit Applications. All commercial activities occurring below the high water elevation of the lake will require licensing either as a concessionaire of a licensed marina or with a concession permit issued by the District. The amendment specifically requires all boats <u>except</u> those operated or rented by owners of commercial marina or their concessionaires to have lake permits. Changes proposed will prohibit boat rental businesses from launching vessels or using their vessels for training/teaching purposes below the high water elevation of the lake without a concession permit from the District or being a concessionaire of a licensed marina. If the business is a concessionaire of a marina they can conduct their activities at a marina or out of the marina site only. Changes to the ordinance also reference concession policies that have not been developed by the District. Provisions in the proposed Ordinance note that no commercial lake use concession permits will be issued by the District before April 1, 2011. This will allow the Board time to draft and adopt

policies that will be consistent with District Lake Management objectives. At the March 18, 2010 Board meeting the Board unanimously approved the first reading of new Ordinance 43.

The Commercial Marina operators object to the new language in Ordinance 43. A letter to the District from the marinas dated March 24, 2010 states, "We, as current marina licensees, respectfully request that the Municipal Water District enter into arbitration with us concerning the proposed policy of changes addressing commercial operations on Big Bear Lake as presented by the MWD at the meeting of Thursday, March 4, 2010. We would further request that any such policy changes be held in abeyance until the arbitration is completed." Although the use of arbitration to settle marina compensation disagreements is included in the marina licenses, arbitration of disagreements in proposed government legislation is not legal. An arbitrator is a substitute for a judge. An arbitrator cannot have more power than the court could have. Because of the separation of powers doctrine, courts will not interfere with the legislative process. Courts are limited to judging whether legislation violates state law or the Constitution. Courts cannot order the District to adopt or not adopt legislation. Legislation cannot be judged by the court until it is adopted. The same principle applies to arbitration.

If the District denies the request, the marina operators have a couple of options. They can wait until Ordinance No. 43 is adopted and renew the request. The operators would then have to establish every possible interpretation of the Ordinance is unlawful. They can wait until the District issues a concession agreement for use of the lake and challenge the lawfulness of the permit. The operation would have to demonstrate the specific permit is unlawful.

OTHER AGENCY INVOLVEMENT: None

FINANCING: None

Submitted by: Scott Heule, General Manager

ORDINANCE NO. 43

AN ORDINANCE OF THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT ADOPTING DISTRICT OPERATIONS CODE AND REPEALING ORDINANCE NOS. 38, 40, 41 and 42

THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT ORDAINS as follows:

1. Purpose and Scope.

This ordinance repeals Ordinance Nos. 38, 40, 41 and 42 in their entirety.

2. Replacement Ordinance.

This ordinance shall be known as the " Big Bear Municipal Water District's Operations Code" and shall read as follows:

"TITLE 1. GENERAL

Section 1-1.101. Purpose and Scope.

This Ordinance regulates District operations and the use of Big Bear Lake. These rules and regulations may be referred to as the "Operations Code." Except as permitted by law, nothing contained herein shall affect rights which have been vested.

Section 1-1.102. Authority.

This Code is adopted under the authority of the Municipal Water District Law of 1911 as set forth in Division 20 (commencing with §71000) of the Water Code and §§71610, 71660 and 71661 thereof.

Section 1-1.103. Definitions.

Unless otherwise apparent from context, the following terms are defined for the purposes of this Code:

"Boat" or "vessel" – a device or watercraft used for boating or sailing, including float-tubes and sailboards

"Commercial activities" – means activities involving use of the Lake and Shorezone below the high water elevation for gain or profit.

"Commercial Boat Landings" – means the seventeen (17) commercial marina operations permitted by the District's predecessor in interest, Bear Valley Mutual Water Company, and assigned to the District pursuant to the judgment entered in the case known as "Big Bear Municipal Water District v. North Fork Water company, et al, Case No. SCV65493 ("1977 Judgment").

"Dam" - Bear Valley Dam.

"Dock" - a floating structure that provides pedestrian access to the Lake and wet storage of a boat.

"Dredge" or "dredging" - the removal of earth, vegetation or other organic or inorganic materials from the Shorezone.

"Fill" or "filling" - the deposit of earth, vegetation or other organic or inorganic materials in or upon the Shorezone.

"High Water Elevation" - a contour line within Bear Valley at the Dam spillway of 6743.2' elevation (NGVD-29).

"Kite boarding" means water skiing with the aid of an aerial device.

"Lake" - Big Bear Lake.

"Mooring Buoy" - a buoy anchored to the Lake bottom for the express purpose of securing a boat, in compliance with California Boating law.

"Park Rangers" - officers and employees of the District authorized to ensure compliance with the provisions of all laws, ordinances and regulations in effect on the waters of the Lake and District properties.

"Safety boom line" - the floating barrier located approximately 500 feet east of the Dam to restrict boating access.

"Shorezone" - all lands within the reservoir area created by the Dam and lying below high water elevation, i.e., 6,743.2 feet NGVD-29.

Section 1-1.104. Fees.

(a) When this Code provides for the issuance of a permit or license, the Board may establish a fee by resolution. The permit or license fee may include: an application fee, issuance fee, services fee and/or annual inspection fee. The amount of the fee shall not exceed the cost of providing the service for which the fee is charged.

(b) Application fees shall be paid when the application is submitted. Other fees shall be paid after approved but before issuance.

(c) Fees not paid when due are delinquent. The Board may provide for delinquency charges by resolution.

Section 1-1.105. Appeals & Hearings.

(a) Whenever any provision of this Code provides for an appeal of a decision made by the District staff, the appeal shall be commenced and conducted as provided in this Section.

(b) Any person appealing a decision shall do so by filing a written request with the Secretary setting forth the decision and the grounds for appeal. The appeal shall be filed with the Secretary within 30 days after the applicant is notified of the decision.

(c) Appeals from a decision by any other officer or employee shall be considered by the General Manager whose decision shall be final. Appeals from a decision by the General Manager shall be considered by the Board whose decision shall be final.

(d) If the Secretary determines that the request for hearing does not comply with this Section, the request for hearing shall be returned to the applicant within 5 days of receipt with a statement describing the deficiency. If the Secretary determines that the request for hearing complies with this Section, the Secretary shall set the matter for hearing at least 10 days but not more than thirty (30) days after receipt of the request for hearing. (The applicant shall be mailed a written notice at least ten (10) days prior to the hearing.)

(e) At the time and place set for the hearing, the General Manager or Board, as the case may be, shall consider the oral and/or documentary evidence presented by the applicant and by the staff or General Manager, as the case may be. The hearing shall be conducted, as far as practicable, in accordance with the California Administrative Procedures Act as set forth in Division 3 (commencing with §11500) of the Government Code.

Section 1-1.106. Violations.

(a) Violation of this Code constitutes an infraction punishable by a fine of not to exceed $100.00 for the first offense, by a fine of not to exceed $200.00 for the second offense within 12 months, and by a fine of not to exceed $500.00 for the third and subsequent offense within 12 months.

(b) Violation of this Code also constitutes a public nuisance.

(c) Violation of this Code is also grounds for revocation of entitlement for use of the Lake issued by the District.

TITLE 2. LAKE OPERATIONS

CHAPTER 1. USE OF LAKE

Section 2-1.101. Purpose.

This chapter regulates the use of the Lake.

Section 2-1.102. Permits.

(a) Except boats operated or rented by owners of commercial boat landing licenses or their concessionaires, no person shall launch, use, operate or moor a boat on the Lake without a valid Lake Use Permit properly displayed.

(b) Except for commercial activity conducted by a commercial boat landing operator and their concessionaires, no person shall conduct a commercial activity below the high water elevation without securing a concession agreement from the District.

Section 2-1.103. Boat and Concession Applications.

(a) A person who desires to obtain a permit for use of a boat on the Lake or who desires to secure a concession for commercial activity shall make written application to the District on forms approved for such purpose.

(b) The General Manager shall issue the boat permit if the application is complete and the boat satisfies District boat standards and complies with state laws and regulations.

(c) If the General Manager recommends denial of the boat or concession application, no further action shall be taken unless the applicant appeals the decision to the Board.

(d) The board of directors shall consider approval of the concession agreement if the application is complete and satisfies District concession policies. No concession agreements for Lake use will be issued before April 1, 2011.

Section 2-1.104. Boat Operations.

(a) No person shall operate a boat on the Lake except in compliance with the permit, this Code and other requirements of law.

(b) No person shall operate a boat in a restricted area or speed control zone at a speed in excess of speed posted on navigation aids.

(c) Between sunset and 7:00 A.M., no person shall operate a boat in excess of 10 mph or engage in water ski activities or personal watercraft operation.

(d) Boats engaged in water-ski activities shall use a counter-clockwise traffic pattern.

(e) A boat may exceed 5 mph inside the 5 mph buoy at a designated ski beach, provided the boat travels in the most direct route in a counter-clockwise direction.

(f) No person shall leave any boat, water-skis, ski equipment or similar devices unattended on the Lake.

(g) No more than two tow lines at one time shall be used for water-ski activities.

(h) No person shall tow an aerial device from a boat without obtaining prior District authorization.

(i) No person shall operate any boat at a speed in excess of 35 mph except during a race or other event approved by the District.

(j) No person shall park or leave unattended any boat in the water at a District boarding dock for more than fifteen (15) minutes. The boarding docks are for loading and unloading of passengers only.

(k) No person shall allow any boat which is in his or her custody or control to be used or operated by any individual who is not competent to do so safely.

(l) No person shall use a trailer to launch a boat at other than a designated launch ramp.

(m) No person shall beach or secure a boat to shore overnight other than a lakefront property owner, who may do so directly in front of their property.

(n) Persons operating a personal watercraft above wakeless speeds shall maintain a distance of at least 100 feet from all other boats.

(o) Operators and passengers of personal watercraft shall wear personal flotation devices.

(p) No person shall launch, operate, use or moor any boat in the area between Stanfield Cutoff and Division Road, also known as Stanfield Marsh.

(q) No unauthorized boats of any kind shall be operated on the Lake in the area between the Dam and the safety boom line.

(r) No person shall use or operate a boat for commercial purposes without prior District authorization.

(s) It is recommended that sailboard operators wear a United States Coast Guard approved personal flotation device.

(t) Manually propelled boats less than twelve (12) feet in length shall be limited to operate only between the 5 mph buoys and the shore.

(u) No kite boarding shall be allowed

(v) No person shall operate a remote control boat or other remote control object at the public launch ramp facilities or in the Stanfield Marsh.

(w) Commercial marina tour boats shall be subject to the following restrictions:

(1) There shall be no overnight mooring outside the marina's zone of influence or if there is no zone of influence, there shall be no overnight mooring at any dock other than a dock within the marina's area of operation, except as may be authorized at another commercial marina.

(2) There shall be no mooring for any purpose for more than 60 minutes at a time at any dock outside the marina's zone of influence or the area of marina operations except as may be authorized at another commercial marina.

Section 2-1.105. Boat Standards.

(a) The maximum allowable boat size shall be twenty-six (26) feet in length and eight and a half feet (8 feet 6 inches) wide, except as described below in (b) of this section. Commercial boat landings may be authorized to operate tour boats of more than 26' in length and not to exceed sixty-five (65) feet in length upon review and approval by the District.

(c) Boats used for construction and maintenance purposes and exceeding the allowable boat size described above in (a) of this section require prior review and approval by the District.

(d) Compliance with the District's boat standards does not relieve the owner or operator of the boat from taking such further actions as are necessary to ensure safety.

(e) District vessels are exempt from the regulations set forth in this section.

Section 2-1.106. Suspension or Revocation of Permit or Concession Agreement.

(a) The General Manager may suspend or revoke a permit whenever the permittee, owner or operator violates the terms and conditions of the permit, this Code or other legal requirements.

(b) The General Manager may suspend or revoke a concession agreement whenever the concessionaire violates the agreement, this Code or legal requirements.

(c) The decision of the General Manager to suspend or revoke a permit or terminate a concession agreement may be appealed to the Board.

Section 2-1.107. Special Use Areas.

(a) The General Manager may set aside portions of the Lake for designated uses when such uses are appropriate but require separation from other uses.

(b) Special use areas shall be clearly marked and special regulations shall be posted.

(c) Persons using the special use areas shall comply with such regulations as posted.

CHAPTER 2. FISHING, SWIMMING AND OTHER ACTIVITIES

Section 2-2.101. Purpose and Scope.

This Chapter establishes regulations for fishing, swimming, scuba diving and other activities on the Lake.

Section 2-2.102. Fishing.

(a) No person shall fish in the Lake unless such person possesses a current valid California Fishing License as required by law.

(b) Fish may be taken from the Lake except as follows:

(1) No fishing permitted from the Dam.

(2) No fishing or taking of fish from within 200 feet of where fish have been artificially introduced to the Lake, i.e. "planted", for a period of 24 hours after the introduction.

(3) No fishing or taking of fish from areas posted as such.

Section 2-2.103. Swimming and Scuba Diving.

(a) No person shall swim in the Lake except within fifty (50) feet of shore, within a designated swimming area or within twenty (20) feet of a dock, and as necessary and incidental to water-skiing, personal watercraft or sailboard use, or in an emergency.

(b) No person shall swim in the Lake within twenty (20) feet of the public launch ramp boarding docks. The General Manager may prohibit swimming in designated areas along the shoreline by posting appropriate notices.

(c) No person shall scuba dive in the Lake without prior District authorization.

(d) No person shall swim in the area between the Dam and the safety boom line.

(e) No person shall swim in the area between Stanfield Cutoff and Division Road, also known as Stanfield Marsh.

Section 2-2.104. Travel on Lake Ice.

(a) No person shall walk, play, ice skate or otherwise travel on ice or snow which is on the Lake.

(b) No person shall operate a snowmobile, all terrain vehicle, motorcycle, ice boat, automobile or other vehicle on ice or snow which is on the Lake.

Section 2-2.105. Amphibious Aircraft.

No person shall use the Lake to takeoff or land an amphibious aircraft or other flying apparatus.

CHAPTER 3. SPECIAL EVENTS

Section 2-3.101. Purpose and Scope.

This Chapter regulates special events involving the Lake.

Section 2-3.102. Permit Required.

No person shall conduct or participate in a special event unless a special event permit has been issued by the District.

Section 2-3.103. Permit Application.

(a) Any person who desires to obtain a special event permit shall make written application to the District on forms approved for such purpose by the General Manager.

(b) The General Manager shall review each application and if approved, a permit shall be issued. If the General Manager denies the permit, no further action shall be taken unless the applicant appeals the decision to the Board.

Section 2-3.104. Standards.

No person shall conduct a special event on the Lake except in compliance with a special event permit and this Code.

Section 2-3.105. Suspension or Revocation of Special Event Permit.

(a) The General Manager may suspend or revoke a special event permit whenever the permittee or operator violates the terms and conditions of the permit or this Code.

(b) The decision of the General Manager to suspend or revoke a special event permit may be appealed to the Board.

CHAPTER 4. SANITATION AND POLLUTION

Section 2-4.101. Purpose and Scope.

This Chapter regulates sanitary and pollution control regulations upon all District property.

Section 2-4.102. Prohibited Acts.

(a) No person shall deposit or allow the discharge of any litter, petroleum products, human or animal waste, waste products, including fish remains or a contaminating or polluting substance, into the waters of the Lake and tributaries to the Lake, or on the shore area or District property.

(b) Except as permitted by the San Bernardino County Environmental Health Department, no person shall allow waste from boat washing to discharge into the Lake or along the shore except into a waste disposal system that has been approved by the District.

(c) No person shall allow petroleum products to enter the Lake from bilge pumps or by any other method. Bilge pump operation is permitted provided the bilge water is free of oil and other contaminants.

(d) No person shall discharge or deposit any fish, animal or plant into the Lake without approval of the District and the Department of Fish and Game.

(e) No person shall cause the discharge of contents from marine toilet holding tanks into the Lake.

Section 2-4.103. <u>Invasive Species Prevention</u>

(a) This section adopts regulations to prevent importation of invasive species, such as quagga mussels, to Big Bear Lake from contaminated vehicles, boat trailers and boats.

(b) No person shall place a vessel on Big Bear Lake unless the General Manager, or designee, determines the vessel, trailer, and other launching equipment ("associated equipment") is free of invasive species. As used herein: vessel means every description of

water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water; and associated equipment means equipment needed or useful to the full enjoyment of a vessel.

(c) A vessel and associated equipment is free of invasive species if the General Manager, or designee, determines:

(1) The vessel and associated equipment have not been in contact with fresh water for at least fourteen days; or

(2) The vessel and associated equipment are cleaned prior to launch by persons certified for such purpose by the District.

(d) General Manager, or designee, shall issue a certificate for vessels and associated equipment which are free of invasive species.

(e) The District may establish fees for inspection and cleaning by resolution.

(f) Violation of this section is an infraction. In addition to penalties for infractions, District may revoke a boat/vessel permit issued to a person who has not complied with this section and may refuse to issue a boat/vessel permit for a period of up to five years.

TITLE 3. SHOREZONE REGULATIONS

CHAPTER 1. DISTRICT FACILITIES

Section 3-1.101. Purpose.

This Title regulates activities which affect the Shorezone of the Lake as distinguished from activities involving the use of the Lake. This Title regulates the manner by which the Shorezone may be altered by dredge or fill activities or by the installation of docks. This Title also regulates how such dredge or fill areas and docks are to be maintained and operated.

Section 3-1.102. General.

No person shall enter, use or occupy District facilities except in accordance with the rules and regulations set forth in this Chapter. Persons who use District facilities shall comply with the lawful orders of District Park Rangers.

Section 3-1.103. Prohibited Activities on District facilities.

(a) No person shall enter, use or occupy District facilities which are posted as closed.

(b) No person shall build or maintain a fire at District facilities.

(d) No person shall camp overnight.

(e) No person shall use camping equipment such as tents, sleeping bags, barbecues or other cooking gear on District fishing docks.

(f) No person shall smoke within District buildings.

(g) No person shall erect an enclosed tent.

Section 3-1.104. Plants, Animals and Native Materials.

(a) No person shall possess or control a dog unless the dog is controlled by a leash of not more than seven (7) feet in length. The person controlling the dog shall remove feces from District property. No dogs are permitted within an area designated as a bathing beach.

(b) No person shall cut, pick, damage or destroy any plant, tree, shrub or wildflower growing.

(c) No person shall damage or remove soil, rock or other natural materials.

Section 3-1.105. Vehicles.

(a) No person shall drive or park a vehicle upon, over, across or through a launching facility except:

(1) In compliance with the Vehicle Code;

(2) Upon designated roads and parking areas; and

(3) In accordance with traffic signs and directions of authorized District personnel.

(b) No person shall drive or park a vehicle below the high water line of the Lake except as pursuant to contract or at sites approved by the District.

(c) No person shall park a vehicle without a trailer in parking stalls marked as "Vehicles_with Trailer Only.

(d) No vehicles or trailers shall be left overnight at District facilities.

Section 3-1.106. Assemblies.

No person shall conduct a public meeting or assembly upon District facilities without District authorization except to undertake permitted activities.

Section 3-1.107. Fees

The Board may establish fees for use of District facilities from time to time by resolution.

CHAPTER 2. SHOREZONE ALTERATIONS

Section 3-2.101. Purpose.

This Chapter regulates removal of materials from, or deposit of materials into the Lake. The permits required by this Chapter are in addition to permits required by any other agency with jurisdiction by law or by any other part of this Code.

Section 3-2.102. Permit Required.

No person shall dredge or fill the Shorezone of the Lake without first obtaining a Shorezone alteration permit from the District.

Section 3-2.103. Permit Application.

(a) Any person who desires to obtain a Shorezone alteration permit shall make written application to the District on forms approved for such purpose by the General Manager.

(b) The General Manager shall review each application. If the General Manager denies the permit, no further action shall be taken unless the applicant appeals the decision to the Board. The General Manager may approve the permit or may recommend that a public hearing be conducted by the Board to consider the application. If the General Manager recommends Board action, the Board shall conduct a duly noticed public hearing to consider the application. The Board's decision shall be final.

Section 3-2.104. Shorezone Alteration Standards.

Shorezone alteration permits shall be conditioned upon measures as the Board deems necessary to mitigate the impact of the proposed dredge or fill project. Such mitigation measures may include: regulation of construction methods and materials, architectural standards, land use controls, public access and such other matters as determined by the Board. The Board may designate the mitigation measures required of all permittees from time to time by resolution, however, the requirements for each permittee shall be set forth in each Shorezone alteration permit.

Section 3-2.105. Operations.

No person shall conduct operations upon an area described in a Shorezone alteration permit except in compliance with the terms and conditions of the permit. Areas described in a Shorezone alteration permit shall be maintained in accordance with the terms and conditions of the permit.

Section 3-2.106. Suspension or Revocation of Shorezone Alteration Permit.

(a) The General Manager shall suspend a permit when the terms and conditions are violated. The General Manager may revoke a permit when the permittee has failed to cure a violation after a suspension of thirty (30) days or more.

(b) The General Manager shall provide the permittee or his successor with ten (10) days prior written notice of the suspension or revocation. The notice shall specify the grounds for the suspension or revocation, the action necessary to cure the violation and length of suspension.

(c) All construction shall cease during such time as a permit is suspended. When a permit is revoked, the permittee shall return the affected area, as near as practicable, to the same conditions existing prior to the issuance of the permit.

(d) A person whose permit is suspended or revoked may appeal the decision of the General Manager.

Section 3-2.107. Lake Sedimentation Control.

(a) No person shall conduct operations on real property above the high water line of the Lake in such a way as to cause the deposit of soil, rock or other debris into, on or under the Lake.

(b) The General Manager shall provide written notice to any person who has violated, or is about to violate, the provisions of this Section. The notice shall describe the facts of the violation or potential violation and shall request the person to cease and desist from or avoid performing such acts. A copy of the notice shall be forwarded to each Federal, state and county regulatory agency with jurisdiction by law.

(c) If the violator of this Section fails to remedy the violation within a reasonable period of time after having been directed to do so, or if a potential violator fails to take action to avoid a violation, the General Manager shall institute appropriate civil action or abate the violation.

Section 3-2.108. Violations.

(a) Every violation of this chapter shall also constitute a continuing public nuisance for which injunctive relief is authorized. Each day that the eroded material remains within the Lake constitutes a separate day's violation.

(b) Any person who encroaches in the Shorezone may be required to remove the encroachment. Should the District remove the encroachment, the District may file a criminal complaint or commence a civil action to remove the encroachment if the trespasser fails to act.

(c) The District may issue a permit for the encroachment on proof of special circumstances. If a permit is issued, the permittee shall pay the application and permit fees stated in the District's fee resolution, plus an amount equal to the cost of removing the encroachment.

CHAPTER 3. DOCKS

Section 3-3.101. Purpose.

This Chapter sets forth standards for the licensing, location, placement, construction, use and maintenance of docks on the Lake. The District grants dock privileges to certain properties on or near the Lake and has final authority regarding dock placement issues. The District does not guarantee lake levels will always facilitate dock placement, location or use.

Section 3-3.102. Residential and Lakefront Business Docks - License Required.

No person shall construct, place or use a dock or mooring buoy on the Lake without first obtaining a dock license from the District. The license required by this Chapter are in addition to permits required by any other agency with jurisdiction by law or by any other part of this Code.

Section 3-3.103. License Application.

(a) The owner of a parcel with dock privileges who desires to obtain a license shall make written application to the District on forms approved for such purposes by the General Manager.

(b) The General Manager shall review each application and if approved, a license will be issued. If the General Manager denies the license, no further action shall be taken unless the applicant appeals the decision to the Board.

Section 3-3.104. Standards.

Dock licenses shall be conditioned upon measures as the Board deems necessary to mitigate the impact of the dock or buoy. Such mitigation measures shall include: regulation of construction and materials; architectural and engineering standards; land use controls, public access and such other matters as determined by the Board. The Board may designate the mitigation measures required of all licenses from time to time by resolution. However, the requirements and/or restrictions for each license shall be set forth in each dock license. All licenses shall be maintained on file with the District.

Section 3-3.105. Operations.

No person shall use a dock or mooring buoy except in compliance with the terms and conditions of a dock license. All docks and mooring buoys shall be maintained in accordance with the terms and conditions of the license and current private dock standards and specifications.

Section 3-3.106. Suspension or Revocation of Dock License.

(a) The General Manager may suspend a dock license when terms or conditions of the license or other District regulations are violated.

(b) Ten (10) days prior written notice of the suspension shall be provided to the licensee. The notice shall specify the grounds for suspension, action necessary to cure the violation(s) and length of suspension. The General Manager shall revoke a license when the licensee has failed to cure a violation after a suspension of thirty (30) days or more.

(c) All use of the dock shall cease during such time as a license is suspended. When a license is revoked, the licensee shall return the affected areas, as near as practicable, to the same conditions existing prior to the issuance of the license.

(d) A person whose license is suspended or revoked may appeal the decision of the General Manager to the Board.

Section 3-3.107. Commercial Boat landing Dock Standards.

No commercial boat landing shall construct, place or use a dock, mooring buoy or floating building on the Lake except in compliance with the commercial boat landing permit and current commercial dock construction standards and specifications.

CHAPTER 4. RV PARK

Section 3-4.101. Purpose.

This Chapter regulates use of the District's Recreational Vehicle Park.

Section 3-4.102. Permit.

(a) No person shall camp in the Park, except with a permit.

(b) Any person who desires to obtain a permit shall make written application to the District on forms approved for such purpose by the General Manager.

(c) The General Manager shall review each application and may issue the permit if the application is complete and the recreational vehicle satisfies District requirements. If the General Manager recommends denial, no further action shall be taken unless the applicant appeals the decision to the Board.

(d) The General Manager may suspend or revoke a permit whenever the permittee violates the terms and conditions of the permit, this Code or other requirements of law.

Section 3-4.103. Regulations.

(a) Permits may be obtained on date of arrival with check-in guaranteed for 3:00 P.M. Additional days must be paid for by 10:00 A.M. on date of originally scheduled departure.

(b) No site may be vacated for more than 24 hours without notifying the RV Park Host or District.

(c) Guests must declare their intentions upon entering the Park relating to length of stay.

(d) Permits shall expire at 1:00 P.M. on the expiration date as indicated on the permit.

(e) Quiet hours shall be from 11:00 P.M. to 8:00 A.M., 7 days a week. No generator shall be used during these times.

(f) All pets must be restrained within site boundaries or kept on a leash no more than seven (7) feet long when off site. Animal feces must be removed by the owner immediately.

(g) Washing of vehicles or any other unnecessary use of water is prohibited.

(h) All native material and landscaping, live or dead, must be left undisturbed.

(i) All audio equipment such as radios, televisions, etc., are to be played in a manner so as to not disturb other guests.

(j) No motorcycles may be driven in the park except for ingress and egress.

(k) No wastewater, including gray water shall be dumped on the ground.

(l) Horses shall not be allowed.

(m) Campfires are prohibited.

(n) Smoking is prohibited in the restrooms.

(o) No permanent fixtures or structures are allowed, i.e., wood or metal canopies or sheds.

Section 3-4.104. Limitations.

(a) No more than eight (8) persons, two (2) pets, one (1) two-person tent, and two (2) vehicles, one of which shall be a recreational vehicle, are allowed per site.

(b) The Park is open from May 1 through October 31 of each year. Between November 1 and April 30 of each year, the Park is closed except for winter storage.

(c) No person shall drive or park a vehicle upon, over, across or through the Park except:

(1) In compliance with the Vehicle Code;

(2) Upon designated roads and parking areas; and

(3) In accordance with traffic signs and directions of authorized District personnel."

PASSED, APPROVED AND ADOPTED on _____, 2010.

_____
President, Todd Murphy

ATTEST:

_____
Secretary, Vicki Sheppard
(SEAL)

ORDINANCE NO. 38

AN ORDINANCE OF THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT ADOPTING DISTRICT OPERATIONS CODE AND REPEALING ORDINANCE NOS. 36 AND 37

THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT ORDAINS as follows:

The following rules and regulations for District operations are adopted:

TITLE 1. GENERAL

Section 1-1.101 **Purpose and Scope**

This Ordinance is adopted to regulate District operations. These rules and regulations may be referred to as the 'District's Operations Code'. Except as permitted by law, nothing contained herein shall affect rights which have been vested.

Section 1-1.102 **Authority**

This Code is adopted under the authority of the Municipal Water District Law of 1911 as set forth in Division 20 (commencing with §71000) of the Water Code and §§71610, 71660 and 71661 thereof.

Section 1-1.103 **Definitions**

Unless otherwise apparent from contest, the following terms are defined for the purposes of this Code:

'Commercial activities' - activities involving use of the Lake, other than special events or commercial boat landing operations, which are undertaken for monetary or other good and valuable consideration

Commercial Boat Landings – means the seventeen (17) commercial marina operations permitted by the District's predecessor in interest, Bear Valley Mutual Water Company, and assigned to the District pursuant to the judgment entered in the case known as "Big Bear Municipal Water District v. North Fork Water company, et al, Case No. SCV65493 ("1977 Judgment").

'Board' - the Board of Directors of the District

'Code' - the District's Operations Code

'Dam' - Bear Valley Dam

'District' - Big Bear Municipal Water District

'District Facilities' - the Lake, public launch ramps, Stanfield Marsh Preserve and other District properties

'District Office' - the office of the District

'General Manager' - the General Manager of the District or General Manager's designee

'High Water Line' - a contour line within Bear Valley at the Dam spillway of 6743.2' elevation

'Lake' - Big Bear Lake

'Official Bulletin Boards' - bulletin boards used for the posting of official District notices located at: the District office, the Duane Boyer Launch Ramp and the MWD East Boat Ramp

'Park Rangers' - those officers and employees of the District authorized to ensure compliance with the provisions of all laws, ordinances and regulations in effect on the waters of the Lake and District properties

'Recreational Vehicle' - a vehicle with enclosed sleeping accommodations

'Secretary' - the Secretary of the District appointed by the Board.

Section 1-1.104 **Amendments**

This Code may be amended from time to time by action of the Board through the adoption of a Code amendment to this Code.

Section 1-1.105 **Fees**

(a) Whenever any provision of this Code provides for the issuance of a permit or license, the Board may establish a permit fee from time to time by resolution. The permit or license fee may include: an application fee, issuance fee, services fee and/or annual inspection fee. The amount of the fee shall not exceed the cost of providing the service for which the fee is charged.

(b) Application fees shall be paid when the application is submitted. Other fees shall be paid after approved but before issuance.

(c) Fees not paid when due are delinquent. The Board may provide for delinquency charges from time to time by resolution.

Section 1-1.106 **Appeals & Hearings**

(a) Whenever any provision of this Code provides for an appeal of a decision made by the District staff, the appeal shall be commenced and conducted as provided in this Section.

(b) Any person appealing a decision shall do so by filing a written request with the Secretary setting forth the decision and the grounds for appeal. The appeal shall be filed with the Secretary within 30 days after the applicant is notified of the decision.

(c) Appeals from a decision by any other officer or employee shall be considered by the General Manager whose decision shall be final. Appeals from a decision by the General Manager or the Board shall be considered by the Board whose decision shall be final.

(d) If the Secretary determines that the request for hearing does not comply with this Section, the request for hearing shall be returned to the applicant within 5 days of receipt with a statement describing the deficiency. If the Secretary determines that the request for hearing complies with this Section, the Secretary shall set the matter for hearing at least 10 days but not more than thirty (30) days after receipt of the request for hearing. (The applicant shall be mailed a written notice at least ten (10) days prior to the hearing.)

(e) At the time and place set for the hearing, the General Manager or Board, as the case may be, shall consider the oral and/or documentary evidence presented by the applicant and by the staff or General Manager, as the case may be. The hearing shall be conducted, as far as practicable, in accordance with the California Administrative Procedures Act as set forth in Division 3 (commencing with §11500) of the Government Code.

Section 1-1.107 **Violations**

(a) Except as otherwise specified, violation of this Code constitutes an infraction punishable by a fine of not to exceed $100.00 for the first offense, by a fine of not to exceed $200.00 for the second offense within 12 months, and by a fine of not to exceed $500.00 for the third and subsequent offense within 12 months.

(b) Violation of any provision of this Code constitutes a public nuisance.

Section 1-1.108 **Other Agencies**

Except for the Title covering Shorezone Regulations, nothing contained herein shall restrict any governmental agency in the discharge of its official duties.

TITLE 2. LAKE OPERATIONS

CHAPTER 1. GENERAL

Section 2-1.101 **Purpose and Scope**

This Title regulates activities involving the use of the Lake. This Title establishes the conditions for the use of the Lake and the manner of such usage.

Section 2-1.102 **Definitions**

Unless otherwise apparent from context, the following terms are defined for the purposes of the Title:

(a) 'Boat' - any device or watercraft used for boating or sailing, including float-tubes and sailboards

(b) 'Boating' - the use of a boat

(c) 'Scuba-dive' - to descend and swim underwater using a self contained underwater breathing apparatus

(d) 'Fishing' - to catch or attempt to catch fish

(e) 'Non-registered boat' - non-motorized boats, sailboats eight (8) feet or less in length, float-tubes and sailboards

(f) 'Registered boat' - motorized boats and sailboats over eight (8) feet in length

(g) 'Sailing' - to operate a sailboat especially for pleasure, including the use of a sailboard

(h) 'Special event' - any use of the Lake authorized and permitted by the District not described in Chapter 2-4 of this Title

(i) 'Swimming' - to propel one's self in water by natural means, including the full or partial use of inner tubes, air mattresses or other support devices

(j) 'Safety boom line' - the floating barrier located approximately 500 feet east of the Dam to restrict boating access

(k) 'Water skiing' – towing activities with persons either behind or alongside a boat, including, but not limited to, water skiing, wake boarding, barefoot skiing, inflatables or any other similar device.

(l) 'Kite boarding' – water skiing with the aid of an aerial device rather than a boat.

CHAPTER 2. **BOATING**

Section 2-2.101 **Purpose and Scope**

This Chapter regulates boating on the Lake.

Section 2-2.102 **Permit**

No person shall launch, use, operate or moor a boat on the Lake without a valid Lake Use Permit properly displayed.

Section 2-2.103 **Permit Application**

(a) Any person who desires to obtain a permit for personal use of a boat on the Lake, shall make written application to the District on forms approved for such purpose. No Lake Use Permit shall be issued for commercial use of the Lake, except as pursuant to existing contracts.

(b) The General Manager shall review each application and shall issue the permit if the application is complete and the boat satisfies District boat standards as set forth in this Code and in compliance with state laws and regulations. If the General Manager recommends denial, no further action shall be taken unless the applicant appeals the decision to the Board.

Section 2-2.104 **Boat Standards**

(a) The maximum allowable boat size shall be twenty-six (26) feet in length and eight and a half feet (8 feet 6 inches) wide, except as described below in (b) of this section. Commercial boat landings may be authorized to operate tour boats of more than 26' in length and not to exceed sixty-five (65) feet in length upon review and approval by the District.

(c) Boats used for construction and maintenance purposes and exceeding the allowable boat size described above in (a) of this section require prior review and approval by the District.

(d) Compliance with the District's boat standards does not relieve the owner or operator of the boat from taking such further actions as are necessary to ensure safety.

(e) District vessels are exempt from the regulations set forth in this section.

Section 2-2.105 **Suspension or Revocation of Permit**

(a) The General Manager may suspend or revoke a permit whenever the permittee, owner or operator violates the terms and conditions of the permit, this Code or other requirements of law.

(b) The decision of the General Manager to suspend or revoke a permit may be appealed to the Board.

Section 2-2.106 **Boat Operations**

(a) No person shall operate a boat on the Lake except in compliance with the permit, this Code and other requirements of law.

(b) No person shall operate a boat in a restricted area or speed control zone at a speed in excess of speed posted on navigation aids.

(c) Between sunset and 7:00 A.M., no person shall operate a boat in excess of 10 mph or engage in water ski activities.

(d) Boats engaged in water-ski activities shall use a counter-clockwise traffic pattern.

(e) A boat may exceed 5 mph inside the 5 mph buoy at a designated ski beach, provided the boat travels in the most direct route in a counter-clockwise direction.

(f) No person shall leave any boat, water-skis, ski equipment or similar devices unattended on the Lake.

(g) No more than two tow lines at one time shall be used for water-ski activities.

(h) No person shall tow an aerial device from a boat without obtaining prior District authorization.

(i) No person shall operate any boat at a speed in excess of 35 mph except during a race or other event approved by the District.

(j) No person shall park or leave unattended any boat in the water at a District boarding dock for more than fifteen (15) minutes. The boarding docks are for loading and unloading of passengers only.

(k) No person shall allow any boat which is in his or her custody or control to be used or operated by any individual who is not competent to do so safely.

(l) No person shall use a trailer to launch a boat at other than a designated launch ramp.

(m)No person shall beach or secure a boat to shore overnight other than a lakefront property owner, who may do so directly in front of their property.

(n) Persons operating a personal watercraft above wakeless speeds shall maintain a distance of at least 100 feet from all other boats.

(o) Operators and passengers of personal watercraft shall wear personal flotation devices.

(p) No person shall launch, operate, use or moor any boat in the area between Stanfield Cutoff and Division Road, also known as Stanfield Marsh.

(q) No unauthorized boats of any kind shall be operated on the Lake in the area between the Dam and the safety boom line.

(r) No person shall use or operate a boat for commercial purposes without prior District authorization.

(s) It is recommended that sailboard operators wear a United States Coast Guard approved personal flotation device.

(t) Manually propelled boats less than twelve (12) feet in length shall be limited to operate only between the 5 mph buoys and the shore.

(u) No kite boarding shall be allowed

(v) No person shall operate a remote control boat or other remote control object at the public launch ramp facilities or in the Stanfield Marsh.

Section 2-2.107 **Special Use Areas**

(a) The General Manager may set aside portions of the Lake for designated uses when he or she finds that such uses are appropriate but require separation from other uses or special regulations.

(b) When the General Manager establishes a special use area, the area shall be clearly marked and special regulations shall be posted.

(c) Persons using the special use areas shall comply with such regulations as posted.

Section 2-2.108 **Restricted Areas**

No person shall enter, use, occupy or trespass in any area restricted by the District.

Section 2-2.109 **Violations**

The violation of any provision of this Chapter is an infraction.

CHAPTER 3. **FISHING, SWIMMING AND OTHER ACTIVITIES**

Section 2-3.101 **Purpose and Scope**

This Chapter establishes regulations for fishing, swimming, scuba diving and other activities on the Lake.

Section 2-3.102 **Fishing**

(a) No person shall fish in the Lake unless such person possesses a current valid California Fishing License as required by law.

(b) Fish may be taken from the Lake except as follows:

(1) No fishing permitted from the Dam.

(2) No fishing or taking of fish from within 200 feet of where fish have been artificially introduced to the Lake, i.e. "planted", for a period of 24 hours after the introduction.

(3) No fishing or taking of fish from areas posted as such.

Section 2-3.103 **Swimming and Scuba Diving**

(a) No person shall swim in the Lake except within fifty (50) feet of shore, within a designated swimming area or within twenty (20) feet of a dock, and as necessary and incidental to water-skiing, personal watercraft or sailboard use, or in an emergency.

(b) No person shall swim in the Lake within twenty (20) feet of the public launch ramp boarding docks. The General Manager may prohibit swimming in designated areas along the shoreline by posting appropriate notices.

(c) No person shall scuba dive in the Lake without prior District authorization.

(d) No person shall swim in the area between the Dam and the safety boom line.

(e) No person shall swim in the area between Stanfield Cutoff and Division Road, also known as Stanfield Marsh.

Section 2-3.104 **Travel on Lake Ice**

(a) No person shall walk, play, ice skate or otherwise travel on ice or snow which is on the Lake.

(b) No person shall operate a snowmobile, all terrain vehicle, motorcycle, ice boat, automobile or other vehicle on ice or snow which is on the Lake.

Section 2-3.105 **Amphibious Aircraft**

No person shall use the Lake to takeoff or land an amphibious aircraft or other flying apparatus.

Section 2-3.108 **Violations**

The violation of any provision of this Chapter is an infraction.

CHAPTER 4. **COMMERCIAL ACTIVITIES**

Section 2-4.101 **Purpose and Scope**

This Chapter regulates all commercial activities involving use of the Lake and on District properties.

Section 2-4.102 **Permit Required**

(a) Commercial activities may be conducted on District property above the high water line of the Lake only pursuant to a permit issued by the District.

(b) Commercial activities may be conducted on the Lake pursuant to a commercial boat landing permit, or if commercial landings are unable to conduct an activity, pursuant to a permit issued by the District.

Section 2-4.103 **Permit Application**

(a) Any person who desires to obtain a commercial use permit shall make written application to the District on forms approved for such purpose by the General Manager.

(b) The General Manager shall review each application, and if approved by the Board, a permit shall be issued. If the General Manager denies the permit, no further action shall be taken unless the applicant appeals the decision to the Board.

Section 2-4.104 **Standards**

No permit shall be issued for an activity which does not meet District standards as established from time to time by resolution.

Section 2-4.105 **Commercial Operations**

No person shall conduct commercial activities on the Lake except in compliance with a commercial use permit and this Code.

Section 2-4.106 **Suspension or Revocation of Commercial Use Permit**

(a) The General Manager may suspend or revoke a commercial use permit whenever the permittee or operator violates the terms and conditions of the permit or this Code.

(b) The decision of the General Manager to suspend or revoke a commercial use permit may be appealed to the Board.

Section 2-4.107 **Violations**

The violation of any provision of this Chapter is an infraction.

CHAPTER 5. **SPECIAL EVENTS**

Section 2-5.101 **Purpose and Scope**

This Chapter regulates special events involving the Lake.

Section 2-5.102 **Permit Required**

No person shall conduct or participate in a special event unless a special event permit has been issued by the District.

Section 2-5.103 **Permit Application**

(a) Any person who desires to obtain a special event permit shall make written application to the District on forms approved for such purpose by the General Manager.

(b) The General Manager shall review each application and if approved, a permit shall be issued. If the General Manager denies the permit, no further action shall be taken unless the applicant appeals the decision to the Board.

Section 2-5.104 **Standards**

No person shall conduct a special event on the Lake except in compliance with a special event permit and this Code.

Section 2-5.105 **Suspension or Revocation of Special Event Permit**

(a) The General Manager may suspend or revoke a special event permit whenever the permittee or operator violates the terms and conditions of the permit or this Code.

(b) The decision of the General Manager to suspend or revoke a special event permit may be appealed to the Board.

Section 2-5.106 **Violations**

The violation of any provision of this Chapter is an infraction.

CHAPTER 6. **SANITATION AND POLLUTION**

Section 2-6.101 **Purpose and Scope**

This Chapter regulates sanitary and pollution control regulations upon all District property.

Section 2-6.102 **Prohibited Acts**

(a) No person shall deposit or allow the discharge of any litter, petroleum products, human or animal waste, waste products, including fish remains or a contaminating or polluting substance, into the waters of the Lake and tributaries to the Lake, or on the shore area or District property.

(b) Except as permitted by the San Bernardino County Environmental Health Department, no person shall allow waste from boat washing to discharge into the Lake or along the shore except into a waste disposal system that has been approved by the District.

(c) No person shall allow petroleum products to enter the Lake from bilge pumps or by any other method. Bilge pump operation is permitted provided the bilge water is free of oil and other contaminants.

(d) No person shall discharge or deposit any fish, animal or plant into the Lake without approval of the District and the Department of Fish and Game.

(e) No person shall cause the discharge of contents from marine toilet holding tanks into the Lake.

Section **2-5.106 Violations**

The violation of any provision of this Chapter is an infraction.

TITLE 3. SHOREZONE REGULATIONS

CHAPTER 1. GENERAL

Section 3-1.101 **Purpose and Scope**

This Title regulates activities which affect the shorezone of the Lake as distinguished from activities involving the use of the Lake. This Title regulates the manner by which the shorezone may be altered by dredge or fill activities or by the installation of docks. This Title also regulates how such dredge or fill areas and docks are to be maintained and operated.

Section 3-1.102 **Definitions**

Unless otherwise apparent from context, the following terms are defined for the purposes of this Title:

(a) 'Mooring Buoy' - a buoy anchored to the Lake bottom for the express purpose of securing a boat, in compliance with California Boating law.

(b) 'Dock' - a floating structure that provides pedestrian access to the Lake and wet storage of a boat.

(c) 'Dredge' or 'dredging' - the removal of earth, vegetation or other organic or inorganic materials from the shorezone.

(d) 'Fill' or 'filling' - the deposit of earth, vegetation or other organic or inorganic materials in or upon the shorezone.

(e) 'Shorezone' - all lands within the reservoir area created by the Dam and lying below the spillway elevation of 6743.2'.

CHAPTER 2. **DISTRICT FACILITIES**

Section 3-2.101 **Purpose and Scope**

This Chapter regulates the use of District facilities. The requirements of this Chapter are in addition to the requirements of any other agency with jurisdiction by law or by any other part of this Code.

Section 3-2.102 **General**

No person shall enter, use or occupy District facilities except in accordance with the rules and regulations set forth in this Chapter. Persons who use District facilities shall comply with the lawful orders of District Park Rangers.

Section 3-2.103 **Prohibited Activities on District facilities**

(a) No person shall enter, use or occupy District facilities which are posted as closed.

(b) No person shall build or maintain a fire.

(c) No person shall engage in a commercial venture without a District permit.

(d) No person shall camp overnight.

(e) No person shall use camping equipment such as tents, sleeping bags, barbecues or other cooking gear on District fishing docks.

(f) No person shall smoke within District buildings.

(g) No person shall erect an enclosed tent.

Section 3-2.104 **Plants, Animals and Native Materials**

(a) No person shall possess or control a dog unless the dog is controlled by a leash of not more than seven (7) feet in length. The person controlling the dog shall remove feces from District property. No dogs are permitted within an area designated as a bathing beach.

(b) No person shall cut, pick, damage or destroy any plant, tree, shrub or wildflower growing.

(c) No person shall damage or remove soil, rock or other natural materials.

Section 3-2.105 **Vehicles**

(a) No person shall drive or park a vehicle upon, over, across or through a launching facility except:

(1) In compliance with the Vehicle Code;

(2) Upon designated roads and parking areas; and

(3) In accordance with traffic signs and directions of authorized District personnel.

(b) No person shall drive or park a vehicle below the high water line of the Lake except as pursuant to contract or at sites approved by the District.

(c) No person shall park a vehicle without a trailer in parking stalls marked as "Vehicles with Trailer Only.

Section 3-2.106 **Assemblies**

No person shall conduct a public meeting or assembly upon District facilities without District authorization except to undertake permitted activities.

Section 3-2.107 **Fees**

The Board may establish fees for use of District facilities from time to time by resolution.

Section 3-2.108 **Violations**

The violation of any provision of this Chapter is an infraction. Violators of this Chapter may be evicted and barred from District facilities.

CHAPTER 3. **SHOREZONE ALTERATIONS**

Section 3-3.101 **Purpose and Scope**

This Chapter regulates removal of materials from, or deposit of materials into the Lake. The permits required by this Chapter are in addition to permits required by any other agency with jurisdiction by law or by any other part of this Code.

Section 3-3.102 **Permit Required**

No person shall dredge or fill the shorezone of the Lake without first obtaining a shorezone alteration permit from the District.

Section 3-3.103 **Permit Application**

(a) Any person who desires to obtain a shorezone alteration permit shall make written application to the District on forms approved for such purpose by the General Manager.

(b) The General Manager shall review each application. If the General Manager denies the permit, no further action shall be taken unless the applicant appeals the decision to the Board. The General Manager may approve the permit or may recommend that a public hearing be conducted by the Board to consider the application. If the General Manager recommends Board action, the Board shall conduct a duly noticed public hearing to consider the application. The Board's decision shall be final.

Section 3-3.104 **Shorezone Alteration Standards**

Shorezone alteration permits shall be conditioned upon measures as the Board deems necessary to mitigate the impact of the proposed dredge or fill project. Such mitigation measures may include: regulation of construction methods and materials, architectural standards, land use controls, public access and such other matters as determined by the Board. The Board may designate the mitigation measures required of all permittees from time to time by resolution, however, the requirements for each permittee shall be set forth in each shorezone alteration permit.

Section 3-3.105 **Operations**

No person shall conduct operations upon an area described in a shorezone alteration permit except in compliance with the terms and conditions of the permit. Areas described in a shorezone alteration permit shall be maintained in accordance with the terms and conditions of the permit.

Section 3-3.106 **Suspension or Revocation of Shorezone Alteration Permit**

(a) The General Manager shall suspend a permit when the terms and conditions are violated. The General Manager may revoke a permit when the permittee has failed to cure a violation after a suspension of thirty (30) days or more.

(b) The General Manager shall provide the permittee or his successor with ten (10) days prior written notice of the suspension or revocation. The notice shall specify the grounds for the suspension or revocation, the action necessary to cure the violation and length of suspension.

(c) All construction shall cease during such time as a permit is suspended. When a permit is revoked, the permittee shall return the affected area, as near as practicable, to the same conditions existing prior to the issuance of the permit.

(d) A person whose permit is suspended or revoked may appeal the decision of the General Manager.

Section 3-3.107 **Violations**

(a) Any person discovered to be violating the shorezone alteration regulations shall be cited for violation of this Code. An infraction penalty may be sought.

(b) Any person who encroaches in the shorezone may be required to remove the encroachment. Should the District remove the encroachment, the District may file a criminal complaint or commence a civil action to remove the encroachment if the trespasser fails to act.

(c) The District may issue a permit for the encroachment on proof of special circumstances. If a permit is issued, the permittee shall pay the application and permit fees stated in the District's fee resolution, plus an amount equal to the cost of removing the encroachment.

Section 3-3.108 **Erosion Control**

(a) No person shall conduct operations on real property above the high water line of the Lake in such a way as to cause the deposit of soil, rock or other debris into, on or under the Lake.

(b) The General Manager shall provide written notice to any person who has violated, or is about to violate, the provisions of this Section. The notice shall describe the facts of the violation or potential violation and shall request the person to cease and desist from or avoid performing such acts. A copy of the notice shall be forwarded to each Federal, state and county regulatory agency with jurisdiction by law.

(c) If the violator of this Section fails to remedy the violation within a reasonable period of time after having been directed to do so, or if a potential violator fails to take action to avoid a violation, the General Manager shall institute appropriate civil action or abate the violation.

Section 3-3.109 **Violations**

Every violation of this provision shall constitute a public nuisance for which injunctive relief is authorized. Any violation of this provision is a continuing nuisance. Each day that the eroded material remains within the Lake constitutes a separate day's violation.

CHAPTER 4. **DOCKS**

Section 3-4.101 **Purpose and Scope**

This Chapter sets forth standards for the licensing, location, placement, construction, use and maintenance of docks on the Lake. The District grants dock privileges to certain properties on or near the Lake and has final authority regarding dock placement issues. The District does not guarantee lake levels will always facilitate dock placement, location or use.

Section 3-4.102 **Residential and Lakefront Business Docks - License Required**

No person shall construct, place or use a dock or mooring buoy on the Lake without first obtaining a dock license from the District. The license required by this Chapter are in addition to permits required by any other agency with jurisdiction by law or by any other part of this Code.

Section 3-4.103 **License Application**

(a) The owner of a parcel with dock privileges who desires to obtain a license shall make written application to the District on forms approved for such purposes by the General Manager.

(b) The General Manager shall review each application and if approved, a license will be issued. If the General Manager denies the license, no further action shall be taken unless the applicant appeals the decision to the Board.

Section 3-4.104 **Standards**

Dock licenses shall be conditioned upon measures as the Board deems necessary to mitigate the impact of the dock or buoy. Such mitigation measures shall include: regulation of construction and materials; architectural and engineering standards; land use controls, public access and such other matters as determined by the Board. The Board may designate the mitigation measures required of all licenses from time to time by resolution. However, the requirements and/or restrictions for each license shall be set forth in each dock license. All licenses shall be maintained on file with the District.

Section 3-4.105 **Operations**

No person shall use a dock or mooring buoy except in compliance with the terms and conditions of a dock license. All docks and mooring buoys shall be maintained in accordance with the terms and conditions of the license and current private dock standards and specifications.

Section 3-4.106 **Suspension or Revocation of Dock License**

(a) The General Manager may suspend a dock license when terms or conditions of the license or other District regulations are violated.

(b) Ten (10) days prior written notice of the suspension shall be provided to the licensee. The notice shall specify the grounds for suspension, action necessary to cure the violation(s) and length of suspension. The General Manager shall revoke a license when the licensee has failed to cure a violation after a suspension of thirty (30) days or more.

(c) All use of the dock shall cease during such time as a license is suspended. When a license is revoked, the licensee shall return the affected areas, as near as practicable, to the same conditions existing prior to the issuance of the license.

(d) A person whose license is suspended or revoked may appeal the decision of the General Manager to the Board.

Section 3-4.107 **Commercial Boat landing Dock Standards**

No commercial boat landing shall construct, place or use a dock, mooring buoy or floating building on the Lake except in compliance with the commercial boat landing permit and current commercial dock construction standards and specifications.

Section 3-4.108 **Violations**

The violation of any provision of this Chapter is an infraction.

CHAPTER 5. **RV PARK**

Section 3-5.101 **Purpose and Scope**

This Chapter regulates use of the District's Recreational Vehicle Park.

Section 3-5.102 **Permit**

(a) No person shall camp in the Park, except with a permit.

(b) Any person who desires to obtain a permit shall make written application to the District on forms approved for such purpose by the General Manager.

(c) The General Manager shall review each application and may issue the permit if the application is complete and the recreational vehicle satisfies District requirements. If the General Manager recommends denial, no further action shall be taken unless the applicant appeals the decision to the Board.

(d) The General Manager may suspend or revoke a permit whenever the permittee violates the terms and conditions of the permit, this Code or other requirements of law.

Section 3-5.103 **Regulations**

(a) Permits may be obtained on date of arrival with check-in guaranteed for 3:00 P.M. Additional days must be paid for by 10:00 A.M. on date of originally scheduled departure.

(b) No site may be vacated for more than 24 hours without notifying the RV Park Host or District.

(c) Guests must declare their intentions upon entering the Park relating to length of stay.

(d) Permits shall expire at 1:00 P.M. on the expiration date as indicated on the permit.

(e) Quiet hours shall be from 11:00 P.M. to 8:00 A.M., 7 days a week. No generator shall be used during these times.

(f) All pets must be restrained within site boundaries or kept on a leash no more than seven (7) feet long when off site. Animal feces must be removed by the owner immediately.

(g) Washing of vehicles or any other unnecessary use of water is prohibited.

(h) All native material and landscaping, live or dead, must be left undisturbed.

(i) All audio equipment such as radios, televisions, etc., are to be played in a manner so as to not disturb other guests.

(j) No motorcycles may be driven in the park except for ingress and egress.

(k) No wastewater, including gray water shall be dumped on the ground.

(l) Horses shall not be allowed.

(m) Campfires are prohibited.

(n) Smoking is prohibited in the restrooms.

(o) No permanent fixtures or structures are allowed, i.e., wood or metal canopies or sheds.

Section 3-5.104 **Limitations**

(a) No more than eight (8) persons, two (2) pets, one (1) two-person tent, and two (2) vehicles, one of which shall be a recreational vehicle, are allowed per site.

(b) The Park is open from May 1 through October 31 of each year. Between November 1 and April 30 of each year, the Park is closed except for winter storage.

(c) No person shall drive or park a vehicle upon, over, across or through the Park except:

(1) In compliance with the Vehicle Code;

(2) Upon designated roads and parking areas; and

(3) In accordance with traffic signs and directions of authorized District personnel.

Section 3-5.105 **Violations**

The violation of any provision of this Chapter is an infraction.

PASSED, APPROVED AND ADOPTED this 6th day of September, 2001.

Bob Ludecke, President

ATTEST:

Rachael Winslow

Rachael Winslow, Secretary

(SEAL)