

POLICY MANUAL

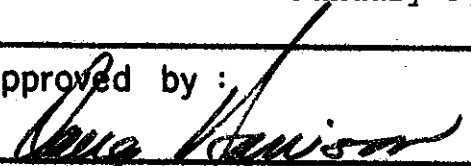
Date Adopted : July 11, 1966

Classification : RISK MANAGEMENT

Date Last Amended :
January 9, 1990

Subject : Site Fencing, Security

Approved by :



1. All property under the ownership and/or control of the District which is improved for District purposes and which improvements are not specifically designed to accommodate public access, or if designed for public access have been restricted from such access by the District, shall be fenced and locked.
2. Properties of the District not designed for and not made available to the public for access shall be permanently posted against trespass. Properties which shall be so fenced, locked and posted shall include, but not necessarily be limited to, the following:
 - A. Undeveloped basins
 - B. Low flow portions of developed basins
 - C. Detention basins
 - D. Dams
3. Properties of the District designed for public access but which are temporarily restricted due to the presence of water, maintenance or further construction, shall be locked only during the duration of the inundation or work.
4. If any District employee or contractor observes an act of trespass by any individual at any facility of the District permanently locked and posted against trespass, or any facility temporarily locked to facilitate temporary inundation, maintenance or improvement, such employee or contractor shall immediately request the trespasser to leave the property. The employee or contractor shall immediately inspect the fence and all gates and locks, replacing any locks as required and reporting to the fence repair contractor any fence damage requiring correction.
5. In such cases in which the trespasser refuses to voluntarily leave the District property, the District employee or contractor shall:
 - A. Notify the trespasser the failure to leave voluntarily will necessitate the filing of a complaint with the appropriate policy authority.
 - B. Immediately notify the appropriate police authority of the trespass, including in the report to the police authority the site, circumstances, name (if available), and description of the trespasser.

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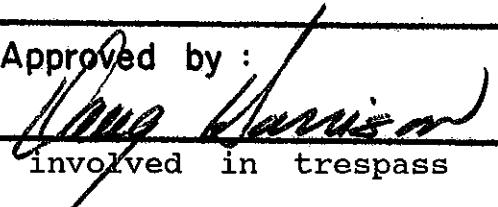
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6. District employees and contractors involved in trespass incidents shall:
 - A. Use a firm yet polite manner in addressing the trespasser.
 - B. Avoid all physical contact with the trespasser (except in such cases where the trespasser is in critical need of physical assistance to preserve health and well being).
 - C. Avoid the use of any physical force to effect the removal of a trespasser.
7. All incidents involving the refusal of a trespasser to leave a District property or any unusual circumstances associated with a trespass incident shall be reported immediately to the District Operations Engineer.

COPY

BILL NO. B-194

INTRODUCED BY COUNCILMEMBER Petersen

ORDINANCE NO. 84-2

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING ARTICLE 11 TO CHAPTER 9 OF THE FRESNO
MUNICIPAL CODE, RELATING TO CANALS AND PONDING
BASINS.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 11 is added to Chapter 9 of the Fresno
Municipal Code to read:

CHAPTER 9

CANALS AND PONDING BASINS

- Section 9-1101. Definitions.
- Section 9-1102. Swimming in Canals and Ponding Basins
Prohibited.
- Section 9-1103. Authority to Post.
- Section 9-1104. Penalty.

SECTION 9-1101. DEFINITIONS.

(a) "Canal" shall mean a waterway artificially
improved for the purpose of draining or irrigating
land.

(b) "Ponding basin" shall mean an artificial
flood control work constructed pursuant to section 24
of the Fresno Metropolitan Flood Control Act, or which
is owned, operated or controlled by the Fresno
Irrigation District.

(c) "Posted canal" or "Posted ponding basin"
means that portion of any canal or ponding basin, or
the bank or shoreline thereof, within, upon or
adjacent to which a sign or signs have been posted as
provided herein. Said sign or signs shall be no less
than one square foot in area, upon which shall appear
in letters not less than two inches in height, the
words, "DANGER. NO SWIMMING. NO UNATTENDED
CHILDREN." Said sign or signs shall be placed in a
conspicuous place or places, shall be clearly visible
within the area in which swimming and

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unattended children are forbidden and shall be placed in such location or locations as to give reasonable warning of the dangers involved in the posted area.

(d) "Shoreline" or "bank" shall mean that portion of the real property immediately adjoining a canal or ponding basin and within twenty feet of the water's edge which is used by the public agency in maintaining and operating said canal or ponding basin.

SECTION 9-1102. SWIMMING IN CANALS AND PONDING BASINS PROHIBITED.

(a) It shall be unlawful for any person to swim, wade, or enter into the waters of any posted canal or ponding basin which is operated by a public agency within the city, without the express consent of the public agency which owns, operates or maintains the canal or ponding basin.

(b) It is unlawful for any parent, guardian or other person having care or control of any child under the age of ten years to knowingly permit such child to enter upon or play upon the bank or shoreline of any posted canal or ponding basin to which this article is applicable, except in the immediate presence of an adult person who has assumed responsibility for the safety of such child.

(c) It is unlawful for any child under the age of ten years to enter upon or play upon the bank or shoreline of any posted canal or ponding basin to which this article is applicable, except in the immediate presence of an adult person who has assumed responsibility for the safety of such child.

SECTION 9-1103. AUTHORITY TO POST.

(a) The owner of the land, or the public agency operating, maintaining or having jurisdiction over the canal or ponding basin to which this article is applicable, shall have authority to post the property as herein provided.

(b) The city may post such property when authorized to do so by the public entity which owns, operates, or maintains the canal, it being the intent of this provision to invoke for the city the immunity set forth in Government Code section 831.8.

SECTION 9-1104. PENALTY. Any person who violates any of the provisions of this article shall be guilty of an infraction punishable by a fine of not to exceed Two Hundred and Fifty Dollars (\$250).

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, JACQUELINE L. RYLE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 10th day of January, 1984.

JACQUELINE L. RYLE
City Clerk

By _____
Deputy

SHP/zzd
12-19-83
3811/64

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. 83-026

COPY

AN ORDINANCE AMENDING THE ORDINANCE CODE OF THE
COUNTY OF FRESNO BY AMENDING SECTION 13.32.010 OF CHAPTER 13.32
OF TITLE 13 THEREOF, AND BY ADDING SECTIONS 13.32.071,
13.32.072, 13.32.073 AND 13.32.074 TO CHAPTER 13.32 OF TITLE 13
THEREOF, RELATING TO THE USE OF PUBLIC WATERS.

The Board of Supervisors of the County of Fresno
does ordain as follows:

1. The Ordinance Code of the County of Fresno is
hereby amended by amending Section 13.32.010 of Chapter 13.32 of
title 13 thereof, to read in its entirety as follows:

13.32.010 - APPLICABILITY.

This chapter is applicable, as hereinafter
specifically provided, to and governs all public waters,
including lakes, reservoirs, ponds, canals, rivers and streams
or portions thereof, situated within the boundaries of the
county over which the county has police power jurisdiction,
either exclusively or concurrently with the United States or the
State, or both, insofar as the provisions of this chapter do not
conflict with applicable statutes or regulations of the United
States or the State.

2. The Ordinance Code of the County of Fresno is
further amended by adding Sections 13.32.071, 13.32.072,
13.32.073 and 13.32.074 to Chapter 13.32 of Title 13 thereof, to
read in their entirety as follows:

13.32.071 - Entry into public reservoir, pond or

It is unlawful for any person to swim, wade, play

or enter into or into any reservoir, pond or stream to which

1 this chapter is applicable and which is owned, operated, used or
2 maintained by or under the jurisdiction of the County of Fresno
3 or any public agency within the County of Fresno, without the
4 express consent of the public agency under whose jurisdiction
5 such reservoir, pond or canal is owned, operated or maintained.

6 13.32.072 - RESPONSIBILITY FOR SAFETY OF CHILDREN.

7 It is unlawful for any parent, guardian or other
8 person having the care or custody of any child under the age of
9 ten (10) years to knowingly permit such child to enter upon or
10 play upon the bank or shoreline of any public water to which
11 this chapter is applicable except in the immediate presence of
12 an adult person who has assumed responsibility for the safety of
13 such child.

14 13.32.073 - AREAS SUBJECT TO SECTIONS 13.32.071 AND
15 13.32.072

16 The provisions of sections 13.32.071 and 13.32.072
17 shall be applicable only within that portion of the
18 unincorporated territory of the county contained within the area
19 described in section 10.44.030 of Chapter 10.44 of Title 10
20 hereof, which description is incorporated in this section by
21 reference thereto.

22 13.32.074 - PENALTY.

23 Any person violating any provisions of
24 sections 13.32.071 or 13.32.072 shall be guilty of an
25 infraction. The penalty for such violation shall be as
26 specified in section 1.12.020 of this code.

27 3. This Ordinance shall take effect and be in
28 force thirty (30) days from and after its passage.

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THE FOREGOING was passed and adopted by the following
vote of the Board of Supervisors of the County of Fresno this
8th day of November , 1983 , to-wit:

AYES: Supervisors Levy, Ramacher, Koligian

NOES: Supervisors Conrad, Reich

ABSENT: None

Jeff Reich
CHAIRMAN, Board of Supervisors

ATTEST:
Allan H. Colman, Clerk
of the Board of Supervisors

By *Arlene Reyna*
Deputy



FILE # 1562
AGENDA # 6
ORDINANCE # 53-026