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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406]** ( *Division 104 added by Stats. 1995, Ch. 415, Sec. 6.*  )

**PART 12. DRINKING WATER [116270 - 117130]** ( *Part 12 added by Stats. 1995, Ch. 415, Sec. 6.*  )

**CHAPTER 7. Water Supply [116975 - 117130]** ( *Chapter 7 added by Stats. 1995, Ch. 415, Sec. 6.*  )

**ARTICLE 1. Water Supply Provisions [116975 - 117075]** ( *Article 1 added by Stats. 1995, Ch. 415, Sec. 6.*  )

**116975.** No person shall put the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop, into any river, creek, pond, reservoir, or stream.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**116980.** No person shall put any water closet, privy, cesspool or septic tank, or the carcass of any dead animal, or any offal of any kind, in, or upon the borders of, any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this state, in a manner that the drainage of the water closet, privy, cesspool or septic tank, or carcass, or offal may be taken up by or in the water.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**116985.** No person shall allow any water closet, privy, cesspool, or septic tank, or carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any stream, pond, lake, or reservoir within the boundaries of any land owned or occupied by him or her, in a manner that the drainage from the water closet, privy, cesspool or septic tank, or carcass, or offal, may be taken up by or in the stream, pond, lake, or reservoir, if water is drawn therefrom for the supply of any portion of the inhabitants of this state.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**116990.** No person shall keep any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corralled, or housed on, over, or on the borders of any stream, pond, lake, or reservoir, in a manner that the waters become polluted, if water is drawn therefrom for the supply of any portion of the inhabitants of this state.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**116995.** No person shall cause or permit any horses, cattle, sheep, swine, poultry, or any kind of live stock or domestic animals, to pollute the waters, or tributaries of waters, used or intended for drinking purposes by any portion of the inhabitants of this state.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**117000.** No person shall bathe, except as permitted by law, in any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this state, or by any other means foul or pollute the waters of any such stream, pond, lake, or reservoir.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**117005.** Nothing in this article shall be held to prevent the grazing of livestock in areas embracing any stream or watershed where the grazing would not tend to render the waters unwholesome or injurious to the public health.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**117010.** Every person who washes clothes in any spring, stream, river, lake, reservoir, well, or other waters that are used or intended for drinking purposes by the inhabitants of the vicinage or of any city, county, or town, of this state, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days, or a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), or by both such fine and imprisonment.

Each day's violation of this section is a separate offense.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**117015.** Every person who violates, or refuses or neglects to conform to, any sanitary rule, order, or regulation prescribed by the department for the prevention of the pollution of springs, streams, rivers, lakes, wells, or other waters used or intended to be used for human or animal consumption, is guilty of a misdemeanor.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**117020.** No person shall construct, maintain, or use any waste well extending to or into a subterranean water-bearing stratum that is used or intended to be used as, or is suitable for, a source of water supply for domestic purposes, except pursuant to Article 6 (commencing with Section 13540) of Chapter 7, Division 7 of the Water Code.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**117025.** It is unlawful for the owner, tenant, lessee, or occupant of any houseboat or boat intended for or capable of being used as a residence, house, dwelling, or habitation, or agent of the owner, tenant, lessee, or occupant to moor or anchor it or permit it to be moored or anchored in or on any river or stream, the waters of which are used for drinking or domestic purposes by any city, town, or village, within a distance of two miles above the intake or place where the city, town, or village water system takes water from the river or stream. This section does not apply to the mooring or anchoring of a houseboat when necessary, during transportation, for a period of not longer than one day.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**117030.** Violation of this article may be enjoined by any court of competent jurisdiction at the suit of any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected, or by the state department.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**117035.** Anything done, maintained, or suffered, in violation of any of the provisions of this article is a public nuisance, dangerous to health, and may be summarily abated as such.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**117040.** A city, city and county, district or other public agency, owning or operating a reservoir used for domestic or drinking water purposes, may open to public fishing all or any part of the reservoir and its surrounding land.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**117045.** Before the reservoir and its surrounding land are opened to public fishing the public agency owning or operating the reservoir shall determine that the public fishing will not affect the purity and safety for drinking and domestic purposes of the water collected in the reservoir, and shall obtain from the department a valid water supply permit setting forth the terms and conditions upon which public fishing may be conducted in the reservoir and on its surrounding land.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**117050.** Public fishing shall not be conducted in a reservoir or on its surrounding land if the reservoir is used as a regulating reservoir to meet daily or peak consumption demands and as a terminal reservoir to a water collecting facility and as a distribution reservoir from which water may be supplied for drinking or domestic purposes without full purification treatment after withdrawal from the reservoir.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**117055.** The department may allow public fishing on any terminal reservoir if it finds that adequate means are being used to protect drinking water quality and that public fishing will have no significant effect on water quality. The department shall examine all feasible means of protecting water quality on terminal reservoirs and other reservoirs where public fishing may be allowed. The department may close any terminal water supply reservoir to public angling on an emergency basis, if water quality is threatened by public use.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**117060.** The public agency owning or operating the reservoir may establish and collect fees, including charges for motor vehicle parking, for the construction and operation of structures, facilities and equipment and the operation and use of the reservoir and its surrounding lands for public fishing. The public agency may contract with any agency or department of the federal government or the state, with other public agencies or with private individuals for the construction, operation and use of structures, facilities and

equipment and the performance of services necessary or convenient to public fishing in the reservoir and on its surrounding land, including the rental, lease or permission to use portions of the reservoir and its surrounding lands for structures, facilities and equipment necessary or convenient for the use of the public. The public agency may establish and enforce all rules and regulations necessary or convenient to the conducting of public fishing on the reservoir and its surrounding land and for the control, operation and protection of the reservoir, its surrounding land and all structures, facilities and equipment in connection with the reservoir.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**117065.** The public agency shall cause a copy of the rules and regulations to be posted upon the area opened to public fishing and other recreational uses, and it shall cause the rules and regulations to be published at least once in a newspaper of general circulation published in the county in which the reservoir is in whole or in part situated, if there be a newspaper, otherwise in a newspaper of general circulation published within the area of the public agency. If a public agency amends its rules and regulations, the public agency shall similarly publish a summary of its amended rules and regulations, along with an Internet address and the physical location where the complete text of the amended rules and regulations may be viewed. Posting and publication shall be sufficient notice to all persons. The affidavit of the secretary, clerk, or corresponding officer of the public agency that the rules and regulations have been so posted and published is prima facie evidence thereof. A copy of the rules and regulations, attested by the secretary, clerk, or corresponding officer of the public agency shall be prima facie evidence that the regulations have been made by the public agency as provided by law.

*(Amended by Stats. 2010, Ch. 699, Sec. 30. (SB 894) Effective January 1, 2011.)*

**117070.** Any violation of any rule or regulation lawfully made by the public agency is a misdemeanor. The superior court of the county within which the reservoir lies in whole or in part is a proper place for trial of all prosecutions for violations of any rules and regulations adopted by the public agency.

*(Amended by Stats. 2003, Ch. 449, Sec. 28. Effective January 1, 2004.)*

**117075.** Sections 117040 to 117070, inclusive, shall not apply to reservoirs used for domestic or drinking water purposes that are open to fishing or recreational uses on September 11, 1957, or that have been open to fishing or recreational uses prior to that date.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*