

## Chapter 13.04

### PARKS AND RECREATIONAL FACILITIES REGULATIONS

#### Sections:

<b>13.04.010</b>	<b>Scope.</b>
<b>13.04.020</b>	<b>Definitions.</b>
<b>13.04.030</b>	<b>Hours of Use.</b>
<b>13.04.040</b>	<b>Care of City Property.</b>
<b>13.04.050</b>	<b>Care of Plant Material.</b>
<b>13.04.060</b>	<b>Climbing Trees or Other Objects.</b>
<b>13.04.070</b>	<b>Possession of Firearms and Weapons.</b>
<b>13.04.080</b>	<b>Abandoned Animals or Pets.</b>
<b>13.04.090</b>	<b>Leash Requirements for Pets in Parks.</b>
<b>13.04.100</b>	<b>Refuse, Trash and Litter.</b>
<b>13.04.110</b>	<b>Advertising Matter.</b>
<b>13.04.120</b>	<b>Motor Vehicles or Other Conveyances.</b>
<b>13.04.130</b>	<b>Bicycles/Skateboards, Rollerblades and Similar Items.</b>
<b>13.04.140</b>	<b>Loitering and Disorderly and Immoral Conduct.</b>
<b>13.04.150</b>	<b>Fires.</b>
<b>13.04.160</b>	<b>Selling and Vending.</b>
<b>13.04.170</b>	<b>Alcoholic Beverages.</b>
<b>13.04.180</b>	<b>Gambling.</b>
<b>13.04.190</b>	<b>Amplified Sound in Parks.</b>
<b>13.04.200</b>	<b>Fireworks and Explosives.</b>
<b>13.04.210</b>	<b>Camping.</b>
<b>13.04.220</b>	<b>Weddings.</b>
<b>13.04.230</b>	<b>“For Sale” Signs.</b>
<b>13.04.235</b>	<b>Bounce Houses.</b>
<b>13.04.240</b>	<b>Enforcement of Regulations.</b>

#### **13.04.010 Scope.**

The provisions of this Chapter 13.04, unless otherwise expressly provided, shall apply in all parks, beaches, and recreational areas maintained by the City. (Ord. 94-12, 8/23/94)

#### **13.04.020 Definitions.**

The following words shall have the meaning indicated when used in these regulations:

(a) “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer and every liquid or solid containing one-half of one (0.5) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

(b) “Amplified sound” means music, sound wave, vibration, or speech projected or transmitted by electronic equipment, including amplifiers.

(c) “Park” means any community park, neighborhood park or recreational area maintained by the City. (Ord. 94-12, 8/23/94)

**13.04.030 Hours of Use.**

It shall be unlawful for any person to enter, loiter or remain in any park at any time between the hours of 10:00 p.m. and 6:00 a.m. or in any park or City building between the hours of 11:00 p.m. and 6:00 a.m. except as follows:

- A. City employees or agents and peace officers when engaged in official business;
- B. Persons with permits issued by the City Council or the City Manager or his/her designee;
- C. Persons and/or spectators participating in City-sponsored or City-approved programs which take place outside posted hours of operation;
- D. Shipwreck Park will be closed at sunset throughout the year. (Ord. 94-12, 8/23/94)

**13.04.040 Care of City Property.**

It shall be unlawful for any person to make, deface, disfigure, injure, destroy, tamper with, displace or remove any playground equipment, building, tables, benches, barbecues, railings, fencing, paving, irrigation materials or other public and park utilities, or parts or appurtenances thereof, signs notices, place cards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever in a park. (Ord. 94-12, 8/23/94)

**13.04.050 Care of Plant Material.**

It shall be unlawful for any person to damage, cut, carve, transplant or remove any tree, plant, wood, turn in a park , or pick the flowers, seeds or fruit of any tree or plant in a park without written authorization from the City Manager. (Ord. 94-12, 8/23/94)

**13.04.060 Climbing Trees or Other Objects.**

It shall be unlawful for any person to climb any tree, or walk, stand or sit upon monuments, signs, buildings, or roofs, railings, fences and gates, backstops, tables in a park or upon any park property not designated or customarily used for such purposes. (Ord. 94-12, 8/23/94)

**13.04.070 Possession of Firearms and Weapons.**

It shall be unlawful for any person, other than peace officers in the discharge of their duties, to use, carry or possess firearms, air rifles, BB guns, spring guns, bow and arrows, slingshots or any other potentially dangerous form of weapon, unless permitted by a City Council resolution. (ord. 94-12, 8/23/94)

**13.04.080 Abandoned Animals or Pets.**

It shall be unlawful for any person to leave or deposit dogs, cats, or other animals or fowl, fish, whether dead or alive, within the boundaries of any park. (Ord. 94-12, 8/23/94)

**13.04.090 Leash Requirements for Pets in Park.**

It shall be unlawful for the owner or individual responsible for a dog, or other pet which may become a nuisance if unrestrained, to allow such dog or pet to be within a park unless the dog or pet is restrained on a leash. This leash requirement is not applicable to dogs in enclosed City-designated "Dog Fun Zones" as long as the owner or individual responsible for the dog is within close proximity, supervising the dog, and able to immediately re-leash the dog as necessary. The owner or individual responsible for the dog or pet must immediately clean up any fecal matter deposited by the dog or pet in any park.

**13.04.100 Refuse, Trash and Litter.**

It shall be unlawful for any person to dump, deposit or leave any bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash in a park. Any unused food or materials, portions of which are consumed or used in a park, any container or packaging thereof, may be left at the park if it is deposited into the receptacles provided for such purposes. (Ord. 94-12, 8/23/94)

**13.04.110 Advertising Matter.**

It shall be unlawful for any person to distribute, circulate, give away, throw or deposit any advertising handbills, circulars, pamphlets, papers in or on any park; or post or affix the same to any tree, fence or structure in any park without written approval of the City Manager. This section shall not be construed to prohibit the distribution of First Amendment-protected materials. (Ord. 94-12, 8/23/94)

**13.04.120 Motor Vehicles or Other Conveyances.**

It shall be unlawful for any person to operate or drive an automobile, truck, trailer, motorcycle, motor scooter, motor bike, or any other type of conveyance or motor vehicle in a park unless such motor vehicles or conveyances are in a paved parking lot or street designed or designated for motor vehicle use. It shall be a violation of this section for any person to fail to comply with all applicable provisions of the State, County and City motor vehicle regulations and traffic laws in regard to equipment, sign, speed limits and operations of vehicles in any park. (Ord. 94-12, 8/23/94)

**13.04.130 Bicycles/Skateboards, Rollerblades and Similar Items.**

It shall be unlawful for any person to bicycle, skateboard, rollerblade or use a similar item of any type on tennis courts, handball courts, ball diamonds, patios, porches, play apparatus areas, and all other areas which are not designed or customarily used for such a purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or path reserved for pedestrian use.

**13.04.140 Loitering and Disorderly and Immoral Conduct.**

It shall be unlawful for any person to conduct themselves, or to use language in a threatening, abusive, insulting, immoral or indecent manner, or to engage in any disorderly conduct or behavior tending to be a breach of the public peace or adversely affecting the enjoyment of any park by others. (Ord. 94-12, 8/23/94)

**13.04.150 Fires.**

It shall be unlawful for any person to build, light, kindle or maintain any open or outdoor fire in any place within any park except in park areas or facilities specifically designed and built for this purpose. (Ord. 94-12, 8/23/94)

**13.04.160 Selling and Vending.**

It shall be unlawful for any person or organization to sell, vend, peddle, or distribute any merchandise or property or to sell tickets for any event except in conjunction with a City sponsored or co-sponsored event, or with written permission of the City Manager. (Ord. 94-12, 8/23/94)

**13.04.170 Alcoholic Beverages.**

It shall be unlawful for any person or organization to serve, or cause to be served, consume or possess alcoholic beverages of any kind whatsoever on any park grounds or in any park building unless specifically permitted by the prior written approval of the City. Permits must be obtained in accordance with City policies regulating the use of City parks and facilities.

**13.04.180 Gambling.**

It shall be unlawful for any person to participate in any type of gambling in the parks. (Ord. 94-12, 8/23/94)

**13.04.190 Amplified Sound in Parks.**

(a) Purpose. The City Council enacts this section for the sole purpose of securing and promoting the public health, comfort, safety, and welfare of its citizens. While recognizing that certain uses of sound amplifying equipment are protected by the First Amendment, the City Council feel obligated to reasonably regulate the use of sound amplifying equipment in order to protect the correlative constitutional rights of citizens of this community to privacy and freedom from the public nuisance of loud and unnecessary sound.

(b) Permit Required for Amplifiers. It shall be unlawful for any person to install, use and operate within a park a loudspeaker or any sound amplifying equipment for the purposes of giving instructions, directions, talks, addresses, or lectures or of transmitting music to any persons or groups of persons in any park, or in the vicinity thereof, except when installed, used or operated in compliance with one of the following provisions:

(1) By authorized law enforcement or park and recreation personnel; or

(2) Under a reservation or permit issued by the City Council, and when operated in accordance with the terms of said reservation or permit.

(c) Granting or Denial of Permit. In determining whether to grant or deny a permit, the City Council shall be guided by the following considerations:

(1) The constitutional free speech and assembly rights of all persons, including the applicant;

(2) The possible effects upon the peaceable passage or presence of persons in the park;

(3) The potential for disorder or unlawful injury to persons or property;

(4) The potential invasion of other persons' rights of privacy;

(5) The possible unlawful breach or disturbance of the peace;

(6) Any actual conflict with other scheduled park use or events.

The City Council shall not deny a permit on the basis of any dislike for or disagreement with the content of any proposed talks, addresses, lectures, or musical presentation. The City Council may, however, deny a permit for any such events which are designed for the purpose of advocating imminent lawless conduct.

(d) Power Sources for Amplifiers. Amplifiers permitted in parks shall be operated only through a power source provided by the City or with a battery. (Ord. 94-12, 8/23/94)

**13.04.200 Fireworks and Explosives.**

It shall be unlawful for any person in a park to bring, have in their possession, set off or otherwise cause to explode or discharge or burn any firecrackers, rockets or other fireworks or explosives of inflammable material or discharge them or throw them into any such area from land or highway adjacent to the park. (Ord. 94-12, 8/23/94)

**13.04.210 Camping.**

It shall be unlawful for any person to camp or stay overnight in any City park or City property. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, except by special arrangement and written permission from the City Manager. No vehicles or structures which could be used for camping shall be parked on park or City property from 10:00 p.m. to 6 a.m. Any vehicle in violation of this section may be towed at owner's expense. (Ord. 94-12, 8/23/94)

**13.04.220 Weddings.**

Weddings, events and related activities held in parks are only authorized if specifically permitted by the prior written approval of the City by its City Manager or his/her designee. Permits must be obtained in accordance with City policies regulating the use of City Parks and facilities.

**13.04.230 “For Sale” Signs.**

It shall be unlawful for any person to place any private property in any park or City facility displaying a “For Sale” sign at any time without written permission from the City Manager. (Ord. 94-12, 8/23/94)

**13.04.235 Bounce Houses.**

Bounce houses and similar items are prohibited in all City parks.

**13.04.240 Enforcement of Regulations.**

All persons entering upon any park shall abide by the regulations of the City the laws of the State of California. The City, state and county law enforcement officers shall, in conjunction with their other duties, have the authority to expel from any park any person acting in violation of these regulations. (Ord. 94-12, 8/23/94)