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# Chapter 19 – ~~PARKS AND COMMUNITY SERVICES~~ PARKS, COMMUNITY AND HUMAN SERVICES

## **ARTICLE I. IN GENERAL**

### **Sec. 19-1. Prohibited acts.**

(a) No person shall do any of the acts specified in this section within the limits of any publicly maintained park:

- (1) Bring or permit therein any horses, goats, cats, fowl, dogs or any other animals, excepting such animals which are brought into any park for purposes of exhibition pursuant to a special permit or in specially designated areas and excepting specially trained guide dogs, signal dogs or service dogs, when such dog accompanies a blind, deaf or physically disabled person.
- (2) Wound, kill or catch or attempt to wound, kill or catch any bird, fowl, fish or other animal.
- (3) Indulge in any riotous or offensive conduct as defined in Penal Code § 415 or use vulgar or obscene language as defined in Penal Code § 311.
- (4) Make campfires in any other places than in stoves and barbecues provided by the city.
- (5) Practice, carry on, conduct or solicit for any trade, occupation, business or profession; excepting only upon special permit, when applicable, granted as set forth in section 19-3.
- (6) Cut, deface, remove or damage any tree, shrub, plant, wood, turf, rock, sand, gravel or earth or pick any flowers without special permit granted as set forth in section 19-3, when applicable.
- (7) Play or engage in any game or tournament, except at such places as shall be especially set apart for that purpose, and, when applicable, in accordance with a special permit issued pursuant to section 19-3.
- (8) Have, possess, carry, sell or consume any intoxicating liquor. For the purpose of this subsection, the term "intoxicating liquor" shall be construed to include any spirituous, vinous, malt or mixed liquors containing one-half of one percent by volume of alcohol which are fit for beverage purposes, excepting only upon authorization pursuant to section 16-17.
- (9) Park automobiles or other vehicles except at places especially provided or designated for such purposes or leave automobiles or other vehicles with the engine running.
- (10) Throw or deposit any bottles, tin cans, broken glass, paper, rubbish, refuse or waste material of any kind at any place except in containers for such purposes.
- (11) Sell or offer for sale any goods merchandise, articles or things whatsoever; excepting only upon special permit granted as set forth in section 19-3.
- (12) Drive or operate any motor vehicle in excess of five miles per hour in any park.
- (13) Swim, fish, wade, bathe in or pollute the waters of any fountain, pond, lake or stream. Wading shall be permitted in the wading pool especially designed for wading purposes.
- (14) Propel any vehicle, motorcycle or automobile on any footpaths, hiking trails, bike paths or elsewhere than roads or drives provided for such purpose.

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- (15) Skateboarding, roller blading, and skating except in designated facilities and areas specially designed for such purpose.
  - (16) To roller skate or bicycle upon the tennis courts within any public park within the city.
  - (17) To use sound amplifiers or speakers in a park in such a manner that the sound is amplified so as to be audible at a distance of 150 feet or more, unless a special permit is obtained as set forth in section 19-3.
  - (18) To post or otherwise affix any bills, notices or other papers upon any tree or structure within such parks, or upon any fence gate or enclosure.
  - (19) Charge admission or associated fees. This section 19-1(a)(19) shall not apply to Miller Park.

(Code 1968, § 19-1; Ord. No. 1086, § 42, 8-17-93; Ord. No. 1364, § 1, 11-20-01)

### **Sec. 19-2. Picnics, parades, etc.**

No person, ~~company, society or organization~~ or society shall hold or conduct any picnic, celebration, community/commercial parade, service or exercise consisting of ~~50~~ 100 people or more in any public park without a special permit granted as provided in section 19-3, and it shall be unlawful for any person to take part in any picnic, celebration, parade, service or exercise held or conducted contrary to the provisions of this section.

(Code 1968, § 19-3; Ord. No. 1364, § 1, 11-20-01; Ord. No. 1504, § 1, 6-27-06)

Cross reference(s)—Meetings, demonstrations and parades, § 17-5.

### **Sec. 19-3. Special permits.**

- (a) Special permits as provided for in this chapter shall be issued only by the community services director in accordance with the criteria and requirements of this section.
- (b) Authority is also granted by the city council to the community services director to process and approve special permits for banners to be erected across city streets, at designated locations, for holiday decoration and advertisement of nonprofit activities within the community.
- (c) Reservations for activities in parks and public facilities. The community services director or designee shall be responsible for scheduling and controlling the use of the parks and public facilities, or portions thereof, for the benefits and participation by interested public and private persons and groups. Any person or group desiring to reserve any football field, soccer field, ball field, tennis court, swimming pool, picnic facility, or other park facility shall apply for a special permit in accordance with this section. Such application shall be in writing, giving the name of the facility, the proposed use, the date of its proposed use, and the person or group to whom the permit is to be granted. The person or group to whom the special permit is to be granted shall abide by all policies and procedures applicable to the facility proposed to be used.

When an application includes the request for a community/commercial parade to be held upon public rights-of-way, the following information shall also be included in writing:

- (1) The type and estimated number of participants, vehicles, animals and floats, as applicable. Each float shall be described in terms of its width, height, power source and speed. The number of participants in each marching unit shall be given and any sound amplifying equipment proposed for use shall be described.
- (2) The proposed location of any booths, stages, or other temporary structures proposed as part of the proposed use, event, or activity including the submittal of plans and other information providing

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accurate dimensions of all structures, materials and color information, as well as structural and anchoring details.

- (3) The proposed location of any electrical equipment to be used, such as amplifiers and lighting equipment, as well as a description of the type and number of such equipment.
- (4) The proposed location of parking facilities to be used by the event participants.
- (5) Each permit application and permit shall expressly provide that the permittee agrees to defend, protect, indemnify and hold the city, its officers, employees and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from the alleged acts or omissions of permittee, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the permittee shall, at permittee's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the city, its officers, agents or employees, and that permittee shall pay any settlement entered into and shall satisfy and judgment that may be rendered against the city, its officers, agents or employees as a result of the alleged acts or omissions of permittee or permittee's officers, agents or employees in connection with the uses, events or activities under the permit.

Reservation procedure. Any group or person desiring to use city parks, public facilities, public rights-of-way, or portions thereof, shall request from the community services director or his designee a special permit for the reservation of the same for such use. Persons or groups from within the city shall be given priority over persons or groups from outside the city if a conflict in scheduling arises. Requests for use shall be submitted in writing to the community services department on the facility use or special event application approved by the city manager in accordance with the following deadlines:

- (1) For special events: not less than ~~120~~ 90 calendar days in advance, and not more than ~~six months~~ one year in advance of the proposed use. If the special event also constitutes a public meeting or demonstration as defined in section 17-5, the deadlines set forth in that section shall control.
- (2) For community/commercial parades: not less than ~~120~~ 90 calendar days in advance, and not more than ~~six months~~ one year in advance of the proposed use.
- (3) For all other organized activities: not less than 14 calendar days in advance, and not more than ~~six months~~ one year in advance of the proposed use.

Upon the written approval by the community services director or designee, the applicant shall pay such application fees as approved by resolution of the city, not less than 30 calendar days in advance of the proposed use for special events or community/commercial parades, or 14 calendar days in advance of all other proposed organized activities. The community services director shall either approve, deny or conditionally approve a completed application for a special permit within 30 calendar days of the city's receipt of such application for special events and community/commercial parades, or seven calendar days in advance of all other proposed organized activities.

Conditions. The community services director may impose such reasonable conditions upon the issuance of any special permit as he or she deems necessary for the protection of the public health, safety, and welfare, including conditions related to time, place, frequency, duration, maximum number of persons in attendance, parking restrictions, and placement of apparatus and equipment. Each permit issued pursuant to this section shall provide that permittee will observe all applicable regulations governing the use of city parks.

Insurance. The community services director may also require the applicant to provide such additional liability insurance, security personnel, water sanitary facilities and refuse receptacles as the community services director determines to be necessary for the protection of public health, safety, and welfare in connection with the intended use.

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Fees and deposits. Fees and deposits required in respect to special permits may include, without limitation, such amount as may be determined by resolution of the city, to be necessary to compensate the city, for the administrative costs associated with the special permit, as security for repair of damage to the park, public facilities, or public rights-of-way for the cost of cleanup, and for extra personnel to regulate conduct and traffic.

Clean up and repair expense. The application form shall provide that the applicant shall reimburse the city for all unusual or any extraordinary cleanup and repair expenses and for services provided by the city arising out of the activity authorized by the special permit, unless the event is approved as a co-sponsored event or activity.

Denial, cancellation or termination of permit or reservation. The community services director shall, within 30 calendar days of receipt of an application for a proposed special event or community/commercial parade, and 14 calendar days of receipt of an application for all other organized activities pursuant to this section, deny, cancel, or terminate the special permit and require the immediate vacation of the premises upon finding that any of the following conditions exist:

That the applicant has not given written agreement to comply with all the conditions imposed upon the granting of the special permit.

That the application reveals that the city does not have a park or facility, ~~which~~ that will accommodate the use, ~~or the city has determined that the use, or the intensity or degree of the use contemplated by the application.~~

That the proposed use is not one which by law must be permitted, and the chief of police or the city has determined that the use, or the intensity or degree of the use contemplated by the application creates security problems which pose a threat or potential threat to the public safety or welfare which cannot be mitigated to an acceptable level by the use of security personnel and facilities reasonable available for such purpose; and

That the proposed activity is not a reasonable use in relation to the use of the park by other persons and the effect of such use would be detrimental to the peace of the neighborhood, including the following:

Whether the conduct of the proposed activity will substantially interrupt the safe and orderly movement of persons within the park and near the activity;

Whether the conduct of the proposed activity will require the diversion of so great a number of police officers of the city to properly police the activity as to prevent normal police protection to the city;

Whether the concentration of persons, animals and/or vehicles at the proposed activity will unduly interfere with proper police and fire protection of areas contiguous to such activity; and

Whether the conduct of the proposed activity is reasonably likely to cause injury to persons or property.

That the applicant failed to file the application in a timely manner; and

That the park, public area, or public facility is not available for the requested use at the time specified by the applicant.

That the applicant failed in a material way to comply with the terms and conditions of any prior permit issued to the applicant for use of a park, public area, or public facility, or has failed to pay to the city any fee or cost due in relation to the issuance or exercise of such permit.

When a hazardous condition threatens or reasonably might threaten participants, spectators, city staff, or any person or property is the requested permit were to be issued; and

If a permit applied for is for the purpose of holding a class, course of instruction, or activity for any program not conducted or expressly sponsored or otherwise approved by the city and for which a fee is to be charged to attendees or participants.

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~~If the community services director is not satisfied as to the reasonableness of the proposed activity in relation to the use of the park by other person, or as to the effect such use might have upon the peace of the neighborhood, and if the community services director and the applicant are unable to agree as to the conditions to be imposed upon the granting of a special permit, the application for a special permit may, at the option of the applicant, be processed in accordance with section 17-5, but without reference to the number of persons required to make section 17-5 applicable.~~

The community services director's decision to deny, cancel or terminate a special permit shall be delivered to the applicant of such permit within no less than seven calendar days of such decision by mailing a written version of decision, via certified mail, to the applicant; provided however, that in the event that the community services director determined that the public health, safety and welfare so require, verbal notification of any cancellation or termination of a special permit shall be deemed sufficient notice.

Appeal. Any person aggrieved by any act or determination of community services director in the exercise of the authority herein granted shall have the right to appeal to the city council. The appeal shall be in writing, stating the decision appealed from and the reasons for the appeal. That appeal shall be filed with the city clerk within seven calendar days after the occurrence of the act or determination forming the basis for the appeal. The appeal shall be heard by the city council at the first regular council meeting occurring more than 14 calendar days after the filing of the appeal.

Expedite review of any decision of the city council made pursuant to this section may be had pursuant to code of Civil Procedure section 1984.8, subdivision (c).

(d) Definitions. As used in this section ~~Chapter~~:

*Community/commercial parade* means any planned procession consisting of persons, animals or vehicles, including floats, or combination thereof upon a public street, right-of-way, sidewalk, alley or public space for public benefit by a community or commercial organization.

*Community services director* means the city community services director or his or her designee.

*Other activities* means all other organized activities, including but not limited to, picnics, celebrations, service or exercise, that are not otherwise included within the definition of special event or community/commercial parade.

*Park or public facility* means any park, public building, sidewalk, public right-of-way, easement or other publicly owned space within the city.

*Special event* means any planned event consisting of ~~50~~ 100 or more persons, animals or vehicles, or combination thereof, upon any park, public building, sidewalk, public right-of-way, easement or other publicly owned space within the city being held to provide public benefit through recreation, service or entertainment based activities. If the special event also constitutes a public meeting or demonstration as defined in section 17-5, the provisions of that section shall control.

(Code 1968, § 19-4; Ord. No. 1364, § 1, 11-20-01; Ord. No. 1505, § 1, 6-27-06)

Cross reference(s)—Advertising and signs, ch. 3.

#### **Sec. 19-4. Loitering at public toilets.**

No person in a park shall loiter at or about any toilet facility open to the public.

(Code 1968, § 19-5)