

CITY OF CALIMESA

OFFICE OF PUBLIC WORKS

908 Park Avenue, Calimesa, California 92320
Telephone 909.795.9801 Facsimile 909.795.4399
www.cityofcalimesa.net



TO: Applicants

From: Public Works Department

RE: Calimesa Parks & Park Facilities Use Agreement

Effective February 6, 2017, a Calimesa Parks & Park Facilities Use Agreement is required to reserve the Pavilion Area of the Calimesa 4th Street Community Park. Attached is the Calimesa Parks & Park Facilities Use Agreement and Rental Policies, Rental Rates Listing and a copy of Calimesa Municipal Code Chapter 12.25 "City Parks". Please review the Rental Policies and Municipal Code prior to completing the Facility Use Agreement.

This agreement and Municipal Code refers to all parks in the City of Calimesa. The 4th Street Community Park on 4th Street and the Creekside Park on 7th Place.

Please direct your questions to staff at (909) 795-9801, or by visiting City Hall at 908 Park Avenue, Calimesa, Monday through Thursday, 7:00 AM to 5:30 PM.



Calimesa Parks & Park Facilities Use Agreement

908 Park Avenue ♦ Calimesa, California 92320

Phone (909) 795-9801 ♦ Fax (909) 795-4399

<http://www.cityofcalimesa.net>

PLEASE READ REVERSE SIDE COMPLETELY BEFORE COMPLETING:

Day and Date: _____ Start Time: _____ End Time: _____

Name of Applicant: _____ Title: _____

Type of Applicant [check applicable box(es)]: Individual Group/Organization

Name of Organization: _____ Non-Profit: Yes No

Street Address: _____ City/State/Zip: _____

Mailing Address [if different]: _____ City/State/Zip: _____

Business Phone No.: _____ Home Phone No.: _____

Mobile Phone No.: _____ Email Address: _____

Contact Name, Address, Phone [if different]: _____

Name/Type of Event/Activity: _____ Estimated Attendance: _____

Request approval to serve alcoholic beverages?* Yes No If yes, an ABC license is required.

***A Special Use Permit is required from the City to serve alcoholic beverages. The applicant will also be required to obtain any necessary ABC permit. Sale, consumption or service of alcoholic beverages in city parks is limited under Chapter 12.25 of the Calimesa Municipal Code.**

Admission fee: Yes No Amount: \$_____ Commercial caterer? Yes No

Name of Caterer: _____ Caterer's Phone No.: _____

Entertainment or Activity Proposed [check applicable box(es)]:

- Live Band/DJ? * No Yes If yes, purpose/type: _____
- Tents? * No Yes If yes, size: _____ number: _____

***All listed activities require a Special Use Permit and are subject to Public Works Department Approval.**

HOLD HARMLESS AND INDEMNIFICATION AGREEMENT:

In consideration for the use and occupancy of a Calimesa Park ("Park") and its facilities, Applicant hereby agrees as follows:

1. Applicant has received, reviewed and understands Chapter 12.25 of the Calimesa Municipal Code and the Park Facility Use Policies and Procedures located on the back of this Agreement; and Applicant and all of its members, employees, agents, invitees, and guests shall abide by the provisions set forth therein and in this Facility Use Agreement.
2. Applicant has inspected the Park and has determined that it is safe and appropriate condition for the activities and/or event planned by Applicant, and Applicant and all of its members shall ensure that the Park shall be kept and operated in a safe, sanitary and appropriate condition. At the conclusion of the Event, Applicant shall return the Park in the same condition as received at the commencement of Applicant's event.
3. Applicant, on behalf of himself/herself and the Group/Organization listed above, hereby each waive, release and discharge any and all claims for or right to damages of any kind that may arise as a result of the use of the Park by Applicant, said Group/Organization, and its members,

employees, volunteers, agents, invitees and guests.

4. Applicant, on behalf of himself/herself and the Group/Organization listed above, hereby each agree to defend, indemnify and hold harmless the City of Calimesa and the City of Calimesa's elected and appointed officials, boards, commissions, committees, managers, employees, agents and volunteers (collectively "City Indemnitees") from and against any and all claims, liability, damages, losses, costs and expenses for bodily injury, death, personal injury, and/or property damage to any person or property, including but expressly not limited to, all reasonable costs for investigation and defense thereof (including but expressly not limited to attorney's fees, costs and expert fees) arising out of or attributed to this Agreement, Applicant's Event at the Park, and/or Applicant's use or occupancy of the Park, regardless of where such injury, death or damage may occur, except to the extent caused by the sole negligence, gross negligence or willful misconduct of the City Indemnitees, or any of them.
5. Applicant shall provide satisfactory evidence of, and shall thereafter maintain during the specified special event, such insurance policies and coverages in the types, limits, forms and ratings required by the City's Risk Manager or his/her designee. Special Event Insurance is available for purchase through the City's Risk Manager.
6. The provisions of this Hold Harmless and Indemnification Agreement shall be binding upon Applicant, said Group/Organization, and all of its heirs, successors, executors and administrators, and assigns.
7. Applicant is expressly authorized to bind the Group/Organization listed above.

Applicant Signature: _____ Date: _____
(applicant must be 18 years of age or older)

Print Name: _____ Title: _____

Driver's License No.: _____ State of Issuance: _____

***** FOR CITY USE ONLY *****

Stamp Received: Application No.: _____	Date Received: _____ By: _____ Rental Fee \$ _____ Security Deposit \$ _____ Total Amount Received \$ _____ Receipt No.: _____ Proof of Insurance: <input type="checkbox"/> Yes <input type="checkbox"/> No
APPROVED: <input type="checkbox"/> YES (Subject to terms and conditions on reverse and Attachment A) <input type="checkbox"/> NO Reason: _____	BY Public Works Department: _____ Name/Date

CALIMESA PARKS AND PARK FACILITIES USE AGREEMENT POLICIES AND PROCEDURES

All users of a Calimesa Park and its Facilities shall comply with each and all of the following and to all provisions of Chapter 12.25 of the Calimesa Municipal Code.:

Approval of a Facility Use Agreement is required to use the pavilion area for a particular group. The pavilion area is reserved on a first-requested, first-reserved basis and requests should be made at least ten (10) City-business days prior to event. The reservation form must be signed by the duly authorized representative of the Group/Organization. The duly authorized representative must be 18 years of age or older. The applicant and the Group/Organization ("permittee") shall be responsible for any and all damages, missing items, and clean up.

AGREEMENT:

Failure to comply with park regulations may result in revocation of the right to use the park or its facilities and cancellation of this permit, and also may result in denial of the right to use City park or park facilities in the future. Permits are revocable at any time for violation of the terms of this Facility Use Agreement, the provisions of Chapter 12.25 of the Calimesa Municipal Code, or any other applicable City ordinances, rules, or regulations or state statutes.

RESERVATION TIME:

A permittee shall have the right to use and occupy the portion of the park or park facilities reserved only during the specific hours set forth in the Facility Use Agreement.

SET-UP/CLEAN UP:

Set-up and clean up are only allowed during the time specified on the Park Facility Use Agreement. Do not leave anything in the pavilion area before or after the time specified on the Facility Use Agreement. The permittee must restore the park and associated facilities to the same condition received. Nails, staples, and screws may not be used to hang decorations. Trash beyond that which will fit in the receptacles in the immediate area of the event must be removed by the permittee. If additional clean-up is required as a result of rental or event, the permittee will forfeit their security deposit. City staff will inspect premises before and after each event to verify condition of facilities.

DAMAGE TO PARK PROPERTY:

If any area of the park or pavilion area is damaged as a result of a rental or event, the cost of labor and materials used for repair will be charged to permittee.

PARK HOURS:

6:00 a.m. – 10:00 p.m., unless otherwise posted.

USE OF SOUND-AMPLIFYING SYSTEMS

The City has enacted Calimesa Municipal Code Sections 12.25.130 – 12.25.170 to regulate amplified sound for the sole purpose of securing and promoting the public health, comfort, safety and welfare of its citizenry. While recognizing that certain uses of amplified sound and sound-amplifying systems are protected by a person's constitutional rights of free speech and assembly, the City nevertheless is permitted and obligated to reasonably regulate the use of amplified sound and sound-amplifying systems in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from the public nuisance of loud and unnecessary sound.

No person shall install, use or operate within a park or park facility any loudspeaker or sound amplifying system for the purpose of giving instructions, directions, talks, addresses or lectures, or of transmitting music or other sound to any persons or assemblages of persons in a park or park facility, or in the vicinity thereof without an approved Park Facility Use Agreement.

Sound-amplifying systems requiring an external power source shall be operated only through a power source provided by or through special permission of the parks maintenance division, a battery or a generator.

Volume: If, at any time, the City's police department determines that the sound produced by a sound-amplifying system in a park or park facility is unreasonably interfering with other persons using the park or with nearby residents in the comfortable and reasonable enjoyment of their homes, an officer shall request the person in charge of the assembly, or any other person appearing to be involved in the production of sound, to immediately reduce the level thereof. If the sound is not reduced within five minutes to a reasonable level, the officer shall immediately contact the parks maintenance division personnel to curtail the power source.

FEES:

See attached fee schedule.

INSURANCE:

Any person or group holding an event or conducting an activity requiring a facility use agreement or special event permit under Chapter 12.25 of the Calimesa Municipal Code, shall provide evidence of insurance with the City named as an additional insured insuring the City from any and all liability for injury to persons or property resulting from the activity. The minimum amount, type and form of such insurance shall be determined by the City's Risk Manager. Special Event Insurance is available for purchase through the City by contacting the Risk Management Department. The applicant will be required to have proof of insurance and certificate naming the City as an additional insured before a permit shall be approved.

CANCELLATION REFUND POLICY:

A refund can be made to applicants requesting such a refund when the event was cancelled due to rain-out (if notification is given to the City of Calimesa by the next City-business day), or if the park reservation is cancelled by the applicant with a minimum of five (5) days notice prior to date reserved.

RESPONSIBILITIES OF PUBLIC WORKS DEPARTMENT – LIMITATIONS:

The Public Works Department, although responsible for the general maintenance of City parks, is not responsible for suitability and safety of use for your specific event. In addition, the Public Works Department will not supervise such use.

PROHIBITIONS: The following prohibitions apply to all City parks and park facilities (including but expressly not limited to, all trails, playgrounds, tot lots, sand lots, buildings and structures). Additional prohibitions are contained in Chapter 12.25 of the Calimesa Municipal Code. All permittees and their members, employees, agents, guests and invitees are responsible for familiarizing themselves with all prohibition contained in Chapter 12.25 of the CMC.

- No person shall practice, carry on, conduct or solicit for any occupation, business or profession in any City park, or sell or offer for sale any merchandise, goods, article or anything whatsoever, without full compliance of CMC Chapter 12.25.
- The possession, sale or consumption of any alcoholic beverage in a park is prohibited, except as expressly allowed as a condition of a special event permit and pursuant to the laws and regulations enforced by the State Department of Alcohol and Beverage Control.
- Smoking is prohibited in the park and all park facilities, including but not limited to cigarettes, cigars, pipes, hookahs, electronic cigarettes, or similar devices.
- Use of illegal substances and/or possession of firearms or weapons are prohibited.
- Charging admission, selling tickets or soliciting money in any manner is prohibited.
- The City reserves the right to cancel this agreement if the park facilities become unusable due to unexpected circumstance, in which case the City will notify the authorized representative immediately to arrange another rental date, if possible, or to return the security deposit to the permittee.

Any questions regarding this Facility Use Agreement should be directed to the Public Works Department.



CITY OF CALIMESA PARKS AND PARK FACILITIES

RENTAL RATES SCHEDULE

CATEGORIES OF USE – The following group categories are for determining fees and charges. Activities sponsored or co-sponsored by the City of Calimesa shall be given preference in the use of any City Parks and Park Facilities.

<p>Group I City Sponsored and co-sponsored events</p>	<p>City of Calimesa sponsored and co-sponsored events and agencies with a joint use agreement with the City.</p> <p><i>Note: Non-City Group I applications may be required to pay deposits, rental fees and may be charged for additional costs incurred if the particular event imposes additional expenses to the City.</i></p>
<p>Group II Non-Profit Events</p>	<p>Not-for-profit civic, social, and religious organizations, , and governmental agencies. Proof of 501(c) 3 Non-profit status required.</p>
<p>Group III All other party events including weddings and receptions</p>	<p>Private party activity, political candidate or party use, work parties, social events, weddings and receptions.</p>

Pavilion Hourly Rental Fees:

Group Number	Groups of 1 – 10 attendees	Groups of 11 – 25 attendees	Groups of 25 or more attendees	
I	None	None	None	Includes electricity
II	\$15 hourly \$25 Deposit	\$30 hourly \$40 Deposit	\$50 hourly \$60 deposit	Includes electricity
III	\$15 hourly \$25 Deposit	\$30 hourly \$40 deposit	\$50 hourly \$60 deposit	Includes electricity

**Chapter 12.25
CITY PARKS**

Sections:

[12.25.010 Definitions.](#)

[12.25.020 Application.](#)

[12.25.030 Rules and regulations.](#)

[12.25.040 Compliance with parks ordinance, regulations, permits, and orders required.](#)

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[12.25.070 Driving, operation and parking of vehicles, bicycles and nonmotorized equipment.](#)

[12.25.080 Trail, trespassing and closed areas.](#)

[12.25.090 Prohibition of sales or giving away of animals in city parks and park facilities.](#)

[12.25.100 Rules and regulations applicable to dog parks.](#)

[12.25.110 Animals prohibited outside of designated dog park areas – Exceptions.](#)

[12.25.120 Duty to care for animals – Aggressive animals.](#)

[12.25.130 Use of sound-amplifying systems – Purpose of regulations.](#)

[12.25.140 Sound-amplifying systems – Facility use permit or special event permit required.](#)

[12.25.150 Sound-amplifying systems – Grant or denial of facility use permit or special event permit.](#)

[12.25.160 Sound-amplifying systems – Power source designated.](#)

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[12.25.180 Additional alternate power sources – Approval, inspection and fees.](#)

[12.25.190 Firearms, fireworks and weapons prohibited.](#)

[12.25.200 Damaging property and land prohibited.](#)

[12.25.210 Fires and camping.](#)

[12.25.220 Disposal of waste liquids and refuse.](#)

[12.25.230 Games.](#)

[12.25.240 Use of playground equipment.](#)

[12.25.250 Posting of advertising matter and other materials.](#)

[12.25.260 Solicitation and hawking prohibited.](#)

[12.25.270 Commercial enterprises and sales – Noncommercial sales.](#)

[12.25.280 Attendance limits.](#)

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[12.25.300 Smoking and disposal of tobacco, electronic cigarettes and other products prohibited in parks and park facilities.](#)

[12.25.310 Abandoning or leaving property.](#)

[12.25.320 Reservation of parks and park facilities – Facility use permits and special event permits.](#)

[12.25.330 Enforcement responsibility.](#)

[12.25.340 Violations.](#)

[12.25.350 Administrative citations – Concurrent authority.](#)

[12.25.360 Remedies not exclusive.](#)

[12.25.370 Integration and interpretation.](#)

12.25.010 Definitions.

The following words shall have the meaning indicated when used in this chapter:

“Alcoholic beverage” means beer, wine or other alcoholic beverage as defined in California Business and Professions Code Section 23004.

“Bicycle” means all of the following:

A. A device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels including but not limited to in a tandem or tricycle arrangement;

B. Any motorized bicycle;

C. Any “pocket bike.” A pocket bike means a two-wheeled motorized device that has a seat or saddle for the use of the rider, and that is not designed or manufactured for highway use;

D. Any pedicab; and

E. As otherwise defined by state law.

“Bounce house” means inflatable recreational equipment containing landing surfaces on which users may jump or bounce, and which is intended for outdoor use.

“Caretaker” means (A) any person with care, custody or control of a dog, cat or other authorized animal while in a park, dog park or park facility, and (B) the owner of such dog, cat, or other authorized animal whether or not such owner accompanies the animal while in a park, dog park or park facility.

“Electronic cigarette” means an electronic or battery-operated device, the use of which may resemble smoking or “vaping,” which can be used to deliver an inhaled dose of nicotine or other substances, including any such device that is manufactured, distributed, marketed or sold as an electronic cigarette, e-cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah or any other product name or descriptor. “Electronic cigarette” does not include any inhaler prescribed by a licensed physician.

“Facility use permit” means a written approval issued by the public works director authorizing the permittee to reserve the use of the park, park facility or portion thereof in accordance with the terms of such permit and the requirements of this chapter.

“Highway” is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. “Highway” includes streets.

“Motorcycle” means all of the following:

A. A motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground;

B. A motor vehicle that has four wheels in contact with the ground, two of which are a functional part of a sidecar, is a motorcycle if the vehicle otherwise comes within the definition of subsection (A) of this definition;

C. A motor-drive cycle, including but not limited to a motorcycle with a motor that displaces less than 150 cubic centimeters. A motor-driven cycle does not include a motorized bicycle; or

D. As otherwise defined by state law.

“Motorized bicycle” or “moped” means all of the following:

A. A two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor that produces less than four gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground;

B. A device that has fully operative pedals for propulsion by human power and has an electric motor that meets all of the following requirements: (1) has a power output of not more than 1,000 watts; (2) is incapable of propelling the device at a speed of more than 20 miles per hour on ground level; and (3) is incapable of further increasing the speed of the device when human power is used to propel the motorized bicycle faster than 20 miles per hour; or

C. As otherwise defined by state law.

“Nonmotorized equipment” means skateboards, hand scooters, roller skates, roller blades and similar personal devices.

“Off-highway vehicle” means any vehicle that is operated exclusively off public roads and highways, including but not limited to recreational off-highway vehicles, motorcycles, trail bikes, dune buggies, all-terrain vehicles, utility-train vehicles, and snowmobiles, and as otherwise defined under the vehicle code.

“Open space area” means all publicly dedicated land owned or under the control of the city for the preservation of natural, biological and/or cultural resources.

“Park” means land, or any portion thereof designated and used by the public for active or passive recreation, including but expressly not limited to any park, open space area, greenbelt, playground, athletic field, path, trail, or other outside recreation area operated by the city by itself or in conjunction with any other governmental or private entity, and any roadway, highway, path or trail inside of or extending through any park.

“Park facility” means any playground, tot lot, sand lot, building or other structure contained in any park.

“Pedicab” means either of the following:

A. A bicycle that has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by a person, and that is being used for transporting passengers for hire; or

B. A bicycle that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated

by a person, and that is being used for transporting passengers for hire.

“Risk manager” means the city manager, or any other person appointed by the city council or designated by the city manager to act as such.

“Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

“Rollerblades” means any footwear or device which may be attached to the foot or footwear, to which wheels are attached, including wheels that are “in line” and where such wheels may be used to aid the wearer in moving or propulsion. “Rollerblades” includes roller skates.

“Skateboard” means a board of any material, designed for the user/rider to stand or sit upon, which has wheels attached to it, is propelled or moved by human, gravitational or mechanical power and may be operated with or without a separate steering mechanism to control the turning of the wheels and may be operated with or without a mechanical braking system which will allow the rider to stop the wheel(s).

“Smoke” means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the byproducts, except when the combusting material contains no tobacco, nicotine, marijuana or other combustible material, and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term “smoke” includes, but is not limited to, tobacco smoke, electronic cigarette vapors, and marijuana smoke.

“Smoking” or “to smoke” means engaging in an act that generates smoke or vapor, such as, for example: possessing or carrying a lighted pipe, lighted cigar, lighted cigarette, or lighted hookah pipe of any kind; operating, lighting, igniting, activating or vaping an electronic cigarette; or lighting or igniting a pipe, cigar, cigarette, or hookah pipe of any kind including but not limited to, tobacco, marijuana, plant, chemicals or other smoking or combustible material. “Smoking” or “to smoke” also means burning, carrying, exhaling or inhaling any lighted cigar, cigarette, pipe, hookah, tobacco, nicotine, marijuana, plant, chemicals or other smoking material in any manner or in any form.

“Sound-amplifying system” means any system of electrical, mechanical or electronic hook-up or connection, equipment, sound-amplifying system, loudspeaker, public address system, and any apparatus, equipment, device, instrument, or machine capable of, designed for, or intended to be used for the purpose of amplifying the sound or increasing the volume of the human voice, musical tone, vibration, or sound wave.

“Special event permit” means a written authorization issued by the community development director for park activities creating special impacts and subject to terms and conditions set forth in such permit and the provisions of this chapter.

“Street” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. “Street” includes highway.

“Vehicle” means any device by which any person or property may be propelled, moved or drawn, excepting a device moved by human power. “Vehicle” includes but is not limited to, automobiles, trucks, vans, motorcycles, and off-road vehicles.

“Vehicle code” means the California Vehicle Code. [Ord. 335, 2015.]

12.25.020 Application.

The provisions of this chapter shall apply to all parks and park facilities in the city, unless expressly stated otherwise in this chapter. [Ord. 335, 2015.]

12.25.030 Rules and regulations.

A. City Manager. In accordance with CMC 2.05.060(L) and this section, the city manager or any designee thereof may from time to time establish reasonable rules, procedures, policies or regulations governing the use and enjoyment of any park or park facility in order to maximize the use and enjoyment of parks by the public in addition to those contained in this chapter.

B. Posting. Rules, regulations and policies shall be posted in conspicuous location(s) within the parks or park facilities for the public’s information. [Ord. 335, 2015.]

12.25.040 Compliance with parks ordinance, regulations, permits, and orders required.

A. No person shall violate any provision of this chapter while present in, carrying out any activity or participating in any event in any park, park facility or portion thereof.

B. No person shall disobey or violate any rules, regulations or policies adopted by the city manager or any designee thereof pursuant to CMC [12.25.020](#) and this chapter while present in any park, park facility or portion thereof.

C. No person shall fail or refuse to follow or comply with any lawful order or direction of any official, employee or contractor of the city, including but expressly not limited to a police officer, concerning the use of any park or park facility or any activities carried out therein.

D. No permittee or other person attending an event or using a park or park facility subject to a facility use permit or special event permit shall violate any term, condition or provision of such permit. [Ord. 335, 2015.]

12.25.050 Compliance with signs and notices required.

No person shall disobey any posted instruction, sign or notice in or upon, and pertaining to, use of any park or park facility. [Ord. 335, 2015.]

12.25.060 Park closure hours – Compliance required.

A. Park Closure Hours. Parks and park facilities shall be closed from 10:00 p.m. to 6:00 a.m. daily,

or at such other times posted by the city.

B. Entry during Closed Hours Prohibited. No person shall be in, enter into, remain in, or use any park or park facility during the park closure hours, except as otherwise authorized by the city through the issuance of a facility use permit or special event permit. [Ord. 335, 2015.]

12.25.070 Driving, operation and parking of vehicles, bicycles and nonmotorized equipment.

A. Applicability of Vehicle Code. The provisions of the vehicle code are applicable to all activities and events carried out by any person in city parks and park facilities. All owners and operators of vehicles, bicycles, motorcycles, motor-driven cycles, pedicabs, and any other motorized or nonmotorized equipment shall comply with all applicable requirements of the vehicle code while driving, operating or parking inside of any park or park facility. All violations of the vehicle code shall be enforced and prosecuted in accordance with the provisions thereof.

B. Driving and Operating Restrictions. No person shall drive or operate any vehicle, bicycle or nonmotorized equipment upon surfaces other than those maintained and open to the public for purposes of vehicular travel or specifically posted for such purposes.

C. Parking Restrictions. Designated parking areas shall be used for no other purpose than for the parking of vehicles, bicycles, or nonmotorized equipment in accordance with the vehicle code and the following requirements.

1. No person shall park, stop, leave standing, maintain, store or stand any vehicle, bicycle, or nonmotorized equipment on any roadway, highway, street, path, trail or other area in a park except at places designated for parking of such vehicle, bicycle, or nonmotorized equipment, whether attended or unattended, or as otherwise approved pursuant to a special event permit.

2. No person shall park, stop, leave standing, maintain, store or stand any vehicle, bicycle, or nonmotorized equipment, whether attended or unattended, in any park or park facility during the park closure hours.

D. Speed Limit. No person shall drive a vehicle, motorcycle, bicycle, or nonmotorized equipment in any park at a speed greater than is reasonably prudent, and in no event shall any person drive a vehicle, motorcycle, bicycle, or nonmotorized equipment in any park at a speed in excess of five miles per hour.

E. Compliance with Chapter 10.15 CMC. Except as otherwise provided in this chapter, all vehicles, bicycles and nonmotorized equipment shall also comply with the requirements of Chapter 10.15 CMC, Parking Violation Administration.

F. Violations. The driver or operator of the vehicle, bicycle or other nonmotorized equipment, and the owner thereof, who violates any provision of this section shall each be civilly and criminally liable for any violation of this section as provided in Chapter 1.20 CMC and also subject to

administrative citation, as provided in Chapter 1.30 CMC. Any vehicle, bicycle or nonmotorized equipment in violation of this section will also be towed or removed pursuant to applicable provisions of the vehicle code and CMC. [Ord. 335, 2015.]

12.25.080 Trail, trespassing and closed areas.

A. Designation and Use. The public works director may designate operations for horseback riding, bicycle riding, hiking trails, trailheads and restrooms in any trail or other open space area within a park. The public works director may also designate closed areas where entry is prohibited in the interest of public convenience or safety or for the preservation and protection of natural or cultural resources. No person shall leave a designated trail or other designated area in any open space area on foot, bicycle, horseback or otherwise other than at designated entry or exit points, except for law enforcement, city employees or contractors performing their duties, lifesaving or emergency purposes or for open space area management. No person shall enter on foot, bicycle, horseback or otherwise any open space area or any trail, or any road area posted as closed.

B. Gates. No person shall unlock or otherwise open a locked gate without advance permission from the city or its authorized agents. No person opening a closed gate shall proceed beyond said gate without first closing it.

C. Closure. The public works director may close an open space area and facilities and portions thereof when such areas and facilities are filled to capacity, when use of such areas and facilities will adversely impact sensitive species and habitat or when a hazardous condition poses potential danger to citizens, city employees or city property.

D. Right-of-Way. In addition to the provisions of CMC [12.25.060](#), all persons shall observe posted right-of-way restrictions on any trail, path, walkway, parking lot or roadway or highway owned, operated or managed by the city. This requirement shall also apply to any "trail courtesy" right-of-way regulations for multiple-use trails as may be promulgated by the city manager. [Ord. 335, 2015.]

12.25.090 Prohibition of sales or giving away of animals in city parks and park facilities.

No person shall sell, give away, trade, or transfer for adoption, or offer for sale, offer to give away, offer to trade, or offer to transfer, any cat, kitten, dog, puppy or other animal of any kind in any park or park facility except pursuant to the issuance of a special event permit. [Ord. 335, 2015.]

12.25.100 Rules and regulations applicable to dog parks.

A. Nonliability of City. The city does not actively or regularly provide law enforcement or other protection, or monitor activities of persons present in dog parks, and therefore to the maximum extent permitted by law the city disclaims any and all duty of care to prevent injuries by dogs in any dog park. Dog owners and other caretakers assume all liability and risk associated with and related to their use of the dog park. Nothing in this chapter shall be deemed to impose any liability or damages or a duty of care or maintenance upon the city or upon any of its elected or appointed

officers, officials, employees, agents or volunteers arising out of or in any way related to any person's use of any dog park, or the presence of any animal in or on the way to or from any dog park.

B. Hours of Operation. Designated dog park areas are available for use Monday through Sunday from dawn to dusk, and at such other times as posted at the dog park. All caretakers shall comply with a park's closure hours.

C. Regulations for Use of Dog Parks. In addition to all other provisions of this chapter, the following regulations shall apply to all caretakers and their dogs while present in a dog park:

1. Children under 16 years of age must be accompanied and supervised by an adult 18 years of age or older at all times, and must be within arm's reach of an adult at all times. Children shall not run, shout, scream, wave their arms or otherwise excite, or antagonize dogs in the dog park.
2. No person shall approach or pet a dog without the permission of the caretaker.
3. No person shall bring more than two dogs at one time into a dog park, or have more than two dogs in their possession or under their control at any time while in a dog park.
4. No animals other than dogs are permitted in a dog park.
5. Puppies younger than six months of age, aggressive dogs, and female dogs in heat must be kept leashed at all times.
6. Dogs shall wear collars and have current dog license tags in place at all times.
7. A caretaker shall never leave a dog(s) unattended in any dog park. At all times off-leash dogs shall be accompanied and supervised by their caretakers and remain inside the fenced areas of the dog park.
8. A caretaker shall carry a six-foot or shorter leash at all times, and shall keep his dogs on leash going to and from any enclosed area of the dog park and when present in any other part of any park.
9. The use of choke, prong, or spike collars is prohibited.
10. If a dog bites or attempts to bite, or attacks or attempts to attack, any person or other dog, or if the dog displays any other signs of aggression, the dog shall be leashed and removed from the park immediately by its owner or caregiver. Both the caregiver accompanying the dog in the dog park, and the dog owner whether or not present in the dog park, shall be responsible for all actions of the dog, even if the dog was provoked by others.

11. Dogs shall be current on all of their shots, vaccinations, and be free from contagious diseases. Dogs with contagious or communicable diseases, illnesses or infections, dogs that are known to be ill, or dogs that are currently under quarantine by a veterinarian or by order of animal control, and dogs with viral (kennel cough, parvo, distemper) or parasitic (worms, ticks, fleas) infections are prohibited in dog parks at all times.
12. Dogs that bark excessively must be quieted or removed from the park.
13. Caretakers of dogs must clean up after their dogs and put feces and trash in properly marked disposal containers immediately after the dog deposits any feces in the dog park.
14. Caretakers shall remove all water bowls, toys and equipment belonging to such caretaker or dog at the time the caretaker leaves the dog park.
15. No food or drinks are allowed in the dog park other than small training treats and water.
16. All littering is prohibited. In addition to subsection (C)(14) of this section, caretakers shall dispose of all trash in properly marked waste or trash receptacles.
17. All sports, games or other recreational activities are prohibited except for playing catch or Frisbee with the dog, or walking the dog in the dog park. No toys or balls are allowed except for toys and balls for playing with dogs, such as balls and Frisbees.
18. No vehicles, bicycles, nonmotorized equipment, chairs, tables, or other furniture is allowed in the dog park at any time. Exception: Wheelchairs are allowed when used by a person in need of mobility assistance due to a disability.
19. Commercial classes and events, including but not limited to training classes and competitions, are prohibited, except as may be authorized pursuant to a special event permit. Exception: This provision shall not apply to city-operated classes or other activities for dogs in dog parks.
20. No person shall abandon any dog or other animal in a dog park.
21. All persons inside a dog park shall wear shoes at all times. Persons with bare feet are prohibited.
22. In the event the city designates specific areas of the dog park for dogs of certain sizes, a chaperone will be required for each dog (small, large, etc.) and each dog will be required to stay in their specified area with a chaperone. If an adult brings two dogs of different sizes with only one adult present, the dogs will not be allowed in the dog park.
23. All persons shall comply with instructions of city staff, peace officers, and animal control officers at all times. Violation of this or any other provision of this section shall be grounds for

immediate expulsion from the dog park, and temporary or permanent termination of an owner's or other caretaker's right to use the dog park in the future.

24. The city reserves the right to refuse access to any dog, caretaker or other person at any time in order to preserve the safety or security of other dogs or persons in the dog park, or to protect the dog park from damages.

D. Rattlesnakes, coyotes and other potentially dangerous wildlife may be present in a dog park. The city shall have no obligation to provide any other warning, including posting of signs, concerning such dangers. By entering a dog park, owners and other caretakers assume all risks inherent as a result of the presence of such wildlife.

E. In addition to the requirements of this section, each person entering a dog park must review and thereafter comply with any and all other rules and regulations set forth in any sign or other notice posted at the entrance to the dog park.

F. Violations.

1. Violation of any provision of this section shall be grounds for immediate expulsion from the dog park, and temporary or permanent expulsion from the dog park in the future. No person who, after final decision following a hearing, is denied access to the dog park shall thereafter enter the dog park during the period that such right of access is suspended.

2. Any person violating any provision of this section while present in any dog park is also subject to criminal prosecution, civil liability, and administrative citation, as provided in CMC [12.25.330](#), [12.25.340](#), [12.25.350](#) and [12.25.360](#) and Chapters 1.20 and 1.30 CMC.

3. All remedies set forth herein are cumulative and nonexclusive. [Ord. 335, 2015.]

12.25.110 Animals prohibited outside of designated dog park areas – Exceptions.

No person shall cause, permit or allow any animal owned or possessed by them, or any animal in their care, custody, or control to be present in a park or any park facility except:

A. Horses (equine animals) being led or ridden under reasonable control upon any bridle paths or trails provided for such purposes;

B. Horses (equine animals) which are hitched or fastened at a place expressly designated for such purpose;

C. Dogs or cats when led by a leash, cord or chain not more than six feet long, or when confined within the interior of a vehicle;

D. Service animals, as defined under federal and state law;

E. Small pets which are kept in a secured cage, crate, box or on the person of the possessor at all times;

F. In connection with and within the written scope of activities authorized by a special event permit. [Ord. 335, 2015.]

12.25.120 Duty to care for animals – Aggressive animals.

A. Every owner and other caretaker of any dog, cat or other authorized animal present in any park or park facility shall promptly collect, pick up and remove all fecal matter or other waste left behind by such animal and dispose of the waste in a designated waste receptacle.

B. No person shall bring into, play with or leave any dog, cat, or other authorized animal in any area of a park or park facility designated or posted for use by children, including but expressly not limited to, any sand box, tot lot or play apparatus area posted for use by children, unless posted to allow such animal or as otherwise authorized by a special event permit.

C. No person shall tether or tie any dog, cat, horse or other authorized animal to any tree or other fixed object, building or structure within any park or park facility.

D. Aggressive dogs and other animals must be kept on a leash at all times. If signs of aggression occur, or if an animal bites, attacks, or attempts to bite or attack any other animal or person, the animal shall be removed from the park immediately. The animal's owner and caretakers are responsible for all actions of their animal, even if the animal was provoked by other animals or persons.

E. The public works director shall cause signs to be posted within all city parks notifying persons owning or in control of animals of their obligation to comply with the provisions of this section and the penalties for violation hereof. [Ord. 335, 2015.]

12.25.130 Use of sound-amplifying systems – Purpose of regulations.

The city has enacted this section to regulate amplified sound for the sole purpose of securing and promoting the public health, comfort, safety and welfare of its citizenry. While recognizing that certain uses of amplified sound and sound-amplifying systems are protected by a person's constitutional rights of free speech and assembly, the city nevertheless is permitted and obligated to reasonably regulate the use of amplified sound and sound-amplifying systems in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from the public nuisance of loud and unnecessary sound. [Ord. 335, 2015.]

12.25.140 Sound-amplifying systems – Facility use permit or special event permit required.

A. Permit Required. No person shall install, use or operate within a park or park facility any loudspeaker or sound amplifying system for the purpose of giving instructions, directions, talks, addresses or lectures, or of transmitting music or other sound to any persons or assemblages of persons in a park or park facility, 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 city personnel; or
2. Under a facility use permit or special event permit issued by the city, when operated in accordance with terms and conditions of such permit. [Ord. 335, 2015.]

12.25.150 Sound-amplifying systems – Grant or denial of facility use permit or special event permit.

A. In determining whether to grant or deny a request to use a sound-amplifying system, the community development director shall consider all of the following factors:

1. The constitutional free speech and assembly rights of all persons, including but not limited to, the applicant;
2. The potential effects upon the peaceable passage or presence of persons in the park or park facility;
3. The extent to which sound may carry into private or residential areas of the city;
4. The potential for disorder or unlawful injury to persons or property;
5. The potential invasion of other persons' rights of privacy;
6. The potential unlawful breach or disturbance of the peace;
7. Any conflict with other scheduled park uses or events; and
8. The necessity for use of electricity, availability of electrical sources or outlets and the safety of individuals near such electrical sources or equipment.

B. The community development director shall not deny a permit on the basis of any dislike for or disagreement with, or otherwise based on, the content of the proposed talks, addresses, lectures, musical presentations or performances. Exception: The community development director may deny a permit for any such events which are designed for the purpose of advocating imminent lawless conduct. [Ord. 335, 2015.]

12.25.160 Sound-amplifying systems – Power source designated.

Sound-amplifying systems requiring an external power source shall be operated only through a power source provided by or through special permission of the parks maintenance division, a battery or a generator. [Ord. 335, 2015.]

12.25.170 Sound-amplifying systems – Regulation of volume.

If, at any time, the city's police department determines that the sound produced by a sound-amplifying system in a park or park facility is unreasonably interfering with other persons using the

park or with nearby residents in the comfortable and reasonable enjoyment of their homes, an officer shall request the person in charge of the assembly, or any other person appearing to be involved in the production of sound, to immediately reduce the level thereof. If the sound is not reduced within five minutes to a reasonable level, the officer shall immediately contact the parks maintenance division personnel to curtail the power source. [Ord. 335, 2015.]

12.25.180 Additional alternate power sources – Approval, inspection and fees.

Any additional or alternate power source required for lighting or other purposes must be approved, in advance, for such use by the building and safety department, and by the public works director for safety, noise and compliance with all applicable provisions of this code. The building and safety department must inspect and approve all connections, wiring and components of sound, lighting and/or wiring systems prior to their use for rehearsal and/or performance. A fee may be imposed for such inspections. [Ord. 335, 2015.]

12.25.190 Firearms, fireworks and weapons prohibited.

A. No person shall possess, carry or discharge firearms, weapons, firecrackers, rockets, torpedoes or other types of explosives or explosive devices, or possess, carry or discharge an air gun, or pistol, any sling shot or similar devices, including bows and arrows, or possess, carry, use or operate any object calculated to make a noise sufficient to disturb the peace or quiet of the park. Any person who violates this section shall be subject to civil or criminal prosecution and administrative citation as provided in this chapter. All prohibited items may be confiscated by the city. Following confiscation, the owner may apply for return of those confiscated items which are otherwise legally permitted through the city's police department.

B. The prohibition of this section shall not apply to any city personnel or city contractors in the performance of their duties. [Ord. 335, 2015.]

12.25.200 Damaging property and land prohibited.

A. No person shall possess, cut, break, destroy, injure, remove, dig, deface or disturb from its natural state any tree, shrub, plant, wildlife, rock, artifact, minerals, landscape structure, wood, turf, grass, soil, other natural products, sand, gravel, fertilizer, building, cage, pen, monument, fence, bench or other improvement, in a park or park facility.

B. Unless specifically authorized by a facility use permit, or park rules or regulations, no person shall drive or propel any vehicle, bicycle, or nonmotorized equipment within any open space area.

C. Exceptions. This provision shall not apply to those persons engaged in sanctioned trail development, city employees or contractors while performing their duties, other construction or interpretative activities at the discretion of the public works director, or for emergency personnel in the performance of their duties. [Ord. 335, 2015.]

12.25.210 Fires and camping.

No person shall set, kindle or maintain a fire in any park or park facility except in a grill or fire pit provided for that purpose, or camp in a park, without an approved facility use permit and special event permit that requires the permittee to safely use fire for all purposes. [Ord. 335, 2015.]

12.25.220 Disposal of waste liquids and refuse.

No person shall wash dishes, or empty salt water or other waste liquids, or leave garbage, cans, bottles, papers or other refuse in a park except in designated trash or refuse receptacles. [Ord. 335, 2015.]

12.25.230 Games.

No person shall play or engage in any game or recreational activity in a manner likely to endanger or harm any other person or property in the park or park facility. [Ord. 335, 2015.]

12.25.240 Use of playground equipment.

No person over the age of 12 shall ride or use playground equipment designated for young children while young children are present. [Ord. 335, 2015.]

12.25.250 Posting of advertising matter and other materials.

A. Prohibition. Notwithstanding any other provision of this code, no person shall display, post, place, attach, affix, or erect, or cause to be displayed, posted, placed, attached, affixed or erected, to any tree, shrub, plant, grass, fence, building, structure, ornament, wall, apparatus, post, bridge, bench, gate, property or other physical object, any handbill, banner, circular, booklet, card, sign, pamphlet, notice, paper, sheet or other written or printed material of any kind within any park or on or in any park facility.

B. Exceptions. The prohibition in subsection (A) of this section shall not apply to any of the following:

1. Any area of any park or park facility designated or posted to permit the posting of written materials, or as otherwise allowed by this code or state or federal law;
2. Any activity or event in any park, park facility or portion thereof, during an event subject to a facility use permit or special event permit, if such permit specifically authorizes the posting of written or printed materials, and such posting is in compliance with the terms of such permit. The permittee shall remove all printed or posted materials at the conclusion of the event authorized by such permit; or
3. Any balloons, banners or signs posted in connection with a birthday party or holiday party, subject to compliance with all other applicable provisions of this chapter and park rules, regulations, and policies. [Ord. 335, 2015.]

12.25.260 Solicitation and hawking prohibited.

No person shall practice, carry on, conduct or solicit for any occupation, business or profession in

any park, park facility, or portion thereof, or offer for sale any merchandise, goods, article, services of any kind whatsoever, without full compliance with Chapter 5.05 CMC and CMC [12.25.230](#) and [12.25.250](#). [Ord. 335, 2015.]

12.25.270 Commercial enterprises and sales – Noncommercial sales.

A. Purpose – Prohibitions. The city's parks are intended as places for recreation and relaxation and the free exchange of ideas, but not as a forum for commercial enterprises or sales. Except as otherwise provided in this chapter, the following prohibitions apply:

1. No person shall practice, carry on, conduct or solicit for any trade, occupation, business or profession for profit.
2. No person shall sell, offer or solicit the sale of goods or services within a park or park facility, or pass out commercial handbills or advertising, or offer commercial services, or otherwise engage in commercial activity of any kind within a park or park facility.
3. No person shall park, stand, maintain, or store any vehicle, bicycle, motorcycle, wagon or pushcart from which goods, wares, merchandise, food, articles, goods or services are sold, displayed, solicited, offered for sale, bartered or exchanged, or any lunch wagon, eating cart, pushcart, or catering cart or vehicle, on any portion of any street within a park or park facility.
4. No person shall park, stand, maintain or store any vehicle, bicycle, or motorcycle used or intended to be used in the transportation of property for hire on any roadway, highway or trail while awaiting patronage for such vehicle, bicycle or motorcycle.

B. Business License and Fees. Where otherwise authorized by this chapter, no person shall conduct any commercial enterprise or sales in a park or park facility without first having obtained a business license, paid the appropriate license fee, complied with any and all applicable provisions of Chapter 5.05 CMC, and obtained an approved facility use permit and special event permit in accordance with this chapter and any other applicable provision of the CMC.

C. Noncommercial Sales. Bona fide charitable and other nonprofit organizations, city-sponsored events and city-cosponsored events may sell merchandise, goods, articles or things only if specially authorized by the public works director upon the approval of the person using the facility at the time such nonprofit group proposes to sell goods pursuant to an approved facility use permit and special event permit.

D. Exceptions. The prohibitions of subsection (A) of this section shall not apply to any of the following:

1. To commercial activity or solicitation when authorized by a facility use permit or special event permit, or to noncommercial activity as otherwise provided in subsection (C) of this section.

2. To the lawful distribution or dissemination of literature or otherwise engaging in a legitimate exercise of freedom of speech or press; and

3. To any city personnel or city contractor acting in the course and scope of their duties. [Ord. 335, 2015.]

12.25.280 Attendance limits.

No person shall hold any meeting, service, concert, exercise, parade, exhibition, show, party, gathering, or other event at which more than 10 persons are expected to attend in any park or park facility, without first obtaining an approved facility use permit or special event permit. [Ord. 335, 2015.]

12.25.290 Possession, sale and consumption of alcoholic beverages.

A. Prohibitions.

1. Except as otherwise provided in subsection (B) of this section, no alcoholic beverages shall be sold, consumed or possessed in any city park or park facility.

2. No person shall possess any open container of beer, wine or other alcoholic beverage in any park or park facility.

3. Alcoholic beverages are prohibited at any function or event in any park or park facility, if such function or event is primarily designated for people under the age of 21 years of age, or for any profit-making organization or individual wherein an admission fee is charged and is open to the general public.

B. Exceptions. The prohibitions of subsections (B)(1) and (B)(2) of this section shall not apply to persons conducting or attending a social event in or upon any park, park facility, or portion thereof, where alcoholic beverages are being served, if (1) the event is sponsored by the city, or is conducted by an established community service or similar nonprofit organizations, or other persons, organizations or entities that have rented a portion of the park or park facility, (2) the sponsor of the event has obtained a facility use permit or special event permit that authorizes the serving and consumption of alcoholic beverages, and (3) all activities shall be subject to any reasonable terms and conditions deemed necessary in light of the nature of the event and its potential risk to the public health and safety. Compliance with the following conditions shall also be required as a condition of approval of any facility use permit or special event permit:

1. During events to which this exception applies, the lawful consumption of alcohol and possession of open containers of alcoholic beverages is strictly limited to the immediate area where such event is being conducted and only for the duration of the event.

2. A true copy of any required license or permit required and issued by the California Department of Alcoholic Beverage Control, and the facility use permit and special event

permit, authorizing the provision of the alcoholic beverage being served, must be in the possession of an authorized representative of the organization sponsoring the event, and that representative shall be present at all times at the event. The representative shall present the signed license and permit to any law enforcement officer or other city official or employee upon demand.

C. Open Containers. In accordance with the provisions of California Business and Professions Code Section 25620, possession of an open container of alcoholic beverages in a city park or park facility in violation of this section is punishable as an infraction.

D. Remedies Cumulative. All remedies set forth in this section are cumulative and nonexclusive. [Ord. 335, 2015.]

12.25.300 Smoking and disposal of tobacco, electronic cigarettes and other products prohibited in parks and park facilities.

A. Prohibitions.

1. Smoking is prohibited in all parks and park facilities.
2. No person shall be in possession of a burning tobacco or tobacco-related product, including but not limited to cigarettes, cigars, pipes or similar devices in or upon any public park, playground or trail in the city.
3. No person shall be in possession of a burning or lighted cigarette, lighted cigar, lighted pipe, lighted hookah pipe or similar device, or any activated electronic cigarette, in or upon any city park or park facility.
4. No person shall dispose of smoking-related waste products, lighted or unlighted cigarettes or cigars, cigarette or cigar butts, or similar devices, or any other smoking-related waste (including, but not limited to, chewing tobacco, tobacco, marijuana, or any other weeds or plants), or any electronic cigarettes (including but not limited to any electronic cigarettes or electronic cigarette paraphernalia), in or upon any park or park facility, except in a trash receptacle designated for such disposal.
5. No person shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to obtain compliance with this section.

B. Violations of this section shall constitute an infraction unless prosecuted pursuant to the administrative citation procedure established in Chapter 1.30 CMC. [Ord. 335, 2015.]

12.25.310 Abandoning or leaving property.

A. No person shall leave, with intent to abandon, any equipment, property, food or drinks, waste, or trash in any park or park facility, or portion thereof, except in city-authorized trash receptacles.

B. No person shall dispose of or donate any food, clothing or property by depositing or leaving it unattended in a park or park facility. [Ord. 335, 2015.]

12.25.320 Reservation of parks and park facilities – Facility use permits and special event permits.

A. Responsibility. The public works director shall be responsible for scheduling and controlling the use of parks, park facilities and portions thereof, for the maximum benefit and participation by interested persons or groups, both public and private. The public works director shall determine which areas of parks may be reserved for use and under what terms reservations are made. Exceptions: Activities sponsored or co-sponsored by the city shall be given preference in the use of parks and park facilities and are not subject to the provisions and restrictions of this chapter.

B. Facility Use Permit. All reservable areas of parks and park facilities may be reserved on a first-come, first-served basis, and shall be subject to a facility use permit. An application for a facility use permit must be submitted to the public works director at least two weeks prior to, but not more than eight weeks in advance, to apply for reserved park use. In the case of athletic fields, local leagues will be notified prior to the season of a special meeting that will determine dates for all leagues. Inflatable recreational equipment (such as a “bounce house”) is prohibited at all times.

C. Special Event Permit. Activities such as community celebrations, outdoor festivals, temporary special events, or similar activities, shall require approval of a special event permit by the community development director.

D. Rules and Regulations. The city manager may adopt rules and regulations establishing requirements for issuance of a facility use permit and special event permit in addition to the requirements of this section.

E. Policies and Fees. All individuals and groups must adhere to this chapter and all city rules, regulations and policies while using parks and park facilities. Appropriate fees, forms and deposits shall be paid in full at the time an application for a facility use permit or special event permit is submitted.

F. Additional Facilities. As a condition of issuance of a facility use permit or a special event permit, the public works director or the community development director, respectively, may also require the applicant to provide additional water and sanitary facilities and refuse receptacles as they reasonably believe to be necessary for the protection of public health, safety and welfare in connection with the intended use.

G. Security. As a condition of issuance of a facility use permit or a special event permit, the public works director or community development director, respectively, may require the applicant to provide the number of approved security personnel as either director determines may be necessary, based on the nature of the proposed event.

H. Reimbursement. As a condition of issuance of a facility use permit or a special event permit, the applicant may be required to submit a cleaning deposit and security deposit and to reimburse the city for any unusual cleanup and facility repair expenses and for services provided by the parks maintenance division of the public works department or the police department incurred as a result of the activity or event authorized by such permit.

I. Consent Required for Permit or Reservation Transfer. No permit or reservation for the use of a park, or any portion thereof, shall be transferable or assignable without the written consent of the public works director.

J. Insurance. Any person or group holding an event or conducting an activity requiring a facility use permit or special event permit under this chapter shall provide evidence of insurance with the city named as an additional insured insuring the city from any and all liability for injury to persons or property resulting from the activity. The minimum amount, type and form of such insurance shall be determined by the city risk manager.

K. An event or activity subject to a facility use permit or special event permit shall be operated and carried out pursuant to the permit terms and conditions and the requirements of this chapter. [Ord. 335, 2015.]

12.25.330 Enforcement responsibility.

The city's police department shall have the primary responsibility for the enforcement of the provisions of this chapter, including all violations of state law within parks and park facilities. [Ord. 335, 2015.]

12.25.340 Violations.

A. No person shall violate any provisions, or fail to comply with any of the provisions of this chapter or any permit issued pursuant to this chapter.

B. No person shall cause or permit any other person to violate or fail to comply with any of the provisions of this chapter or any permit issued pursuant to this chapter.

C. Except as otherwise provided in this chapter, violations of this chapter are misdemeanors. Violations shall be punishable as set out in Chapter 1.20 CMC (Penalty Provisions). Any person who violates any provision of this chapter shall also be civilly liable and subject to administrative citation as provided in Chapters 1.20 and 1.30 CMC.

D. In addition to all other provisions of this chapter, any violation of this chapter or any rules adopted pursuant to this chapter or any other provision of the CMC shall be grounds for the city to revoke any facility use permit or special use permit; to remove any person from the park or park facility; or to take such other actions as the city deems necessary to ensure compliance with this chapter, any rules adopted to implement this chapter, or any other provision of the CMC.

E. In addition to the foregoing, any person who violates any other provision of the CMC while present in a park or park facility shall be subject to criminal prosecution, civil liability and administrative citation, as provided in Chapters 1.20 and 1.30 CMC. [Ord. 335, 2015.]

12.25.350 Administrative citations – Concurrent authority.

Any officers and employees, and any other persons designated to do so by this code or the city manager shall have the concurrent authority to issue administrative citations in any park or park facility pursuant to Chapter 1.30 CMC (Administrative Citations). [Ord. 335, 2015.]

12.25.360 Remedies not exclusive.

The procedures established in this chapter shall be in addition to criminal, civil or other remedies which may be simultaneously pursued. The use of any particular remedy shall be at the city's sole discretion. [Ord. 335, 2015.]

12.25.370 Integration and interpretation.

A. If a conflict arises between this chapter and previous ordinances, resolutions or policies of the city, this chapter shall take precedence.

B. In the event that a question arises as to the interpretation, construction or application of the park rules and regulations, the city manager or any designee thereof shall make the final determination of each interpretation, construction or application. [Ord. 335, 2015.]