



City of Biggs

Agenda Item Staff Report for the Regular City Council Meeting: November 10, 2015

TO: Honorable Mayor and Members of the City Council
FROM: Mark Sorensen, City Administrator
Subject: Review of Chapter 9.30 PARK RULES AND REGULATIONS.

Council is asked to review Chapter 9.30 PARK RULES AND REGULATIONS

Background:

To better preserve and manage park facilities staff intends to post park hours of operation. This would provide notice to the public of the authorized hours of use, the existence of Chapter 9.30, and would improve the Police Department's ability to address use of park areas contrary to City Code.

Prior to incurring expense for signage it seemed prudent to first review the code with Council and review any desired changes.

Recommendation:

Review Chapter 9.30 PARK RULES AND REGULATIONS and direct staff.

Mark Sorensen, City Administrator

Chapter 9.25

PARK AND RECREATION FACILITIES

Sections:

- 9.25.010 Findings.
 9.25.020 Fees.
 9.25.030 *Repealed.*

9.25.010 Findings.

The citizens of Biggs have borne the costs for certain park and recreation facilities owned by or under the control of the city council of the city of Biggs and that additional costs will be incurred by the city for maintenance and upkeep of existing facilities and construction and maintenance of new facilities. [Ord. 264 § 1, 1984]

9.25.020 Fees.

(1) Some users of park and recreation facilities will benefit to a larger degree because of greater use than other users. This greater use will cause higher costs to the city than normal park and recreation activities by citizens in general. Those persons or groups making greater use of parks and recreation facilities shall pay a fee commensurate with the benefit to the user.

(2) Fees pursuant to this chapter shall be set from time to time by resolution. [Ord. 264 §§ 2, 4, 1984]

9.25.030 Rules and regulations.

Repealed by Ord. 363. [Ord. 264 §§ 3, 5, 1984]

Chapter 9.30

PARK RULES AND REGULATIONS

Sections:

Article I. General Provisions

- 9.30.010 General provisions.
 9.30.020 Definitions.
 9.30.030 Designation of parks.
 9.30.040 Exemption from rules and regulations.
 9.30.050 Administration and enforcement of rules and regulations.
 9.30.060 Appeals from the determination or action of the city administrator.
 9.30.070 Resisting police officers or other designated officers, employees or agents in the performance of their duties.
 9.30.080 Drug-free zones.
 9.30.090 Operation of vehicles prohibited – Exceptions.
 9.30.100 Days and hours of operation – Exception.
 9.30.105 Violations.

Article II. Rules for Alcoholic Beverages

- 9.30.110 Alcoholic beverages – Manufacture and sale – Prohibited.
 9.30.120 Alcoholic beverages – Gift – Prohibited.
 9.30.130 Alcoholic beverages – Possession or consumption – Prohibited.

Article III. Rules for Bicycles

- 9.30.140 Bicycles – Helmets required.
 9.30.150 Bicycles – Reckless operation – Prohibited.
 9.30.160 Bicycles – Operation in designated areas only.

Article IV. Rules for Animals

- 9.30.170 Animals – Definitions.
 9.30.180 Animals – Leash requirements – Exception.
 9.30.190 Animals – Prohibited areas – Exception.
 9.30.200 Animals – Clean-up required.

Article V. Rules for Health, Safety and the Environment

- 9.30.210 Destruction, injury, cutting or taking any landscape – Prohibited – Exception.
- 9.30.220 Glass beverage containers – Prohibited – Exception.
- 9.30.230 Equestrian use – Prohibited – Exception.
- 9.30.240 Fires – Prohibited – Exception.
- 9.30.250 Rubbish and garbage – Disposition in containers required – Prohibited disposition.
- 9.30.260 Unreasonable noises – Prohibited – Exception.
- 9.30.270 Sign rules and regulations.
- 9.30.280 Commercial advertising – Prohibited – Exception.
- 9.30.290 Firearms and projectile weapons prohibited – Exception.
- 9.30.300 Smoking prohibited.
- 9.30.310 Fireworks prohibited – Exception.
- 9.30.320 Tagging, graffiti and defacing – Prohibited.

Article VI. Rules for Skateboarding

- 9.30.330 Applicability.
- 9.30.340 Violations – Violators subject to removal.
- 9.30.350 Closure.
- 9.30.360 Safety.
- 9.30.370 Use restrictions.
- 9.30.380 City administrator may adopt additional rules and regulations.

Article I. General Provisions

9.30.010 General provisions.

The rules and regulations set forth in this chapter shall govern all persons using the parks and playgrounds owned, operated and maintained by the city, and shall apply to all areas of such park and playgrounds, unless otherwise specifically provided for herein. [Ord. 363 § 3, 2006]

9.30.020 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions shall govern the construction of the words and phrases used in this chapter.

(1) Alcoholic Beverages. For the purposes of this chapter, the term “alcoholic beverages” shall include alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, liquor, wine or beer and which contains one-half of one 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.

(2) Park. Those parks owned, operated and maintained by the city. The term “park” shall include the term “playground.” [Ord. 363 § 3, 2006]

9.30.030 Designation of parks.

The following constitute the city’s parks:

- (1) Family Park;
- (2) Rio Bonita Park;
- (3) Downtown Park;
- (4) Such other parks as may be established and operated by the city in the future. [Ord. 363 § 3, 2006]

9.30.040 Exemption from rules and regulations.

The provisions of this chapter shall not apply to or restrict any officer, employee or agent of the city or that of any other governmental agency while acting in the performance of any lawful duty imposed upon such officer, employee or agent by any lawful authority. [Ord. 363 § 3, 2006]

9.30.050 Administration and enforcement of rules and regulations.

The city administrator or such other officer, employee or agent of the city as he or she may designate shall be responsible for the administration and enforcement of these rules and regulations. [Ord. 363 § 3, 2006]

9.30.060 Appeals from the determination or action of the city administrator.

Persons aggrieved by a determination of the city administrator with respect to the administration and enforcement of these rules and regulations may appeal to the city council. Following hearing and consideration, the decision of the council upon the appeal shall be final. [Ord. 363 § 3, 2006]

9.30.070

9.30.070 Resisting police officers or other designated officers, employees or agents in the performance of their duties.

No person shall resist, delay or obstruct a police officer or other officer, employee or agent of the city charged with the enforcement of these rules and regulations in the discharge or attempt to discharge any duty of their office or when they are acting within the scope of their employment. [Ord. 363 § 3, 2006]

9.30.080 Drug-free zones.

City parks are hereby declared to be drug-free zones pursuant to the California Health and Safety Code which sets forth enhanced penalties for specified offenses involving the possession or sale of controlled substances which occur upon the grounds of city parks. [Ord. 363 § 3, 2006]

9.30.090 Operation of vehicles prohibited – Exceptions.

No persons shall operate vehicles of any kind or character in city parks. The following vehicles are exempted from this prohibition:

- (1) City vehicles operating in the performance of park maintenance or other city functions.
- (2) Vehicles delivering merchandise, supplies and equipment to an event occurring in a park.

The city administrator or his or her designee may grant such other exemptions as he or she determines are in the public interest. [Ord. 363 § 3, 2006]

9.30.100 Days and hours of operation – Exception.

(1) City parks shall be open daily at 7:30 a.m. and shall close at 10:00 p.m.

(2) Parks may remain open past the above closing time until the conclusion of the event in connection with public or athletic events approved in writing in advance by the city administrator or his or her designee. [Ord. 363 § 3, 2006]

9.30.105 Violations.

A violation of these rules and regulations shall constitute an infraction punishable by a fine. [Ord. 363 § 3, 2006]

Article II. Rules for Alcoholic Beverages

9.30.110 Alcoholic beverages – Manufacture and sale – Prohibited.

No person shall make or sell alcoholic beverages of any kind or variety in any city park. [Ord. 363 § 3, 2006]

9.30.120 Alcoholic beverages – Gift – Prohibited.

No person shall give away any alcoholic beverage in any city park. [Ord. 363 § 3, 2006]

9.30.130 Alcoholic beverages – Possession or consumption – Prohibited.

No person shall possess an open container of an alcoholic beverage or consume an alcoholic beverage of any kind or variety in any city park. [Ord. 363 § 3, 2006]

Article III. Rules for Bicycles

9.30.140 Bicycles – Helmets required.

No person shall ride a bicycle in any city park unless wearing a bicycle helmet for head protection. [Ord. 363 § 3, 2006]

9.30.150 Bicycles – Reckless operation – Prohibited.

No person shall operate a bicycle within a city park in a reckless or unsafe manner so as to endanger the safety and well-being, or interfere with the use and enjoyment of the park by other users. [Ord. 363 § 3, 2006]

9.30.160 Bicycles – Operation in designated areas only.

Bicycles may only be ridden on roads, bicycle paths or on sidewalks within city parks. [Ord. 363 § 3, 2006]

Article IV. Rules for Animals

9.30.170 Animals – Definitions.

(1) “Effective control” means that the animal is trained to respond to its owner or handler.

(2) “Leash” means a restraint not exceeding six feet in length. Retractable leashes that can extend beyond six feet are not allowed.

(3) "Special use dog" means any guide dog, signal dog, service dog or search and rescue dog, trained, or being trained, to do work or perform tasks for the benefit of an individual with a disability, including but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items or rescue and disaster relief in accordance with the standards of the State Office of Emergency Services or local disaster agencies. [Ord. 363 § 3, 2006]

9.30.180 Animals – Leash requirements – Exception.

(1) No person shall take or allow any animal into any city park unless the animal is kept and maintained on a leash under the control of a competent person.

(2) With the prior written approval of the city administrator or his or her designee, special use dogs may be off-leash for training purposes. [Ord. 363 § 3, 2006]

9.30.190 Animals – Prohibited areas – Exception.

No animals are allowed in any:

- (1) Restroom;
- (2) Sports playing fields.

The above prohibitions do not apply to special use dogs. [Ord. 363 § 3, 2006]

9.30.200 Animals – Clean-up required.

Animal owners must clean up all animal droppings. [Ord. 363 § 3, 2006]

Article V. Rules for Health, Safety and the Environment

9.30.210 Destruction, injury, cutting or taking any landscape – Prohibited – Exception.

No person shall destroy, injure, cut or take any natural condition of the landscape in a city park, including but not limited to flowers, shrubbery, plants, vines, trees, grass, wood or rocks, except with the prior written permission of the city administrator or his or her designee. [Ord. 363 § 3, 2006]

9.30.220 Glass beverage containers – Prohibited – Exception.

No person shall possess any glass beverage containers in any city park except that the sponsor of an organized public event may obtain prior written permission from the city administrator or his or her designee to possess glass beverage containers; provided, that the containers remain under the sponsor's custody and control and are not distributed to participants of the event. [Ord. 363 § 3, 2006]

9.30.230 Equestrian use – Prohibited – Exception.

Riding horses is prohibited in any city park, unless the prior written permission of the city administrator or his or her designee is obtained in connection with an organized public event. [Ord. 363 § 3, 2006]

9.30.240 Fires – Prohibited – Exception.

Open fires are prohibited in any city park; provided, however, that fires may be started and maintained in city-furnished or personal barbecues used for cooking purposes. [Ord. 363 § 3, 2006]

9.30.250 Rubbish and garbage – Disposition in containers required – Prohibited disposition.

No person shall throw, dump or otherwise place or cause to be placed, or leave, either directly or indirectly, any rubbish, garbage or waste matter, or any trash or refuse of any kind or character in any city park, other than in receptacles established and maintained for such purposes. No person shall bring, or cause to be brought, any rubbish, garbage, waste matter, trash or refuse of any kind or character into any city park for the purpose of disposing of it either in city receptacles or any other place within the park. [Ord. 363 § 3, 2006]

9.30.260 Unreasonable noises – Prohibited – Exception.

No person shall cause a loud or excessive noise within a city park that unreasonably disturbs the peace and quiet of any neighborhood, the quiet enjoyment of property or any reasonable person of normal sensitivity residing or working in the area, except that with the prior written approval of the city administrator or his or her designee, sponsors of public events may provide entertainment at such

9.30.270

events, subject to any conditions that the city administrator may establish for such entertainment. [Ord. 363 § 3, 2006]

9.30.270 Sign rules and regulations.

No person shall post a sign in any park or leave a sign unattended in a park unless the sign is posted or placed in the park as part of a public event authorized in advance in writing by the city administrator or his or her designee. In addition, with the prior approval of the city administrator, signs may be posted in parks informing the public of an event sponsored by a public agency. All such signs must be removed within one day following the event. Signs may be brought into parks by members of the general public providing they remain in their custody and control and that they are not affixed to any tree, building or other vegetative growth or structure within the park. [Ord. 363 § 3, 2006]

9.30.280 Commercial advertising – Prohibited – Exception.

No person shall display or post any commercial advertising in any park unless such advertising is displayed or posted as part of a public event authorized in writing in advance by the city administrator or his or her designee. All such signs must be removed within one day following the event. [Ord. 363 § 3, 2006]

9.30.290 Firearms and projectile weapons prohibited – Exception.

(1) For the purposes of this section, the terms “firearm or other projectile weapon” includes, but is not limited to, any pistol, revolver, rifle, gun, flare gun, paint ball gun, zip gun, spring gun, air gun, BB or pellet gun, laser gun, rocket, rocket launcher, rocket-propelled projectile launcher, slingshot, wrist rocket, bow and arrow or crossbow or compound bow designed to propel an arrow.

(2) No person shall take or discharge any firearm or other projectile weapon upon, through, across or within a city park except with the prior written permission of the city administrator or his or her designee.

(3) Any and all applicable federal, state or municipal statutes, regulations or ordinances related to firearms or other projectile weapons including but not limited to any park rule or regu-

lation now or hereafter adopted by the city shall have full force and effect in city parks. [Ord. 363 § 3, 2006]

9.30.300 Smoking prohibited.

No person shall smoke cigars, pipes, cigarettes or any other lighted flammable material or instrument or carry any such items in, upon or across a city park. [Ord. 363 § 3, 2006]

9.30.310 Fireworks prohibited – Exception.

No person shall possess or discharge any fireworks in any city park, except with the prior written permission of the city administrator or his or her designee. Sponsors of public events may provide fireworks at such events, subject to any conditions that the city administrator may establish for them. [Ord. 363 § 3, 2006]

9.30.320 Tagging, graffiti and defacing – Prohibited.

Tagging, graffiti and/or any other form of defacing park property is prohibited. [Ord. 363 § 3, 2006]

Article VI. Rules for Skateboarding

9.30.330 Applicability.

The rules and regulations set forth in this article apply to skateboarding in the skate pavilion located in Family Park and to such other skateboard facilities as may be installed in other park facilities of the city in the future. [Ord. 363 § 3, 2006]

9.30.340 Violations – Violators subject to removal.

Any person who violates these rules and regulations shall, in addition to any other penalties provided by law, be subject to removal from any skateboard facility upon order of the city administrator or any authorized officer or employee of the city. Failure to leave the park when ordered to do so is a violation of this section. Removal, if ordered, includes exclusion from such area for a 24-hour period, running from the time of the order. [Ord. 363 § 3, 2006]

9.30.350 Closure.

The city administrator or his or her designee may close any city skateboard facility whenever he or she determines that such closure is necessary for the protection of public property or public safety. [Ord. 363 § 3, 2006]

9.30.360 Safety.

(1) Every person using a skateboard facility shall wear a helmet, wrist supports, elbow pads and knee pads at all times.

(2) No food or drinks are allowed within any skateboard facility.

(3) No additional obstacles or other materials (such as ramps, jumps or lights) may be brought into a skateboard facility by any person at any time. [Ord. 363 § 3, 2006]

9.30.370 Use restrictions.

Only persons using skates or skateboards are allowed on a skateboard facility. Persons without skates or skateboards are not allowed. Bicycles are not allowed within a skateboard facility. [Ord. 363 § 3, 2006]

9.30.380 City administrator may adopt additional rules and regulations.

The city administrator, or his or her designee, may adopt such additional rules and regulations regarding skateboard facilities when he or she determines that such rules and regulations are required to protect the welfare and safety of the general public and/or skateboard facility users. [Ord. 363 § 3, 2006]