

# PARKS, RECREATION, AND GOLF COMMISSION

Civic Center Annex Conference Room #5  
411 W Clay Street Ukiah, CA 95482

TUESDAY, October 19, 2010  
5:30 P.M.

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## A G E N D A

I. **CALL TO ORDER/ROLL CALL**

II. **APPROVAL/CORRECTION OF MINUTES:**

Minutes of September 21, 2010

III. **AUDIENCE COMMENTS ON NON-AGENDA ITEMS**

The Parks, Recreation and Golf Commission welcomes input from the audience. If there is a matter of business on the agenda that you are interested in, you may address the Commission when this matter is considered. If you wish to speak on a matter that is not on this agenda, you may do so at this time. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments in which the subject is not listed on the agenda.

IV. **NEW BUSINESS**

A. Discussion and recommendation on City of Ukiah Tree Management Guidelines  
(Report attached)

V. **OLD BUSINESS**

- A. Discussion and Recommendations on Golf Operations (Golf Reports attached)
- B. Discussion on Recreation Programs and Special Events
- C. Update and Discussion on Playground and Park Topics (Report attached)
- D. Discussion on Park Rules and Regulations

VI. **COMMISSIONERS' COMMENTS**

VII. **ADJOURNMENT**

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Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 72 hours prior to the meeting set forth on this agenda.

Dated this 14th day of October, 2010.  
Jarod Thiele, Recording Secretary

# PARKS, RECREATION, AND GOLF COMMISSION

Civic Center Annex Conference Room #5  
411 W Clay Street Ukiah, CA 95482

TUESDAY, September 21, 2010  
5:30 P.M.

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## MINUTES

### I. CALL TO ORDER/ROLL CALL

Called to order by Chair Tami Bartolomei at 5:35pm.

#### **Commissioners Present**

Tami Bartolomei, Chair  
Julie Dunn, Vice Chair  
Darcie Antle  
Don Rones  
Bill Hoover  
Eric Barkhurst

#### **Staff Present**

Katie Merz, Community Services Administrator  
Frank Johnson, Golf Pro

#### **Commissioners Absent**

Amanda Hair

### II. APPROVAL/CORRECTION OF MINUTES: 5:40pm

**M/S:** Rones / Dunn to approve August 17, 2010 minutes, as submitted. Motion carried by an AYE vote from all Commissioners

### III. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

The Parks, Recreation and Golf Commission welcomes input from the audience. If there is a matter of business on the agenda that you are interested in, you may address the Commission when this matter is considered. If you wish to speak on a matter that is not on this agenda, you may do so at this time. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments in which the subject is not listed on the agenda.

### IV. NEW BUSINESS: 5:42pm

#### A. Introduction of New Commissioner & New Recording Staff Person: **5:42 pm**

Administrator Merz introduced Erik Barkhurst as the newly appointed Commissioner, and Jarod Thiele as the new Recording Secretary.

#### B. Discussion on Park Rules and Regulations: **5:50 pm**

Commissioners discussed Park Rules and Regulations. Consensus of the Commission was to begin reviewing all Park Rules and Regulations to ensure they are up to date at the next scheduled meeting starting with the section pertaining to noise.

**V. OLD BUSINESS**

**A. Discussion and Recommendations on Golf Operations. 6:15 pm**

Administrator Merz reported that tree trimming would be conducted September 22<sup>nd</sup> & 23<sup>rd</sup>. Cart path repairs will occur on October 5<sup>th</sup> & 6<sup>th</sup>. Golf Pro Johnson commented on the success of the promotional rates. Administrator Merz reported that the City Manager toured the Golf Course and met with staff to discuss long term planning for improvements. A meeting is tentatively planned for the City Council and the Commission to discuss golf operations in November or December.

**B. Discussion on Recreation Programs and Special Events 6:30 pm**

Administrator Merz reported that the Fall Recreation Classes and Programs are underway and PumpkinFest is the weekend of October 16<sup>th</sup> & 17<sup>th</sup>.

**C. Update and Discussion on Playground and Park Topics 6:40pm**

The Commission expressed concern for the Rocket Ship still being fenced in. Administrator Merz informed the Commission that structural details were still being worked on. Commissioner Barkhurst offered to assist with the technical details.

**VI. COMMISSIONERS' COMMENTS : 6:45pm**

Administrator Merz informed the Commission that the tree policies would be presented to them at the next Commission Meeting.

**VII. ADJOURNMENT**

Meeting adjourned at 6:49 PM.

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Jarod Thiele, Recording Secretary

**CITY OF UKIAH**  
**TREE MANAGEMENT GUIDELINES**

TREE MANAGEMENT POLICIES FOR THE  
PROTECTION, OPERATION AND MAINTENANCE OF CITY PROPERTY



FINAL DRAFT  
September 2010

# TREE MANAGEMENT GUIDELINES AND POLICIES FOR THE OPERATION AND MAINTENANCE OF CITY PROPERTY

## **1.0 PURPOSE STATEMENT**

The purpose of this document is to provide policy guidelines for the preservation, maintenance and enhancement of the urban forest in parks and other areas maintained by the staff and contractors of the City of Ukiah. These guidelines are based on policy from the *City of Ukiah General Plan Growth Management Program* adopted by the City Council December 6, 1995 and amended June 16, 2004 and the *City of Ukiah Community Forest Management Plan*, adopted by the City Council on November 3, 1993.

*" Trees are a precious legacy which improve our quality of life and enhance our community image and pride. Trees enrich air and water quality, provide wildlife habitat, increase aesthetic value, reduce soil erosion, and help us to maintain a sense of rural community. "*

Community Forest Management Plan Vision Statement

## **2.0 DEPARTMENTS AFFECTED**

- 2.1 Community Services Department
- 2.2 Public Works Department
- 2.3 Electric Utility Department
- 2.4 Planning and Community Development Department

## **3.0 RESPONSIBILITY**

The department directors shall be responsible for the implementation of these policies and guidelines and all staff shall be trained and shall abide by these guidelines and policies as outlined in this document. City Council shall approve any significant amendments or changes to the *Tree Management Guidelines and Policies* proposed by staff and community partners before they are adopted.

**3.1** The Director of the departments are responsible for the preservation, care and maintenance of trees as follows:

- 3.1.1 Community Services Department is responsible for all trees in public parks.
- 3.1.2 Public Works Department is responsible for all trees in the public right of way and creeks.
- 3.1.3 Electric Utility Department is responsible for trimming of trees to maintain clearance from primary electric lines and facilities
- 3.1.4 Planning and Community Development Department is responsible for oversight of all landscaping plans filed by the applicant.

**3.2 Partnerships:** Volunteers and/or community groups shall be important partners to achieve objectives for urban forestry.

# TREE MANAGEMENT GUIDELINES AND POLICIES FOR THE OPERATION AND MAINTENANCE OF CITY PROPERTY

## **4.0 TRAINING**

City staff shall receive training on all procedures listed in this document, including on-site classes and/or training provided by Mendocino College and assorted qualified arboricultural professionals on a regular schedule to ensure that proper methods are utilized.

All City of Ukiah staff performing tree care duties within the City's urban forest shall attend a minimum of two training workshops annually.

A workshop for dormant care of trees will be held in the Fall/Winter months. A second workshop will occur in the Spring/Summer to train for the growing season. Workshops will include, but not limited to: proper seasonal maintenance; best practices for soil conditioning; proper pruning techniques; and plant identification. Workshops will generally be held in the field and last about two hours and will be run by a qualified arboricultural professional with expertise in best practices for urban forest care.

## **5.0 POLICY GOALS**

The Tree Management Guidelines focus on long-term protection of the City's trees and have been developed for the preservation, planting, care, removal or disposition of trees, replacement planting in parks, along streets and in other public areas.

The City of Ukiah intends that these guidelines and policies shall remain in effect, however, they will be subject to change based upon arboricultural standards, community input and staff recommendations. Suggestions for changes to the Guidelines must be submitted in writing to a department director. They will then be discussed with community partners and staff and then submitted to the City Council for approval.

## **6.0 GUIDELINES FOR TREE CARE AND MAINTENANCE**

Staff and contracted professionals shall utilize International Society of Arboriculture's Best Management Practices (ISA BMP) and/or American National Standards Institute (ANSI). A Glossary of terms is included in Section 9.0.

Specific criteria as detailed in the ISA BMP shall be established and applied to for the removal and/or pruning of trees located in or on City property. The same criteria shall be used to evaluate the overall public benefit of the proposed work. In all cases, safety concerns shall receive priority. In addition, priority will be given to limiting removal, increasing forest canopy, and preserving appropriate vegetation on park property.

## TREE MANAGEMENT GUIDELINES AND POLICIES FOR THE OPERATION AND MAINTENANCE OF CITY PROPERTY

- 6.1 Tree Preservation:** The health and physical state of trees shall be maintained and protected whenever possible. Instances not specifically covered elsewhere in this policy include:
- 6.1.1 **Conservation of Landmark Trees:** These are individual trees that are considered unique because of size, species, historical significance and shall be given extra protections and consideration for retention. Refer to the Glossary of Terms.
  - 6.1.2 **Existing Trees:** Staff shall change use patterns in root zones whenever practical. For example: Vehicles parked or materials stored in the root zone shall be subject to an education and/or enforcement campaign to reverse the damage to the tree roots; pathways causing excessive compaction around tree roots shall be relocated if other options are deemed insufficient. Fencing, boulders, logs and landscaping are reasonable deterrents to reduce further damage and shall be used whenever practical. Refer to ISA BMP *Integrated Vegetation Management*.
  - 6.1.3 Special consideration shall be given for unique situations. Every effort shall be made to protect trees growing near underground streams.
  - 6.1.4 Storm water flooding and sedimentation of drainage areas shall be properly considered before tree removal.
  - 6.1.5 The relationship of vegetation to slope stability will be a primary consideration in all proposed vegetation management on slopes.
  - 6.1.6 **Diseased or Infested Plants That Pose Risk to Trees:** Action shall be taken to effectively decrease risk to other trees from pests and diseases. This may include removal and destruction of affected materials, pesticide treatments and/or alternative cultural practices. Other qualified experts shall be consulted as needed. Refer to ISA BMP *Integrated Pest Management; City of Ukiah Integrated Pest Management Plan*.
  - 6.1.7 **Damage, Vandalism and Illegal Cutting:** Action shall be taken whenever possible to investigate and prosecute vandalism and illegal cutting of city-owned trees. Compensation for damages shall be sought based on the appraised value in accordance with The Guide for Plant Appraisal as authored by the Council of Tree and Landscape Appraisers.
- 6.2 Planting:** Planning before planting can ensure that the right tree is planted in the right location. Proper tree selection and placement prevents tree damage and costly maintenance like trimming. Consideration of water requirements and climate and surrounding infrastructure such as sidewalks, sewer lines and overhead/underground power lines shall improve the chances for optimum growth potential. Refer to the *City of Ukiah's Master Tree List; City of Ukiah Tree Planting and Maintenance Recommendations; ISA BMP Tree Planting; and ISA BMP Tree Support Systems*.

## TREE MANAGEMENT GUIDELINES AND POLICIES FOR THE OPERATION AND MAINTENANCE OF CITY PROPERTY

**6.3 Root Environment and Tree Root Zones:** Refer to the Glossary of Terms. Whenever feasible, a pro-active program of cultural practices shall be implemented to maintain the health and vitality of City trees. Refer to ISA BMP *Tree and Shrub Fertilization*.

6.3.1 Trees in parks, fields and all other areas both developed and undeveloped:

6.3.1.1 Soil Compaction: Every effort shall be made to avoid the compaction of soil in root zones and to encourage penetration of rainfall deep into the soil.

6.3.1.2 Mulch: Organic material such as mulch and leaves shall not be removed under the tree canopy.

6.3.1.3 Crews shall, when feasible and practical, establish and maintain the areas under tree canopies free of turf and invasive plant species. The use of native grasses and plants are encouraged, as are plants associated with the trees above them. Special consideration shall be given to oak trees and the use of drought tolerant plants near them.

6.3.1.4 Parking: Vehicles and equipment should be parked on paved areas, streets and parking lots.

6.3.1.5 Pavement: The use of pavement within park and garden areas shall be limited as much as possible, especially under tree canopies. Whenever pavement is necessary the use of permeable materials is preferred.

6.3.1.6 Leaf Blowers: The use of leaf blowers is discouraged. Leaf blowers should not be used to blow debris with native soil.

6.3.1.7 Pesticides: The use of pesticides is discouraged. Please refer to the City Integrated Pest Management policy.

6.3.1.8 Stakes: In the unusual situation when stakes are needed they should be driven in outside the root ball. ISA BMP Tree Support Systems shall be followed.

**6.4 Construction around Trees:** Protection devices shall be installed to protect the tree and root zones when near or within construction zones. The root system extends at least to the edge of the canopy or drip line of the tree with most of the fine feeder roots active in the top few inches of the soil. These roots need air to stay healthy in order to provide the tree with nutrients and water. This root zone shall be protected from compaction, changes in soil grade, digging, or other disturbances.

Protective fencing and warning signage will be required around the root zone. All tree protection devices shall be visible, well-anchored, and approved in the field by the Supervisor or designee prior to clearing, grading, or beginning of construction and shall remain in place and maintained until the project is completed. Refer to *City of Ukiah Tree Protection During Construction*.

## TREE MANAGEMENT GUIDELINES AND POLICIES FOR THE OPERATION AND MAINTENANCE OF CITY PROPERTY

- 6.5 Consultation with a Qualified Arboricultural Professional:** When planning and designing a public improvement project the City shall seek the appropriate qualified expert when the project involves or is near a tree or trees.
- 6.6 Pruning Standards:** The latest pruning standards established by the International Society of Arboriculture shall be used in the maintenance of trees and are detailed in the ISA Best Maintenance Practice booklets. Refer to ISA BMP *Tree Pruning*; ISA BMP *Utility Pruning of Trees*. Such maintenance will include:
- 6.6.1 General pruning for clearance to prevent injuries and to facilitate maintenance and vehicle clearance.
  - 6.6.2 Pruning dead, dying, and diseased sections to improve the health and appearance of the tree and to prevent accidents.
  - 6.6.3 Pruning for clearance around lighting and overhead lines.
  - 6.6.4 Pruning back for authorized passage on service roads, walkways and paths.
  - 6.6.5 Pruning requested by a private property owner. Such requests do not obligate the Department to prune trees, shrubs, and/or vegetation. It is the responsibility of the business owner to plan their signage so that visibility is not affected by growing trees.
  - 6.6.6 Pruning in park areas identified as places of illegal or inappropriate activity in order to improve general visibility and increased police surveillance.
- 6.7 Birds and Nesting:** Except in emergencies nesting birds or nests shall not be disturbed or harassed by pruning or removal activities. To avoid nesting season such activities shall occur between September 1st and March 31st. Fish and Game Code 3503: "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird..." The Migratory Birds Treaty Act of 1918 also applies.
- 6.8 Unnecessary Wounding:** Because "topping" of trees can cause permanent damage by promoting decay, as well as unnatural, dense and weak branching structure, topping shall not be practiced or permitted except under special circumstances. Not only can a tree sustain wounds to the branches or top, it can also sustain wounds to the trunk. Therefore, these policies shall reinforce the protection of the trunk area from wounds associated with a lawn mower or other equipment.
- 6.9 Hazardous Tree Management:** Public health, safety and general welfare will be maintained through the use of generally accepted professional practices of evaluation and treatment to reduce risks to people and property from hazardous trees. Attention to proper selection, planting and maintenance of new trees shall also be pursued to achieve long-term risk reduction.
- 6.9.1 The City of Ukiah shall assess and manage the risk of tree failure within the limits of available fiscal and human resources. Priority shall be given to locations and situations with high probability of failure and high potential damage or injury that may result.

## TREE MANAGEMENT GUIDELINES AND POLICIES FOR THE OPERATION AND MAINTENANCE OF CITY PROPERTY

6.9.2 Corrective action for high hazard rated trees shall be reasonable and prudent and may include:

- Moving any at-risk structures, equipment, fixtures or recreational sites;
- Correction of the defect by pruning, cabling and bracing, or tree removal;
- Closure of the area

**7.0 Tree Removal:** The City shall provide 72 hours of advance notice of the intended tree or trees that shall be removed by posting a sign at the work site when feasible. The sign shall contain the reason for the removal of the tree and the appropriate city department's telephone number that the public may contact for further information. Tree removal will include:

7.0.1 Trees that pose substantial risk or hazard to the public, adjacent properties or to public facilities.

7.0.2 Dead, dying or diseased trees.

7.0.3 Removal from properties being improved or developed under an approved design, however, prior consideration to retention shall be given whenever possible. Preference is to retain existing healthy trees when designing any development rather than attempting mitigation.

7.0.4 Trees that block trails, drains or otherwise obstruct the use and function of infrastructure elements.

7.0.5 Trees on sites that were over planted by design or are crowded from natural competition. As the landscape grows, the Supervisor with consultation with a qualified expert shall selectively remove trees on a site to maintain spacing for optimal tree growth and function.

7.0.6 Removal requested by a private property owner. However, such requests do not obligate the City of Ukiah to remove or allow removal of any trees, shrubs, and/or vegetation.

7.0.7 Consideration shall be given for providing trunk and limbs for service projects such as constructing benches and picnic tables. The use of wood chips for mulching material around trees and vegetation in the parks is encouraged.

## TREE MANAGEMENT GUIDELINES AND POLICIES FOR THE OPERATION AND MAINTENANCE OF CITY PROPERTY

- 7.1 Tree Replacement:** At least one tree shall be planted for every tree that is removed from City property. Replacement tree species shall be selected so that overall mature canopy volume will be maintained or increased. It is preferable to plant the replacement tree in close proximity to the original tree's location. The replacement tree may be located elsewhere, if local conditions contributed to the previous tree's failure (See Section 6.2). New locations should be found on the same site or in the same neighborhood at a location of similar or greater value. Preference shall be given for planting native trees whenever feasible.
- 7.2 Replacement Plantings** The City shall undertake the task of replacement plantings to mitigate the effects of vegetation removal and to reestablish the landscape and increase overall mature forest canopy. The City shall determine the species of tree to be planted on City property and the planting location. Every effort shall be made to select a species compatible with the existing tree plantings on the street, (the neighborhood identity), the maturity of the trees, space available for growth, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants.
- 7.3 Phasing:** The City of Ukiah when appropriate shall consider a phased approach to vegetation management to reduce potential short-term negative aesthetic and/or wildlife habitat impacts (associated with such actions).
- 7.4 Wildlife and Habitat:** Trees and forested areas are recognized as important habitat for native wildlife and providing vital wildlife corridors. Trees, undeveloped landscapes and creeks will be managed to optimize them for wildlife habitat. Refer to the City of Ukiah Creeks Maintenance Policies and Procedures.

### **8.0 SUMMARY**

These guidelines are set in place to enhance the urban forest within the City of Ukiah. As industry standards change in regard to tree care, this document shall remain flexible to incorporate needed changes.

# TREE MANAGEMENT GUIDELINES AND POLICIES FOR THE OPERATION AND MAINTENANCE OF CITY PROPERTY

## 9.0 **GLOSSARY OF TERMS**

For additional definitions, refer to the International Society of Arboriculture Best Management Practices

- 9.1 Developed landscape** is property that has been graded and/or planted, and contains plantings that are distinct from typical native forest. These active and/or passive recreational landscape areas are routinely maintained by park staff for public use. Developed landscapes shall include, but are not limited to: lawns, athletic fields, boulevards, golf courses including pitch and putt, lawn bowling greens, play areas, squares, places, triangles, and swimming beaches.
- 9.2 Hazardous Tree** is a tree that can be predicted to fail and has a high probability of striking people or property causing injury or damage.
- 9.3 Invasive exotic vegetation** consists of species of plants that are not native to our region and exhibit aggressive growth to the exclusion of native or planted landscapes and wildlife.
- 9.4 Landmark Trees** are individual trees that have been designated as unique because of size, historical/commemorative association, and distinct form, as an outstanding specimen or are important for wildlife habit. Such trees will be given extra protection and consideration for retention.
- 9.5 Topping** is the removal of the terminal shoot of a tree to a stub or lateral branch that is not sufficiently large enough to assume a terminal role or cannot be expected to achieve wound closure to inhibit decay.
- 9.6 Tree Failure** is the breaking and falling of a tree or any substantial part of a tree. This does not include falling leaves or fruit.
- 9.7 Tree Root Zone** is the area from the trunk to the drip line or the edge of the unpruned canopy around a mature, uninjured tree or the anticipated root zone of a young tree.
- 9.8 Qualified Arboricultural Professional** is a tree care professional with a minimum of two years experience in the evaluation and care of trees in combination with a professional license or certification that measures minimum competency in relevant subjects, including protection of public health, safety and welfare. Acceptable titles include Certified Arborist, Registered Consulting Arborist, Registered Professional Forester, and Landscape Architect.
- 9.9 Undeveloped Landscape** is property that contains native or volunteer (self-propagated) plants and is not intended for recreational use except along designated trails. Undeveloped landscapes are (usually) not as intensively maintained as developed landscapes.

## TREE MANAGEMENT GUIDELINES AND POLICIES FOR THE OPERATION AND MAINTENANCE OF CITY PROPERTY

### **10.0 ADDITIONAL RESOURCES**

Additional City and other tree-related documents that incorporate tree guidelines are available electronically through the Intranet. The Department Director shall provide the *The International Society of Arboriculture Best Management Practice* booklets and Mendocino County ReLeaf materials to their employees.

These documents are:

- Municipal Code Article 2, Chapter 5, Number 5420 Street Tree Policy, Purpose and Intent (Ordinance 869, adopted 1987)
- Community Forest Management Plan
- Tree Protection and Enhancement Policy
- Tree Planting and Maintenance Recommendations
- Master Tree List
- Tree Protection During Construction
- Integrated Pest Management Plan, Community Service Department
- Creek Maintenance Policies & Procedures
- Form Based Zoning Preservation Tree List (in progress)
- General Plan, Open Space and Conservation Element, adopted 12/6/1995; amended 6/16/2004
- Landscaping and Streetscape Design Guidelines
- Commercial Development Design Guidelines
- International Society of Arboriculture Best Management Practices: *Tree Pruning; Integrated Pest Management; Tree Support Systems; Utility Pruning of Trees; Tree and Shrub Fertilization; Tree Planting; Tree Inventories; Integrated Vegetation Management*
- American National Standards Institute (ANSI)
- Mendocino County ReLeaf Tree Care Guide
- Hillside Ordinance 9135

**Ukiah Municipal Golf Course  
Sales Analysis By Class**

		Quantity	Sales	Cost	Cost Margin
<b>20 Memberships</b>					
20002	Limited Membership Couple	1	\$1,731.00		
20003	Limited Membership Senior	2	\$1,432.00		
20007	Limited Membership Junior	2	\$630.00		
20100	Unlimited Membership Adult	1	\$1,623.00		
20103	Unlimited Membership Senior	3	\$3,158.75		
20	Memberships Totals:	9	\$8,574.75		
	Average Selling Price:		\$952.75		
<b>Report Totals:</b>	Sales (Extended):		\$8,574.75	Cost:	\$0.00
					Margin:

**Ukiah Municipal Golf Course  
Sales Analysis By Class**

		Quantity	Sales	Cost	Cost Margin
<b>1 WD Green Fees</b>					
01000	Weekday 9 Holes	219	\$4,161.00		
01001	Weekday 18 Hole	119	\$3,213.00		
01005	Weekday Senior 18 Hole	207	\$4,761.00		
01010	Weekday Junior 18 Hole	4	\$56.00		
01011	Junior Twilight	17	\$238.00		
01016	Weekday Twilight Winter 12PM	146	\$3,358.00		
01020	Weekday Limited Year Ticket	188	\$0.00		
01021	Weekday Unlimited Year Ticket	217	\$0.00		
1	<b>WD Green Fees Totals:</b>	1,117	\$15,787.00		
	Average Selling Price:		\$14.13		
<b>2 WE Green Fees</b>					
02000	Weekend 9 Holes	105	\$2,205.00		
02001	Weekend 18 Hole	261	\$8,256.00		
02016	Weekend Twilight Winter 12PM	197	\$4,775.00		
02020	Weekend Limited Year Ticket	59	\$0.00		
02021	Weekend Unlimited Year Ticket	304	\$0.00		
2	<b>WE Green Fees Totals:</b>	926	\$15,236.00		
	Average Selling Price:		\$16.45		
<b>3 Specials</b>					
03001	Internet Weekday	91	\$918.00		
03002	Internet Weekend	107	\$1,600.00		
03006	2 For 1 Specials	15	\$397.00		
03009	Pre Pack GF	22	\$0.00		
3	<b>Specials Totals:</b>	235	\$2,915.00		
	Average Selling Price:		\$12.40		
<b>4 Tournament</b>					
04001	Weekend Tournament	239	\$7,648.00		
4	<b>Tournament Totals:</b>	239	\$7,648.00		
	Average Selling Price:		\$32.00		
<b>5 Misc. Rounds</b>					
05000	Comp	2	\$0.00		
05002	High School	83	\$0.00		
05003	Water Program	27	\$0.00		
05004	Employees	26	\$0.00		
05005	Marshall	54	\$0.00		
05006	Re-Round	36	\$0.00		
05100	Open Golf	21	\$260.00		
5	<b>Misc. Rounds Totals:</b>	249	\$260.00		
	Average Selling Price:		\$1.04		

**Report Totals:** Sales (Extended:) \$41,846.00 Cost: \$0.00 Margin:

## Report on Park Projects

Park, Recreation & Golf Commission Meeting scheduled for 10/19/10

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### Alex Rorabaugh Center (ARC)

No Change from the 9/21/10 meeting report: Staff continues to meet with board members and staff for both the Ukiah Valley Cultural Recreation Center and the Boys and Girls Club to identify terms and schedules that are agreeable for all parties. The City Attorney has returned draft agreement files with comments that are under review. City staff are meeting internally with the Finance Department to update the budget and outline accounting procedures. The bids for the construction of the gymnasium are due to UVCC board via the Ukiah Unified School District Office September 22. Following the award of the bid the construction will commence for the completion of the Gymnasium.

### Anton Stadium

No Change from the 9/21/10 meeting report: Work is underway at the Anton Stadium facility. The work includes trenching for utilities and the installation of new field lighting. Staff is working closely with the contractor. The work is scheduled to be completed in November.

### Observatory Park

Staff has successfully completed a contract with the Land and Water Conservation Fund for the grant award for the landscaping at the park. During July-August staff requested proposals from four landscape architects for the specification work. At the City Council on October 6 a landscaping services contract was awarded to Ann Baker Landscape Architect. Staff is working with the architect on the design and planting plans.

### Picnic Area

No Change from the 9/21/10 meeting report: Staff have postponed this item while other project have greater priority related to grant funding schedules. There were previous conversation with Lions Club and Reliable Mill for some community improvements or repairs to the structure of the bbq. Specifically, the grill, chain and pulley system needs repair to be operated safely.

### Riverside Park

Staff successfully executed permits with the Department of Fish and Game, Water Resources Control Board and Mendocino County Air Quality. The clearing work and the preliminary items such as signage have been completed. The grading work and erosion control are on schedule. All work will be complete by the end of October.

The funding for this project is through the Proposition 50 California Resources Agency River Parkways Grant Program that provides for riverfront parks and restoration of riparian habitat.

### RC Track

Staff and Mr. Laberdie are meeting regularly to explore locations for an RC track.

## Report on Park Projects

Park, Recreation & Golf Commission Meeting scheduled for 10/19/10

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### Rocket Ship

No Change from the 9/21/10 meeting report: In an ongoing partnership, City staff have been in communication with Ukiah Rotary. All replacement parts and equipment for the Rocket Ship have been received. Rotary has conducted a series of work-parties at the site to complete the paint and begin installing the footings for the new stairs. Engineering and design is still in progress for the attachment pieces where the slide and the stairs will connect to the existing structure. More work is planned for the coming weeks.

### Skate Park

Construction is underway. Grading is complete. The storm drains are installed. All other tasks are on schedule. Projected end date is late November. The park has been adopted into the Ukiah Municipal Code as a City Park with the appropriate rules and regulations. (detailed report attached)

### Ukiah Pools

The Friends of the Todd Grove Pool hosted a rummage sale on the lawn surrounding the pool on Saturday Sept 25<sup>th</sup> from 9am-2pm and raised \$1,200. They are actively meeting and fundraising.

Staff have continued work with the pool architect for the design of the construction specifications. Full design and engineering specification are set to be completed by mid-November.

Staff met with the City Council sub-committee on Capitol Improvement Projects to discuss the pool renovation timeline and funding. The City Council will be discussing the pool at the meeting on October 21<sup>st</sup> to potentially authorize an internal loan so that the construction can continue on schedule. All construction must be complete by December 2011 to ensure the grant award and reimbursement of \$500,000.



ITEM NO.: 11a  
MEETING DATE: October 6, 2010

## AGENDA SUMMARY REPORT

**SUBJECT: CONSIDERATION AND POSSIBLE INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING SECTION 1965 AND ADDING SECTION 2000.3 TO CHAPTER 12 (PARKS AND RECREATION FACILITIES) OF DIVISION 1 (GOVERNMENT) OF THE UKIAH CITY CODE**

**Background & Discussion:**

The Ukiah Skate Park is in its final construction phase. Staff has worked closely with the City of Ukiah's insurance company Redwood Empire Municipal Insurance Fund (REMIF), the City Attorney, the Park, Recreation and Golf Committee, the Skate Park Committee and the skate park design consultant to research and review safety guidelines.

California Health & Safety Code 115800 (Attachment 1) states that any City operating a skate park must require the participants to wear helmets, elbow pads, and knee pads. The section further states that a City must adopt an ordinance outlining these requirements, provisions for its enforcement and guidelines for posting the rules on the site (Attachment 2). Compliance with the State Code as well as the REMIF conditions for coverage (attachment 3) is required in order to receive insurance coverage for the operation of the Ukiah Skate Park.

The ordinance (attachment 4) outlines the rules of conduct expected at the facility as well as the penalties for violation. Participants are required to wear safety equipment. In addition, no food, drink, moveable obstacles, or bicycling are allowed within the fenced skating area. Placing graffiti anywhere in or on the park is prohibited and the park will be closed until the graffiti is removed or repaired. The following are also

**Fiscal Impact:**

Budgeted FY 10/11     New Appropriation     Not Applicable     Budget Amendment Required

Amount Budgeted    Source of Funds (title and #)    Account Number    Addit. Appropriation Requested  
\$

Continued on Page 2

**Recommended Action(s):** Introduce the Ordinance by title only, request the City Clerk to read the title, and, then, pass a motion to introduce the Ordinance.

**Alternative Council Option(s):** Do not take action and remand to Staff with direction.

Citizens advised: Ukiah Skate Park Committee Members, REMIF, and Skate Park Design Consultant  
Requested by: Community Services Department  
Prepared by: Maya Simerson, Community Services, David Rapport, City Attorney, Katie Merz, Community Services Administrator, Guy Mills, Project & Grant Administrator, and Sage Sangiacomo, Assistant City Manager  
Coordinated with: Jane Chambers, City Manager  
Attachments: 1) California Health & Safety code 115800, 2) Ukiah Skate Park Rules, 3) REMIF Conditions of Coverage, 4) Proposed Ordinance

Approved: \_\_\_\_\_  
Jane Chambers, City Manager

Subject: Ukiah Skate Park Ordinance  
Meeting Date: October 6, 2010  
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prohibited in the park area at all times: (a) possession or use of drugs or alcohol or being under the influence; (b) fighting or other violence; (c) possession or use of firearms, knives, or other weapons of any kind; and (d) smoking or use of tobacco products. Self-policing of the rules by users is expected given that the park will be closed for periods of time by the Community Services Department if the rules are habitually violated. This self-policing model has been effective in other communities similar to Ukiah. The Ukiah Skate Park Committee is also committed to the safe use of the park and will assist with monitoring and education.

Similar to other park rules, a first violation of this ordinance is punishable by a fine not exceeding \$50.00 A second infraction within a year may be punishable by a fine not exceeding \$100 and a third infraction is punishable by a fine not to exceed \$250. Second and subsequent offenses may also be prosecuted as a misdemeanor. There is also a provision for a violator of this ordinance to lose his/her privileges at the skate park for up to one year.

**State of California**  
**HEALTH AND SAFETY CODE**  
**SECTION 115800**

115800. (a) No operator of a skateboard park shall permit any person to ride a skateboard therein, unless that person is wearing a helmet, elbow pads, and knee pads.

(b) With respect to any facility, owned or operated by a local public agency, that is designed and maintained for the purpose of recreational skateboard use, and that is not supervised on a regular basis, the requirements of subdivision (a) may be satisfied by compliance with the following:

(1) Adoption by the local public agency of an ordinance requiring any person riding a skateboard at the facility to wear a helmet, elbow pads, and knee pads.

(2) The posting of signs at the facility affording reasonable notice that any person riding a skateboard in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under the ordinance required by paragraph (1).

(c) "Local public agency" for purposes of this section includes, but is not limited to, a city, county, or city and county.

(d) (1) Skateboarding at any facility or park owned or operated by a public entity as a public skateboard park, as provided in paragraph (3), shall be deemed a hazardous recreational activity within the meaning of Section 831.7 of the Government Code if all of the following conditions are met:

(A) The person skateboarding is 14 years of age or older.

(B) The skateboarding activity that caused the injury was stunt, trick, or luge skateboarding.

(C) The skateboard park is on public property that complies with subdivision (a) or (b).

(2) In addition to the provisions of subdivision (c) of Section 831.7 of the Government Code, nothing in this section is intended to limit the liability of a public entity with respect to any other duty imposed pursuant to existing law, including the duty to protect against dangerous conditions of public property pursuant to Chapter 2 (commencing with Section 830) of Part 2 of Division 3.6 of Title 1 of the Government Code. However, nothing in this section is intended to abrogate or limit any other legal rights, defenses, or immunities that may otherwise be available at law.

(3) For public skateboard parks that were constructed on or before January 1, 1998, this subdivision shall apply to hazardous recreational activity injuries incurred on or after January 1, 1998, and before January 1, 2001. For public skateboard parks that are constructed after January 1, 1998, this subdivision shall apply to hazardous recreational activity injuries incurred on or after January 1, 1998, and before January 1, 2008. For purposes of this subdivision, any skateboard facility that is a movable facility shall be deemed constructed on the first date it is initially made available for use at any location by the local public agency.

(4) The appropriate local public agency shall maintain a record of all known or reported injuries incurred by a skateboarder in a public skateboard park or facility. The local public agency shall

also maintain a record of all claims, paid and not paid, including any lawsuits and their results, arising from those incidents that were filed against the public agency. Beginning in 1999, copies of these records shall be filed annually, no later than January 30 each year, with the Judicial Council, which shall submit a report to the Legislature on or before March 31, 2007, on the incidences of injuries incurred, claims asserted, and the results of any lawsuit filed, by persons injured while skateboarding in public skateboard parks or facilities.

(5) This subdivision shall not apply on or after January 1, 2001, to public skateboard parks that were constructed on or before January 1, 1998, but shall continue to apply to public skateboard parks that are constructed after January 1, 1998.

(e) This section shall remain in effect until January 1, 2008, and as of that date is repealed, unless a later enacted statute, enacted before January 1, 2008, deletes or extends that date.

**UKIAH SKATE PARK RULES**

**HOURS OF USE**

Dawn to Dusk  
(unless otherwise posted)

**HELMETS, ELBOW PADS AND KNEE PADS MUST BE WORN AT ALL TIMES**

No person shall be allowed to use the skate park without wearing a helmet, elbow pads and knee pads

**PARK USE REQUIREMENTS**

Obey the rules and regulations  
Act with respect and courtesy

**PROHIBITED IN THE PARK**

Skating or skateboarding outside designated areas  
Drugs, alcohol or being under the influence  
Fighting or other violence  
Firearms, knives or other weapons  
Smoking or use of tobacco products  
Amplified sound  
Food or drink  
Bicycles or scooters  
Moveable obstacles or materials such as ramps and jumps

**GRAFFITI/VANDALISM WILL RESULT IN PARK CLOSURE**

**TRESPASSING AND VIOLATING RULES AND REGULATIONS IS UNLAWFUL**

**PENALTIES INCLUDE CITATION, PROSECUTION, FINES AND LOSS OF USE PRIVILEGES**

**PERMANENT, BUILT-IN SKATEBOARD PARKS/FACILITY**  
(Conditions for Coverage from REMIF)

1. Design of the facility shall be performed by a licensed designer/architect with experience in skateboard park design. The park shall not include deep vertical drops or half pikes; no obstacles, elements or components of this skating area shall have a vertical drop more than 36".
2. Design of the facility must be approved by the city in compliance with necessary government code sections to achieve design immunity. In addition, REMIF's conditions for coverage must be reviewed and approved by the city.
3. There shall be a six foot fence surrounding the facility with sufficient area for a participant to safely perform maneuvers.
4. There shall be fixed and posted hours of operations.
5. While using the facility, the participant must use personal safety equipment comprised of at least head, knee, and elbow protection. The city shall not be the provider of such equipment.
6. A facility maintenance check shall be made on at least a daily basis to note and correct safety problems.
7. If in-line skaters are allowed to use the facility, rules and regulations of usage shall be posted for safety purposes.
8. The city police department will include the park on a daily routine patrol during the day, evening, weekend, and holiday hours.
9. Food and drink is prohibited inside the fenced area.
10. No temporary or moveable obstacles or materials (i.e. ramps/jumps) are allowed into the fenced area.
11. Bicycling is prohibited within the skateboard facility.
12. Landscaping material must be of a non-shed variety (i.e. no sand, gravel, bark, etc.) and all brushes and trees should be such a distance from the facility as to not litter the facility with debris.
13. If the facility is to be used after dark, it must be lighted according to current standards.
14. The facility shall be locked during hours of non-operation.
15. The city shall pass an ordinance in compliance with Health and Safety Code 115800 and establish and maintain provisions for its enforcement.
16. A \$25,000 self-insured retention (deductible) shall apply to all claims/lawsuits resulting from the use of a permanent, built-in park facility.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING SECTION 1965 AND ADDING SECTION 2000.3 TO CHAPTER 12 (PARKS AND RECREATION FACILITIES) OF DIVISION 1 (GOVERNMENT) OF THE UKIAH CITY CODE**

The City Council of the City of Ukiah hereby ordains as follows:

**SECTION ONE**

Section 1965 of the Ukiah City Code is amended to read as follows:

**SECTION 1965: FACILITIES:**

The following described parcels of land are parks and recreation facilities of the city and shall be known by the names indicated:

- A. Todd Grove municipal park: Bounded by Walnut, Live Oak Avenue, and Park Boulevard;
- B. Giorno park: Situated next to Anton stadium and lying between Giorno Avenue and Park Boulevard;
- C. Carpenter park: Bounded by Clay Street and Main Street;
- D. McGarvey park: Bounded by Stephenson, Bush, Dora, and Clay Streets;
- E. Oak Manor park: Bounded by Oak Manor Drive, Gobbi, and Gibson Streets;
- F. Seminary Avenue: Bounded by Oak and State Streets;
- G. Vinewood park: Situated between Elm and Pine Streets;
- H. Municipal golf course: Situated along Live Oak Avenue and Park Boulevard;
- I. Gardner Pocket park: Situated within parking lot A;
- J. Alex R. Thomas, Jr., Plaza: Bounded by State, School, and Clay Streets;
- K. Observatory park: Situated between Observatory Avenue and Luce Avenue;
- L. Orchard park: Bounded by Orchard Avenue and Cindee Drive;
- M. Riverside park: Situated at the east end of Gobbi Street and bordered on the east by the Russian River.

N. City View Trail: Situated on the City-owned property above the Ukiah Municipal Golf Course in the lower western hills. The 1.5 mile looped trail begins and ends at a point in Low Gap Regional Park.

O. Ukiah Skate Park on a portion of the City-owned property known as Mendocino County Assessor's Parcel No. 001-020-09 adjoining the County Regional Park on Low Gap Road, which is improved with a Skate Park.

## **SECTION TWO**

Section 2000.3 is added to the Ukiah City Code to read as follows:

### **SECTION 2000.3: UKIAH SKATE PARK RULES AND REGULATIONS:**

#### **1. PURPOSE.**

The purpose of this section is to comply with California Health and Safety Code Section 115800 that requires a public agency that owns or operates a skate park facility to adopt an ordinance requiring persons riding skateboards, in-line skates, and other self-propelled wheeled apparatus at said facility to wear a helmet, elbow pads, and knee pads.

#### **2. DEFINITIONS.**

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CONTROLLED SUBSTANCE.** Any substance listed in California Health and Safety Code Sections 11054– 1056, as amended from time to time.

**DAWN.** One (1) hour prior to sunrise.

**DUSK.** One (1) hour after sunset.

**ELBOW PADS AND/OR KNEE PADS.** Protective devices that are partially constructed of durable foam-like materials for ground shock resistance that are fitted and fastened to cover the elbows and knees (respectively) and are specifically designed and manufactured to absorb the impact of a fall.

**HELMET.** A properly fitted and fastened protective device that meets the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer product Safety Commission (CPSC) that is worn on the head and is specifically designed and manufactured to absorb the impact of a fall.

**IN-LINE SKATES.** Any device which may be attached to the foot or footwear, to which wheels are attached "in-line" and where such wheels are used to aid the wearer in moving or propulsion.

**ROLLER SKATES.** Any device which may be attached to the foot or footwear, to which four wheels or rollers are attached and where such wheels are used to aid the wearer in moving or propulsion.

**SKATEBOARD.** A mechanism with wheels that are fastened to a platform, commonly constructed to accommodate a standing person. Skateboards are normally propelled by the operator pushing off the ground with one (1) foot, or by the force of gravity.

**SKATE PARK.** A facility designed and constructed for recreational use for persons using in-line skates, roller skates, and skateboards, located at Low Gap County Park on Low Gap Road, Ukiah.

**3. HELMETS, ELBOW PADS AND KNEE PADS REQUIRED.**

No person shall be permitted to ride skateboards, in-line skates, or roller skates in the Skate Park unless that person is wearing a helmet, elbow pads, and knee pads. Any person who does not wear a helmet, elbow pads, and knee pads as defined herein shall be deemed to be in violation of this ordinance.

**4. POSTING OF SIGNS AT SKATE PARK.**

Signs shall be posted at the Skate Park giving notice that any person riding a skateboard, in-line skates, or roller skates must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation and prohibition of use of the facilities for one year. Signs shall also be posted setting rules for use of the Skate Park, and violation thereof will be subject to citation. An example of a sign conforming to the requirements of this subsection 4 is attached hereto as Exhibit A.

**5. REGULATION OF USE AND RULES OF CONDUCT.**

Any person using the Skate Park shall comply with the following rules and regulations:

- A. The hours of use of the Skate Park shall be from dawn to dusk. Use of the park at any other time is prohibited unless a special permit is secured and approved by the City Manager or his or her designee.
- B. No skating when wet, raining, during routine maintenance periods, or when facility is closed to the public.
- C. While in-line skating, roller skating, or skateboarding, the participant may only use those areas designated for skateboarding or related skating activities.
- D. While using the facility, the participant must use personal safety equipment comprised of at least a helmet, elbow pads, and knee pads.
- E. No food or drink shall be allowed in the skating area of the Skate Park.
- F. No glass containers shall be allowed in the Skate Park.
- G. No littering or disposal of household refuse shall be allowed at the Skate Park.
- H. No barbecues or fires are allowed at the Skate Park.
- I. No moveable obstacles or materials (i.e. ramps, jumps, or obstacles) shall be allowed in the park. No modifications to the skating surface or features are allowed. No skating on park structures not specifically designed for that purpose. No skating on curbs, driveways, or parking lots.
- J. The use of bicycles, motorized vehicles, go-peds, other wheeled devices is not permitted in the Skate Park.
- K. No pets shall be allowed in the Skate Park.
- L. No amplified sound (i.e. stereos, radios, or similar devices) shall be allowed in the Skate Park unless permitted and approved by the City Manager or his or her designee.
- M. Any act of vandalism, including the placement of graffiti, anywhere in or on the park is prohibited. The Skate Park will be closed until any graffiti is removed and/or any other act of vandalism is remedied or repaired. In addition to other penalties provided herein, any person committing an act of vandalism in the

Skate Park, including putting graffiti on any part of the Skate Park, shall pay for the cost of removal and damages relating thereto.

N. Personal conduct and behavior. The following are prohibited in the park area at all times:

1. Possession or use of any controlled substance or alcohol;
2. Being under the influence of any controlled substance or alcohol;
3. Fighting, aggressive behavior, or other forms of violence;
4. Abusive, profane, or foul language;
5. Possession or use of firearms, knives, or other weapons of any kind; and
6. Smoking or use of tobacco products.

O. Everyone shall treat each other with respect and courtesy.

#### **5. ORGANIZED EVENTS – APPROVAL REQUIRED.**

Organized events require the prior approval of the City Manager or his or her designee. Applicants for organized events shall obtain a permit from the Community Services Department.

#### **6. PENALTY FOR VIOLATION AND ENFORCEMENT OF REGULATIONS.**

Violation of this Section shall be deemed an infraction punishable by a fine of \$100 or a first offense, \$250 for a subsequent offense, and \$500 for a third and any additional offenses thereafter. Multiple (three or more) violations of this section within a twelve-month period may be charged and prosecuted as misdemeanors. The Director of Parks and Recreation or his or her designee may prohibit any person citable for a violation of this section from using the Skate Park for a period of up to one (1) year, the length of such exclusion to be based on the age of the violator, the risk of injury posed by the violation, and the degree of willfulness of the violation. Any person who has been excluded from the Skate Park and violates that exclusion shall be in violation of this Section. The City Manager or his or her designee may close the Skate Park to public use for any period of time, if he or she determines that violations of this section have become excessive and beyond the enforcement capacity of the City. In the event of closure, signs to that effect shall be posted and any public use of the Skate Park during such a closure shall constitute a violation of this Section.

### **SECTION TWO**

**1. COMPLIANCE WITH CEQA.** The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment.)

**2. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The City Council hereby declares that it would have adopted this Ordinance and any section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

**3. EFFECTIVE DATE.** This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on \_\_\_\_\_, 2010, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Adopted on \_\_\_\_\_, 2010, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Benj Thomas, Mayor

ATTEST:

\_\_\_\_\_  
JoAnne Currie, City Clerk

# **Exhibit A**

## **UKIAH SKATE PARK RULES**

### **HOURS OF USE**

Dawn to Dusk  
(unless otherwise posted)

### **HELMETS, ELBOW PADS AND KNEE PADS MUST BE WORN AT ALL TIMES**

No person shall be allowed to use the skate park without wearing a helmet, elbow pads and knee pads

### **PARK USE REQUIREMENTS**

Obey the rules and regulations  
Act with respect and courtesy

### **PROHIBITED IN THE PARK**

Skating or skateboarding outside designated areas  
Drugs, alcohol or being under the influence  
Fighting or other violence  
Firearms, knives or other weapons  
Smoking or use of tobacco products  
Amplified sound  
Food or drink  
Bicycles or scooters  
Moveable obstacles or materials such as ramps and jumps

### **GRAFFITI/VANDALISM WILL RESULT IN PARK CLOSURE**

**TRESPASSING AND VIOLATING RULES AND REGULATIONS IS UNLAWFUL**

**PENALTIES INCLUDE CITATION, PROSECUTION, FINES AND LOSS OF USE PRIVILEGES**

## ARTICLE 6. NOISE REGULATION

### 6045: DECLARATION OF POLICY:

It is hereby declared to be the policy of the city to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interest shall be systematically proscribed. (Ord. 748, article 1, adopted 1980)

### 6046: DEFINITIONS:

As used in this Chapter, unless the context otherwise clearly indicates, the words and phrases used in this Chapter are defined as follows:

- A. Ambient Noise: "Ambient noise" is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this ordinance, ambient noise level is the level obtained when the noise level is averaged over a period of fifteen (15) minutes without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.
- B. Decibel (dB): "Decibel" shall mean a unit of level when the base of the logarithm is the tenth root of ten and the quantities concerned are proportional to power.
- C. Emergency Work: "Emergency work" shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service.
- D. Person: "Person" shall mean a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature.
- E. Sound Level: "Sound level" (noise level) in decibels (dB) is the sound measured with the "A" weighting and slow response by a sound level meter.
- F. Sound Level Meter: "Sound level meter" shall mean an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels which satisfies the pertinent requirements in American Standard Specifications for sound level meters S1.4-1971 or the most recent revision thereof.
- G. Motor Vehicles: "Motor vehicles" shall include, but not be limited to, mini-bikes and go-carts.
- H. Sound Amplifying Equipment: "Sound amplifying equipment" shall mean any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound amplifying equipment," as used in this Chapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

or apartment house, within any adjoining apartment) by more than five (5) decibels shall be deemed to be prima facie evidence of a violation of the provisions of this Section. (Ord. 748, Article 1, adopted 1980)

#### **6050: HAWKERS AND PEDDLERS:**

It shall be unlawful for any person within the City to sell anything by outcry within any area of the City zoned for residential uses. The provisions of this Section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events. (Ord. 748, Article 1, adopted 1980)

#### **6051: SCHOOLS, HOSPITALS AND CHURCHES:**

It shall be unlawful for any person to create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school, church or hospital. (Ord. 748, Article 1, adopted 1980)

#### **6052: ANIMALS AND FOWL:**

No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied, or controlled by such person any animal or fowl otherwise permitted to be kept which, by any sound or cry, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood. (Ord. 748, Article 1, adopted 1980)

#### **6053: MACHINERY, EQUIPMENT, FANS AND AIR CONDITIONING:**

It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient base noise level by more than five (5) decibels between seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M. (Ord. 748, Article 1, adopted 1980)

#### **6054: CONSTRUCTION OF BUILDINGS AND PROJECTS:**

It shall be unlawful for any person within a residential zone, or within a radius of five hundred feet (500') therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction type device (between the hours of 7:00 P.M. of one day and 7:00 A.M. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless beforehand a permit therefor has been duly obtained from the Director of Public works. No permit shall be required to perform emergency work as defined in §6046 of this Article. (Ord. 748, Article 1, adopted 1980)

#### **6055: VEHICLE REPAIRS:**

It shall be unlawful for any person within any residential area of the City to repair, rebuild, or test any motor vehicle between the hours of nine o'clock (9:00) P.M. of one day and eight o'clock (8:00) A.M. of the next day in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance as a result of noise resulting from the activity. (Ord. 748, Article 1, adopted 1980)

### **6056: MOTOR DRIVEN VEHICLES:**

It shall be unlawful for any person to operate any motor driven vehicle within the City in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance as a result of noise from the activity; provided, however, any such vehicle which is operated upon any public highway, street, or right of way shall be excluded from the provisions of this Section. (Ord. 748, Article 1, adopted 1980)

### **6057: REGULATIONS:**

The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulations:

- A. The only sounds permitted shall be either music or human speech, or both.
- B. The operation of sound amplifying equipment for commercial purposes shall only occur between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. each day except on Sundays and legal holidays. The operation of sound amplifying equipment for noncommercial purposes shall only occur between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M.
- C. Sound level emanating from sound amplifying equipment shall not exceed fifteen (15) decibels above the ambient base noise level. Nor shall it be audible at any distance in excess of two hundred feet (200') from the amplifying equipment.
- D. Notwithstanding the provisions of subsection C of this section, sound amplifying equipment shall not be operated within two hundred feet (200') of churches, schools, hospitals.
- E. In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to reasonable persons of normal sensitiveness within the area of audibility. (Ord. 748, article 1, adopted 1980)

### **6058: GENERAL NOISE REGULATIONS:**

Notwithstanding any other provisions of this chapter, and in addition thereto, it shall be unlawful for any person to wilfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

Standards which may be considered in determining whether a violation of the provisions of this section exists include, but are not limited to, the following:

- A. The level of the noise;
- B. The intensity of the noise;
- C. Whether the nature of the noise is unusual;
- D. Whether the noise stands out against the level and intensity of the background noise, if any;
- E. The proximity of the noise to residential sleeping facilities;
- F. The nature and zoning of the area within which the noise emanates;
- G. The density of the inhabitation of the area within which the noise emanates;
- H. Whether the noise occurs at a time of day when most people expect relative quiet;
- I. Whether the noise occurred only once for a short period of time or occurs more than once and for longer periods of time; and
- J. Whether the noise is produced by a reasonable commercial activity during normal business hours. (Ord. 748, article 1, adopted 1980; Ord. 1062, §1, adopted 2005)

**6059: EXEMPTIONS:**

The following activities shall be exempt from the provisions of this ordinance:

- A. Garbage collection activities subject to city franchise;
- B. Operation of street sweepers by city personnel or the operation of sweepers under contract to the city. (Ord. 748, article 1, adopted 1980)

**6060: VIOLATIONS; INFRACTION:**

Any person violating any of the provisions of this article shall be deemed guilty of an infraction, punishable by a fine not exceeding one hundred dollars (\$100.00) for a first violation; two hundred dollars (\$200.00) for a second violation within one year; and five hundred dollars (\$500.00) for each additional violation within one year of committing the first offense. (Ord. 748, article 1, adopted 1980; Ord. 1062, §1, adopted 2005)

**6061: VIOLATIONS; ADDITIONAL REMEDIES; INJUNCTIONS:**

As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this article, which operation or maintenance emits noise which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 748, article 1, adopted 1980)

**6062: SEVERABILITY:**

If any provision, clause, sentence, or paragraph of this article or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this article are hereby declared to be severable. (Ord. 748, article 1, adopted 1980)

**1985: AMPLIFIERS:**

The noise ordinance of the city shall be effective in city parks and other city owned outdoor facilities unless a permit has been obtained or the park is being used by the city for a city sponsored event. The city manager or the director of community services shall have the authority to issue the permit described herein and to establish policies for city sponsored events. Any person failing to abide by conditions of such permit may have the permit summarily revoked by a police officer or other duly authorized city representative. (Ord. 786, §1, adopted 1982; Ord. 1062, §2, adopted 2005)

**1986: ANNOYING, DISORDERLY, INDECENT CONDUCT:**

It shall be unlawful for any person while in any City park, playground, tot lot or other park or playground facility to conduct himself in a boisterous, threatening, abusive, insulting or indecent manner so as to annoy the public, or engage in any disorderly conduct or behavior tending to be breach of the public peace and enjoyment of the City facilities. (Ord. 786, §1, adopted 1982)

**1973: MODEL AIRPLANES AND MISSILES:**

No person shall operate any motor driven model airplane or missile in a park, except when approved by the Director of Recreation and Parks. (Ord. 786, §1, adopted 1982)

**1969: PROHIBITION OF MOTOR VEHICLES FROM CERTAIN AREAS:**

Except for those motor vehicles named in §1970, no motor vehicle shall be allowed within the confines of the Municipal Golf Course, any City park or any other City recreation area or facility.

Any person driving or operating a motor vehicle contrary to this Section shall be guilty of a misdemeanor. (Ord. 786, §1, adopted 1982)

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## **CHAPTER 12 PARKS AND RECREATION FACILITIES**

### **1965: FACILITIES:**

The following described parcels of land are parks and recreation facilities of the city and shall be known by the names indicated:

- A. Todd Grove municipal park: Bounded by Walnut, Live Oak Avenue, and Park Boulevard;
- B. Giorno park: Situated next to Anton stadium and lying between Giorno Avenue and Park Boulevard;
- C. Carpenter park: Bounded by Clay Street and Main Street;
- D. McGarvey park: Bounded by Stephenson, Bush, Dora, and Clay Streets;
- E. Oak Manor park: Bounded by Oak Manor Drive, Gobbi, and Gibson Streets;
- F. Seminary Avenue: Bounded by Oak and State Streets;
- G. Vinewood park: Situated between Elm and Pine Streets;
- H. Municipal golf course: Situated along Live Oak Avenue and Park Boulevard;
- I. Gardner Pocket park: Situated within parking lot A;
- J. Alex R. Thomas, Jr., Plaza: Bounded by State, School, and Clay Streets;
- K. Observatory park: Situated between Observatory Avenue and Luce Avenue;
- L. Orchard park: Bounded by Orchard Avenue and Cindee Drive;
- M. Riverside park: Situated at the east end of Gobbi Street and bordered on the east by the Russian River. (Ord. 786, §1, adopted 1982; Ord. 963, §1, adopted 1996; Ord. 1052, adopted 2004)

### **1966: HOURS OF USE:**

City parks and outdoor recreational facilities shall be open to the public every day of the year from six o'clock (6:00) A.M. to ten o'clock (10:00) P.M., except for unusual or unforeseen conditions deemed emergencies by the city manager or the director of recreation and parks. It shall be unlawful for any person to enter, loiter or remain in or on any City Park facility between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. except where the Director of Recreation and Parks shall have posted additional extended hours or where a group or individuals are participating in programs under a permit issued by the Parks and Recreation Department. (Ord. 786, §1, adopted 1982)

### **1967: CAMPING IN CITY PARKS:**

No persons shall set up tents, shacks, sleeping bags or other shelter in any City park or vehicle parking area for the purpose of overnight camping, nor shall any person leave any of the above or any movable structure or special vehicle to be used, or that could be used for such purpose, including but not limited to, house trailers, camp trailers, camp wagons and other mobile or stationary campers in any City park or the vehicle parking area. The restrictions contained within this Section shall not apply to programs sponsored or co-sponsored by the City. (Ord. 786, §1, adopted 1982)

### **1968: FIRES:**

No person, other than one acting under authorization, direction or permission of the Director of Recreation and Parks shall build, light, kindle or maintain any open or outdoor fire at any place within the boundaries of land or water owned, managed, controlled or operated as a City park, playground, tot lot or other park or playground facility except in areas or facilities specifically built and designed for this purpose. (Ord. 786, §1, adopted 1982)

### **1969: PROHIBITION OF MOTOR VEHICLES FROM CERTAIN AREAS:**

Except for those motor vehicles named in §1970, no motor vehicle shall be allowed within the confines of the Municipal Golf Course, any City park or any other City recreation area or facility.

Any person driving or operating a motor vehicle contrary to this Section shall be guilty of a misdemeanor. (Ord. 786, §1, adopted 1982)

### **1970: AUTHORIZED VEHICLES ALLOWED:**

The following motor vehicles shall be exempt from the provisions of §1969 (a) motor driven golf carts driven or operated on designated areas in accordance with the rules and regulations promulgated by the Director of Recreation and Parks; (b) motor driven mowers, trimmers, edgers or any other motor driven equipment used for the maintenance and upkeep of the Municipal Golf Course, City parks or any other City recreation area or facility; (c) motor vehicles operated on the Municipal Golf Course, City parks or any other City recreation area or facility, provided such operation is conducted in accordance with instructions from the Director of Recreation and Parks, or under a contract with the City as supervised by the Director of Recreation and Parks; (d) motor vehicles owned or driven by members of the general public provided they are operated in roadways for such purpose or parked in parking areas so designated; (e) emergency vehicles; (f) any other motor vehicles operated with the written permission of the City Manager or Director of Recreation and Parks, provided the purpose for which the vehicle is being operated shall be expressly stated in the permit which shall be in the possession of the operator at all times while the vehicle is so being operated. (Ord. 786, §1, adopted 1982)

### **1971: PARKING:**

No person shall operate or park any vehicle within a park or recreational facility except upon areas designated for such use. No person shall park, abandon, or otherwise allow to remain, any such vehicle or other conveyances in City park facilities between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. except with written permission of the City Manager

or the Director of Recreation and Parks or as otherwise posted.

It shall be unlawful for any person to wash or repair any automobile or other conveyance within any City park, playground, tot lot or other facility. (Ord. 786, §1, adopted 1982)

### **1972: BICYCLES:**

It shall be unlawful for any person to ride a bicycle on any surface not paved with either asphalt or concrete, or which are otherwise designated off limits to bicycles. Bicycles shall at all times be operated with reasonable regard to the safety of others in compliance with bicycle safety laws. In no event shall the maximum speed of a bicycle exceed ten (10) miles per hour within a park facility. (Ord. 786, §1, adopted 1982)

### **1973: MODEL AIRPLANES AND MISSILES:**

No person shall operate any motor driven model airplane or missile in a park, except when approved by the Director of Recreation and Parks. (Ord. 786, §1, adopted 1982)

### **1974: OPERATION OF PASSENGER AIRBORNE CRAFT:**

It shall be unlawful to operate any vehicle that may become airborne in any park facility. This is to include helium inflated passenger balloons, helicopters and airplanes. Exceptions to this ordinance would be use of emergency craft by a public safety agency. (Ord. 786, §1, adopted 1982)

### **1975: RIDING ANIMALS:**

No person other than one acting under authorization or direction of the Director of Recreations and Parks shall ride a horse, pony, mule or animal of any description onto or over any park and recreation facility. (Ord. 786, §1, adopted 1982)

### **1976: REGULATION OF DOGS AND OTHER ANIMALS:**

The provisions of section 4151 of this code shall be enforced within all city park lands as designated in section 1965 of this chapter. In addition, it shall be unlawful to permit a dog to defecate upon such lands. (Ord. 786, §1, adopted 1982)

### **1977: HUNTING, POSSESSION OF WEAPONS; SHOOTING:**

It shall be unlawful for any person to hunt, trap or pursue wildlife at any time in any city park, playground, tot lot or other park or playground facility, nor shall any person, other than peace officers in the discharge of their duties, possess, carry or use firearms of any description, or air or gas rifles, spring guns, bows and arrows, slings or any other form of weapon potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges or any kind of trapping device. The mere possession of such firearm or device herein specified in any city park shall be a violation of this section, whether such firearm or device is loaded or unloaded. Shooting into park areas from beyond park boundaries is forbidden.

The exception to this section would be weapons used in programs sponsored by the parks and recreation department. (Ord. 786, §1, adopted 1982)

**1978: MOLESTING WILD ANIMALS AND BIRDS:**

It shall be unlawful for any person to intentionally molest, harm, frighten, kill, trap, chase, tease, shoot or throw projectiles at any animal, reptile or bird, or remove or have in his possession the young of any wild animal, or the eggs or nest or young of any reptile or bird. (Ord. 786, §1, adopted 1982)

**1979: THROWING HAZARDOUS PROJECTILES:**

It shall be unlawful for any person to throw hazardous projectiles in any city park, playground, tot lot or other park or playground facility. (Ord. 786, §1, adopted 1982)

**1980: POSSESSION OF CUTTING DEVICES:**

It shall be unlawful for any person to possess in a city park, playground, tot lot or other park or playground facility any switchblade, machete, brush knife or any other device, other than a legal pocket knife or cutlery necessary for the preparation of food. (Ord. 786, §1, adopted 1982)

**1981: MARKING, INJURING OR DISTURBING ANY STRUCTURE:**

No person other than a duly authorized city employee in the performance of his duty shall:

A. Wilfully cut, break, injure, deface or disturb any rock, building, case, pen, monument, sign, fence, bench, structure, apparatus, equipment or property in a park;

B. Mark or place thereon any mark, writing or printing;

C. Attach thereto any sign, card, display or other similar device, except as authorized by permit;

D. No person shall attach to any park facility materials, devices or equipment with any connector, other than masking tape, for the purpose of decorating that facility or for any similar purpose without first having obtained the permission of the director of recreation and parks. (Ord. 786, §1, adopted 1982)

**1982: RESTROOMS, WASHROOMS:**

It shall be unlawful for any person to fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. Further, no person shall loiter in or about such facilities nor shall any person use such facilities for purposes other than those intended. (Ord. 786, §1, adopted 1982)

**1983: REFUSE, TRASH AND LITTER:**

It shall be unlawful for any person to dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash except that incidental

to the use of the facility and which must be deposited in the receptacles provided therefor. (Ord. 786, §1, adopted 1982)

#### **1984: ADVERTISING MATTER:**

It shall be unlawful for any person to distribute, circulate, give away, throw or deposit in or upon any city park facility any handbill, circular, pamphlet, paper or advertisement or post or affix the same to any tree, fence or structure in any city park, playground, tot lot or other park or playground facility without permission of the city manager. (Ord. 786, §1, adopted 1982)

#### **1985: AMPLIFIERS:**

The noise ordinance of the city shall be effective in city parks and other city owned outdoor facilities unless a permit has been obtained or the park is being used by the city for a city sponsored event. The city manager or the director of community services shall have the authority to issue the permit described herein and to establish policies for city sponsored events. Any person failing to abide by conditions of such permit may have the permit summarily revoked by a police officer or other duly authorized city representative. (Ord. 786, §1, adopted 1982; Ord. 1062, §2, adopted 2005)

#### **1986: ANNOYING, DISORDERLY, INDECENT CONDUCT:**

It shall be unlawful for any person while in any City park, playground, tot lot or other park or playground facility to conduct himself in a boisterous, threatening, abusive, insulting or indecent manner so as to annoy the public, or engage in any disorderly conduct or behavior tending to be breach of the public peace and enjoyment of the City facilities. (Ord. 786, §1, adopted 1982)

#### **1987: CLIMBING TREES, WALKING, SITTING ON FIXTURES:**

It shall be unlawful for any person to climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or upon any other property not designated or customarily used for such purposes. This Section shall not apply to permanent structures such as stone or cement fences. (Ord. 786, §1, adopted 1982)

#### **1988: FLORA:**

No person other than a duly authorized City employee in the performance of his duty or person participating in City sponsored activities shall dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof, growing in any park. (Ord. 786, §1, adopted 1982)

#### **1989: REMOVAL OR DAMAGE TO TURF OR SOIL; USE OF METAL DETECTORS:**

No person other than a duly authorized City employee or official in the performance of his or her official duties shall remove any wood, turf, grass, soil, rock or gravel from any park. No person in the course of using a metal detector shall remove, damage, dig holes in, or destroy any wood, turf, grass, soil, rock or gravel from or in any park. (Ord. 786, §1, adopted 1982)

amd. by Ord. 938, §1, adopted 1993)

### **1990: ALCOHOLIC BEVERAGES:**

No person shall sell, serve, or cause to be served, consume or possess alcoholic beverages of any kind whatsoever within the boundaries of land, or water or within a building owned, managed, controlled or operated as a City park, playground and tot lot during the days and hours when said area is not open to public use, except pursuant to an appropriate permit issued by the Director of Recreation and Parks and the Police Chief. No person shall sell, serve, or cause to be served, consume or possess alcoholic beverages of any kind whatsoever within the boundaries of land, or water or within a building owned, managed, controlled or operated as a City park, playground or tot lot without a permit issued by the Director of Recreation and Parks and the Police Chief, when that park, playground or tot lot is designated by resolution of the City Council as requiring such a permit.

Permits shall be issued at the discretion of the Chief of Police and the Director of Recreation and Parks when they are satisfied that public health and safety can be adequately protected in the particular circumstance.

Any permit issued may, at the discretion of the City staff, contain conditions as to type and amount of beverages to be served, numbers of persons, time and place, security precautions and any other condition reasonably related to the maintenance of public health and safety. (Ord. 786, §1, adopted 1982; amd. by Ord. 872, adopted 1988)

### **1991: PERMIT APPLICATION FOR ALCOHOLIC BEVERAGES:**

Application forms for an exclusive permit specifically regarding the use and/or sale of alcoholic beverages may be obtained from the Director of Recreation and Parks and the Police Chief. A permit will only be issued following the review and approval of the application form by both the Director of Recreation and Parks and the Chief of Police. If the permittee intends to sell alcoholic beverages an appropriate permit must first be obtained from the Department of Alcoholic Beverage Control and a copy of that permit attached to the application for the exclusive permit. Such a permit must be applied for no earlier than ten (10) days and no later than five (5) days prior to the date of the event. Permits will normally be valid for one day only except for activities requiring a seasonal permit. In any event, the validity of such a permit shall not exceed six (6) months. A permit for the use of alcohol is not valid in or around play areas, or other areas which are primarily for use of small children. (Ord. 786, §1, adopted 1982)

### **1992: PERMIT FOR EXCLUSIVE USE OF CITY PARK AND RECREATION FACILITIES:**

The City's recreational facilities (buildings, parks, ballfields, pools, picnic facilities and golf course) may be made available for the exclusive use of individuals or groups subject to the issuance of a permit by the Director of Recreation and Parks.

The application form for a permit for the exclusive use of recreational facilities may be obtained from the Director of Recreation and Parks. This application must be completed and returned to the Director not less than fifteen (15) days nor more than ninety (90) days prior to the proposed use of facilities. (Ord. 786, §1, adopted 1982)

**1993: FEES AND DEPOSITS:**

Upon the granting of a permit under the previous section, any fees or deposits required for the use of City personnel, buildings, equipment and facilities shall be contained in the permit and the fees or deposits shall be paid by applicant within ten (10) days of the receipt of the permit. If the fees or deposits are not paid within said ten (10) days, then in that event the permit theretofore issued shall be null and void. (Ord. 786, §1, adopted 1982)

**1994: LIABILITY:**

All persons to whom an exclusive use permit has been granted must agree in writing to hold the city harmless and indemnify city from any and all liability for injury to persons or property occurring as a result of the activity sponsored by permittee and the persons shall be liable to the city for any and all damage to parks, facilities and buildings owned by the city, which results from the activity of permittee or is caused by any participant in said activity. (Ord. 786, §1, adopted 1982)

**1995: VIOLATION OF PERMIT:**

Violation of any of the terms and conditions of the permit by the permittee, or any agent, servant or employee of the permittee, is a misdemeanor. (Ord. 786, §1, adopted 1982)

**1996: INTERFERENCE:**

No person within any park or building shall use, attempt to use or interfere with the use of any table, space or facility within said park or building which at the time is reserved for any other person or group which has received a permit from the director of recreation and parks. Unless the actual use of table, space, area, building or facility referred to in any such permit is commenced within one hour after the period covered by such permit begins, such permit shall thereupon be void and all rights under such permit may be canceled by the director. (Ord. 786, §1, adopted 1982)

**1997: PLAYING OR PRACTICING GOLF:**

No person shall drive, putt or in any other fashion play or practice golf or use golf balls or golf clubs within any city park, playground, tot lot or other park or playground facility except in areas set aside for those specific activities. (Ord. 786, §1, adopted 1982)

**1997A: INFANTS AND SMALL CHILDREN PROHIBITED ON MUNICIPAL GOLF COURSE:**

No person shall bring an infant or small child under the age of six (6) onto the municipal golf course grounds during hours when the course is open to play. This prohibition shall not apply to the parking area immediately adjacent to the municipal clubhouse or to the interior of the buildings comprising the clubhouse, pro shop and community meeting room. (Ord. 917, §2, adopted 1991)

**1998: SOLICITATION OR SALE:**

No person shall solicit in any manner or for any purpose or sell or offer for sale any goods, wares or merchandise in any park, unless upon prior written authorization by the director of recreation and parks. (Ord. 786, §1, adopted 1982)

### **1999: HARDBALL BASEBALL:**

No person shall play hardball baseball in any city park other than those areas specifically designated for such activity. (Ord. 786, §1, adopted 1982)

### **2000: TEMPORARY RULES AND REGULATIONS:**

The director of community services, with the approval of the city manager, may establish temporary rules and regulations as may from time to time be necessary for the proper administration of and the regulation of conduct in city parks. Such rules shall be contained in a document, subject to public inspection, which shall include the date of adoption, the signatures of the director of community services and the city manager, a precise description of the park or area where they apply, the time period during which they are effective and the content of the rules. Such rules may not remain in force for a period of more than one hundred eighty (180) days in any one calendar year, unless, within that time, they are approved by resolution of the city council. Any such temporary rules or regulations shall become effective, when notice of the rule or rules are posted at or near the main entranceway or ways to the park or area where they apply. Once posted, any person violating the rule shall be guilty of an infraction, punishable by a fine not exceeding one hundred dollars (\$100.00) for a first violation of the rule, two hundred dollars (\$200.00) for a second violation or five hundred dollars (\$500.00) for each additional violation. (Ord. 786, §1, adopted 1982; Ord. 1079, §1, adopted 2006)

### **2000.1: ALEX R. THOMAS, JR., PLAZA RULES AND REGULATIONS:**

Notwithstanding any other provisions of this code to the contrary, all persons or organizations using Alex R. Thomas, Jr., Plaza ("plaza") shall comply with the following:

A. No person shall use a bicycle, skateboard, rollerblade, roller skate or nonmotorized conveyance in the plaza. Bicycles may be parked in racks provided by the city for this purpose. (See also section 1972 of this chapter.)

B. No person shall use or possess alcoholic beverages in the plaza without a permit issued pursuant to section 1990 of this chapter.

C. No person shall permit a dog under his or her ownership or control to enter upon or remain in the plaza.

D. No person shall permit a motor vehicle under his or her ownership or control to enter upon or remain in the plaza, unless authorized by the city manager or the director of recreation and parks.

E. No person shall play amplified music in the plaza unless authorized by the city manager or director of recreation and parks, who shall not consider music content in granting or denying permission.

F. Plaza restrooms shall be open to the public from six o'clock (6:00) A.M. to dusk or later

as determined by the city manager. (Ord. 963, §2, adopted 1996)

## **§2000.2: SUNDAYS IN THE PARK FREE CONCERT SERIES RULES AND REGULATIONS:**

Notwithstanding any other provisions of this code to the contrary, all persons or organizations attending the Sundays in the park free concert series at Todd Grove park shall comply with the following:

A. No person shall permit a dog or other animal under his or her ownership or control to enter upon or remain in Todd Grove park during a Sundays in the park concert event.

B. No person shall use any type of barbecue or cooking device during a Sundays in the park concert event other than at picnic table areas designated for such use by the city manager.

Any person violating this section shall be guilty of an infraction, punishable by a fine not exceeding one hundred dollars (\$100.00) for a first violation, two hundred dollars (\$200.00) for a second violation or five hundred dollars (\$500.00) for each additional violation. (Ord. 1079, §1, adopted 2006)

## **2001: ENFORCEMENT OF APPLICABLE LAWS AND ORDINANCES; PENALTY FOR VIOLATION:**

All persons entering upon land or water owned, managed, controlled or operated by the city shall abide by the rules and regulations of the city, the laws of the state, federal laws, all applicable county and/or municipal ordinances and the instructions and direction of duly authorized employees of the city. Violation of the provisions of this chapter shall constitute a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. (Ord. 786, §1, adopted 1982)