

ORDINANCE NO. 1113

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER AMENDING
AND RESTATING CHAPTER 12.04 TO THE LANCASTER MUNICIPAL CODE
RELATING TO PARKS AND PUBLIC PLACES

WHEREAS, the City Council has determined that certain provisions of Chapter 12.04 require amendment; and

WHEREAS, the City Council has determined that in order to maintain the safety and security of parks and public spaces, that certain activities are not permitted or authorized in, on, or near parks and public places; and

WHEREAS, the City Council has determined that destruction of, or damage to, or interference with, parks and public spaces is often caused by persons conducting activities that are not permitted or authorized in, on, or near parks and public spaces; and

WHEREAS, the City Council desires to protect the health, safety, and welfare of the public in parks and public spaces, by authorizing the removal or exclusion of persons who fail to comply with applicable laws, ordinances, rules and regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true, correct, and constitute a substantive part of this Ordinance.

Section 2. Chapter 12.04 is hereby repealed in its entirety and restated to read as set forth in Exhibit A attached hereto and incorporated herein.

Section 3. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

Section 4. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

I, Andrea Alexander, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 12 day of December, 2023, and placed upon its second reading and adoption at a regular meeting of the City Council on the 9 day of January, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

ANDREA ALEXANDER
City Clerk
City of Lancaster

APPROVED:

R. REX PARRIS
Mayor
City of Lancaster

Exhibit A
Chapter 12.04 - PARKS AND PUBLIC PLACES RULES AND REGULATIONS

12.04.010 - Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

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

“Amplified sound” means sound projected and transmitted by electronic equipment, including amplifiers.

“Amplified speech” means speech projected and transmitted by electronic means.

“Buildings” means those structures or any portion thereof under the management of the city and made available for the use of permittees, including parking areas.

“City” means the city of Lancaster.

“City manager” means the city manager of the city of Lancaster, or a designated representative to act in his/her place.

“Code” means the Lancaster Municipal Code.

“Commercial Use or Enterprise” means any use of a park, public or facility amenity for or in connection with any money-making venture, whether or not such venture is profitable, including the selling, offering for sale, or peddling of any goods, wares, merchandise, services, liquids, or edibles for human or animal consumption, and/or sales activities that utilize park property or facilities to complete the terms of sale or provide a service as a result of the sale or that affect park operations, facility use, or visitor safety, such as fitness clubs, exercise groups, sports camps and individual sports lessons; provided, however, that fundraising activities conducted by a nonprofit organization, recognized as such by the state of California, shall not be deemed to be a commercial use.

“Designated representative” means a person appointed by the city manager or the city council to act as a representative.

“Director” means the director of the city of Lancaster parks, arts, recreation and community services department or a designated representative to act in his/her place.

“Dog park” means an enclosed area officially identified by signage and designated by the City where dogs are permitted to be off-leash.

“Festival” means a special event whose primary purpose is to present multifaceted arts, cultural, or recreation-based experiences. In addition, the event set-up and take-down typically occurs on days other than the event day(s). Festivals typically include elements such as activity demonstrations, dance, festival merchandise sales, food and beverage sales and service, hands-on activities, music, theatrical performances, and/or visual art exhibitions.

“Fundraising walks and runs” means special events whose primary purpose is to raise awareness and/or funds for specific social or health issues.

“Motor vehicles” means any multi-wheeled, treaded or sled-type vehicle that is propelled by a motor engine, including any vehicle commonly known as a “motorized recreations vehicle.”

“Narcotics and controlled substances” means those narcotics and drugs listed or defined in the California Health and Safety Code as may be amended from time to time.

“Obstruct pedestrian or vehicular traffic” means to walk, stand, place an object, sit, or lie in such a manner as to block passage by another person or vehicle, or to require another person or driver to take evasive action to avoid physical contact.

“Parks” means and includes every park, water park, plaza, skate park, playground, trail, preserve, swimming pool, court, field, greenbelt/greenway, facility amenity or other recreational facility, together with any accompanying parking lot or staging area, to which the public has a right of access and use for park or recreation purposes and which is owned, managed or controlled by the City and under the jurisdiction of the City Manager.

“Park and facility amenities” means and include, without limitation, playground and exercise equipment, benches, picnic tables, public art, structures, fountains, walls, fences, gates, trees, monuments, signs, playing surfaces, railings and backstops in a park.

“Permit” means a document that authorizes use of parks, equipment or building as provided for and defined within city ordinances.

“Persons” means individuals, groups, organizations, associations, partnerships, firms and corporations.

“Preserve” means improved or unimproved natural land that is owned, used, or maintained by the City, where development activity is limited in an effort to maintain natural areas and protect sensitive habitat, and not designed or intended for games and other recreational activity that typically occurs at a park.

“Trails” means any path, trail, firebreak road, or fire protection road located within a park, public place, or open space area and designated by the City Manager for public use.

“Public places” means any property, improved or unimproved, including but not limited to public buildings, museums, theaters and other facilities owned or leased by the City, and includes public

parking lots, garages, publicly-owned drainage culverts and basins, and publicly-maintained landscaped areas. Public places also includes any public right of way or area of public property open to the public such as public streets, highways, sidewalks, bridges, alleyways, driveways, trails, paseos, pathways, walkways, staircases or passageways that are open to vehicular, bicycle or pedestrian traffic.

“Section” means a section of this part unless some other statute or policy is specifically identified.

“Shall” means mandatory; “may” means permissive.

“Special event”/large community event” means a large event that has any noise exceeding the City’s noise ordinance; uses any street, sidewalk, or other right of way; needs police and/or fire regulations, monitoring and/or control; occurs for more than one day; generates crowds of spectators sufficient in size to obstruct, delay or interfere with the normal flow of pedestrian or vehicle traffic or use of City parks or public places; has a greater impact on a park or public place and neighboring community than casual or intended park use; and/or has parking needs that will exceed the capacity of the venue; requires external infrastructure to support the event, such as bleachers, portable toilets, soundstages, tents.

12.04.020 - Authority and enforcement.

The elected city council authorizes the city manager to implement and administer the policies, ordinances and regulations contained therein. Whenever a power is granted to or a duty imposed on the city manager, the powers may be exercised or the duty performed by a designated representative of the city manager, unless this policy expressly provides otherwise. The city manager shall enforce the provisions of this part.

12.04.030 - Enforcing officer.

City and/or Los Angeles County employees who are certified peace officers, as well as City employees and/or contractors who have been delegated enforcement authority by the City Manager pursuant to Chapter 1.08 of this Code, shall have the authority to warn, evict, arrest and cite persons who violate any provisions of the city ordinance. City and county peace officers shall carry proper identification.

12.04.040 - Entry to activities.

The city manager, or a duly authorized representative, may enter any park area or recreation facility at any time to inspect the premises for safety, compliance of use, hazards, or other reasons deemed necessary by the city.

12.04.050 - Hours of operation.

A person shall not enter, be or remain in any park or in any building in any park between the hours of 10:00 p.m. and 6:00 a.m., or when posted closed or within specific hours, except as authorized by a written permit issued by the City Manager. The City Manager may change the hours of use as stated above for any event or individual park. All persons shall comply with such changed hours. A person shall not park or cause to be parked any motor vehicle in any park or associated parking facility during said closed hours, or when posted closed or posted as “no parking.”

12.04.060 - Emergency or Temporary Closure of Parks, Public Places, and Recreational Areas.

In an emergency or when the City Manager determines that the public interest, public health, public welfare, maintenance purposes, or public safety demands such action, any park, public place, grounds, or recreation area or facility, or any part or portion thereof, may be closed to the public, and all persons may be excluded therefrom until such emergency or need for closure has ceased.

12.04.070 - Use of city equipment by noncity groups.

City equipment is provided for the express purpose of carrying out the city functions. Requests received from noncity local groups or organizations for the use of city equipment shall be made in writing to the city. Such requests may be granted by the city manager provided that such use does not interfere with city operations. Appropriate fees may be charged.

12.04.080 - Obstruction of Access

A. No person may sit, lie down upon, or otherwise obstruct a public sidewalk, street, maintained landscape area, curb, staircase, biking or walking path, or in doorways and entrances to buildings, or upon a blanket, sleeping bag, cardboard box, chair, stool, or any other object placed upon a public sidewalk, street, maintained landscaped area, curb, staircase, biking or walking path, or in doorways and entrances to buildings, as provided by the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), as amended from time to time.*

B. No person may sit or lie down upon a public bench or other seating facility that is intended for use by multiple individuals at the same time, in a way that prevents access to the public bench by multiple users at the same time.

C. No person may intentionally sit or lie down and obstruct pedestrian or vehicular traffic in a park or public place.

D. No person will be cited under this section unless the person engages in conduct prohibited by this section, after having been notified by the City Manager or enforcing officer that the conduct violates this section.

E. The prohibitions in this section will not apply in the following cases and to the following persons:

1. If such sitting or lying is necessitated by the physical disability of such person.
2. Such person is viewing a legally conducted parade.
3. Persons who involuntarily or unavoidably sit or lie down in a park or public place due to circumstances beyond the person's control, including, but not limited to, a medical emergency.

4. Persons who, as a result of a disability, utilize a wheelchair, walker, or similar device to move about the public sidewalk or other public walkways and paths.
5. Persons operating or patronizing a commercial establishment conducted on the public sidewalk, pursuant to an applicable valid City permit or approval; or persons participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted in a park or public place.
6. Any conduct in parks or public places that are privately owned where such conduct is in conformity with permission granted by the owner or person in possession and control of such premises.
7. Any conduct that is in conformity with the terms of any permit or other approval granted, pursuant to this code or City policy.
8. Any conduct that constitutes lawful activity protected under the laws of the State of California or by the United States Constitution, including, but not limited to, peaceful protesting, picketing, demonstrating, signature gathering, voter registration, or leafleting.

12.04.090 - Exceptions.

The provisions of this chapter do not apply to the operation of city-owned or operated vehicles or personnel who engage in official city business.

12.04.100 - Liability.

All persons to whom a use permit is 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 the result of the activity sponsored by permittee, and said persons shall be liable to the city for any and all damages to parks, equipment and buildings owned or controlled by city which result from the activity or permittee or is caused by any participant in said activity. A person exercising any of the privileges authorized by this policy does so at his own risk without liability on the part of the city for any injury to persons or property resulting therefrom.

When an association or organization which carries public liability insurance requests the use of city facilities, or when the city is involved with scheduling and/or coordinating their activities, a certificate of co-insurance naming the city as an additional insured, with the additional insured endorsement, must be filed with the city fourteen days prior to the first day of use of facilities involved. The city may require proof of liability insurance with limit of bodily injury and property damage of not less than one million dollars (\$1,000,000.00) and a certificate of co-insurance for any group when it is determined that the planned activity is judged to be other than a low risk activity.

12.04.110 - Damage to buildings, facilities and equipment.

Individuals or groups causing damage to any building, grounds, fixtures, furniture or appurtenance shall be required to reimburse the city for all costs involved to restore the building,

grounds, fixtures, furniture or appurtenance to its original condition. Such individuals or groups shall be subject to refusal of use in the future.

12.04.120 - Vandalism.

Persons causing vandalism, or parents of persons under the age of eighteen (18), will be held financially responsible for the full amount of damages, or the maximum allowed under the California Civil Code, Sections 1714.1 and 1714.3 or subsequent sections. All provisions of the California Penal Code, Section 594, referring to malicious mischief, are applicable.

12.04.130 - Security.

To ensure proper use and control of facilities and equipment, a security guard may be required when an event is the major use of a facility. Additional security measures may be required to protect the general public and city property.

12.04.140 - Disturbing the peace

It is unlawful for a person to do any of the following within a park:

- A. Fight or challenge another person to fight;
- B. Use offensive words which are likely to incite imminent lawless action; or
- C. Maliciously and willfully disturb another person by loud and unreasonable noise, provided however, where the noise is a result of communications made in a loud manner, the communication shall be unlawful only where it is likely to incite imminent lawless action, or where the communication is not intended as such but is merely a guise to disturb persons.

12.04.150 - Application for use.

- A. The city manager shall reserve the right to grant or deny all applications for the use of parks or buildings within the city. Unless waived by the city manager, all applications for use of city parks or buildings shall be signed by an adult twenty-one (21) years of age or over who shall be responsible for compliance with the terms of the permit.
- B. Requests for use shall be made a minimum of fourteen (14) days and a maximum of six months prior to the date of requested use. Exception: Alcoholic beverage permits must be made in person a minimum of ninety (90) days prior to the event. Permits for a special event/large community event, festival, or fundraising walk/run must be made a minimum of one hundred twenty (120) days prior to the event.
- C. Denial of an application shall be based on the following criteria:
 - 1. When a building or a park with the required capacity for the proposed activity is not available;
 - 2. Refusal by an applicant to agree in writing to conditions of the permit;
 - 3. Failure of an applicant to file an application in sufficient time for administrative review;

4. The failure to provide the required number of personnel to properly police and protect the activity and other users of the facility or area due to the size or nature of proposed activity;
5. The filing of more than one application for the same facility at the same time. Under these circumstances, the city manager will give consideration to the application first received and the schedule of priority classification;
6. When usage of facility may damage, destroy or detract from the city property and/or cause harm, injury, discomfort or displeasure to the other persons in or near the park;
7. Record of applicant or event not complying with regulations of this chapter.

12.04.160 - Priority of use.

A. Use of facilities is based on priority ranking. Groups ranked at a low priority may be subject to rescheduling with thirty (30) days' written notice; in that event, the city will attempt to relocate the group to another city facility.

B. Group priority rating shall be as follows:

1. City of Lancaster and city parks, arts, recreation and community services department sponsored activities;
2. Other governmental agency meetings open to the public;
3. Youth, family or adult community recreation activities open to the general public, sponsored or conducted by recognized community organizations;
4. Groups conducting recreation activities open to only their own members (closed meetings);
5. Non-recreation use, service organizational meetings, or restricted activities not open to the general public;
6. Religious, sectarian or political groups;
7. Commercial use for financial gain;
8. Out-of-city groups (fifty-one (51) percent of participants do not reside or work within the city limits).

12.04.170 - Revocation of permit.

Permit may be revoked if any terms or conditions of the permit are violated by the permittee or any agent or employee of the permittee. Said permit may be revoked by the city manager with or without notice to the persons to whom the permit was issued.

12.04.180 - Right of appeal.

An applicant may appeal the decision of a city representative regarding park and building permits. The applicant must file such appeal through the following appeal process: first, appeal through the director; second, appeal through the city manager; third and final appeal is made to an independent hearing officer in accordance with the procedures set forth in Chapter 8.28 of this Code.

12.04.190 - Permit.

The application for a permit shall include, but not be limited to, the following information:

- A. Name of the applicant, the sponsoring organization(s), and name of the person in charge of the proposed activity;
- B. Address and telephone number of applicant(s);
- C. Park or building being applied for and the area involved;
- D. Starting time of the proposed activity;
- E. Finishing time of the proposed activity;
- F. Number of persons expected;
- G. Additional city personnel or items requested, such as tables, chairs, and associated equipment;
- H. Nature of the proposed activity or activities, including equipment and vehicles to be brought into the park, duration and nature of the use of any amplified sound whether sound, or speech;
- I. Fees charged and moneys collected for the proposed activity;
- J. Individual(s) who will receive moneys collected and purpose for money;
- K. Notice of requirement of certificate of co-insurance for public liability, in the form of attachment to application, if required.
- L. Application fee.

12.04.200 - Extended usage.

Facility usage may be granted for a maximum of six months. Requests for facility usage exceeding six months are subject to administrative approval and will be reviewed each six months for compliance to the city priority schedule. Scheduled groups may be subject to cancellation upon thirty (30) days' notice. When cancellation is necessary, the city will attempt to relocate the activity.

12.04.210 - Fees and deposits.

Fees and deposits may be levied to offset city expenses incurred in providing services. Basic rates for use of facilities are established by resolution adopted by the city council and are subject to change by the city council.

12.04.220 - Use of parks.

The city's reservable areas may be made available for the use of persons and groups subject to the issuance of a permit and the payment of fees therefor. Use of any park for pre-advertised assemblies may not be made without the issuance of a permit. All applications for use of any park must be signed by an adult twenty-one (21) years of age or over who shall agree to be responsible for said exclusive use.

12.04.230 - Use of recreation centers, picnic facilities and athletic fields.

Recreation centers, reservable picnic facilities, and athletic fields within the city's parks, are available for the use of persons and groups subject to the issuance of permit and payment of fees thereof. All applications for use must be signed by an adult twenty-one (21) years of age or over who shall agree to be responsible for said use. No use permit shall be granted if there is a conflict with a prior reservation.

A. Any request which will place a major impact on a given facility will be subject to the city review process. "Major impact" is defined as any activity that impedes the normal use of more than one area of any city facility. All requests are subject to city priority ranking classification (Section 12.04.150). The city reserves the right to cancel a permit or application for a permit upon one week's notice.

B. Applications are immediately revocable if false statements are made in reserving a facility, or if the individual or group willfully violates any rule or regulation established by the city. Applicants shall be responsible for the condition in which they leave city premises. If city property has been damaged or abused beyond normal wear, applicants shall be responsible for reasonable costs to replace, repair or clean such property.

C. Persons or groups may use any designated reservable or nonreservable facility of any part on a first come, first served basis; however, such groups must vacate any reserved facility at the time a permitted group arrives. Individual picnic tables are available on a first come, first served basis in all non-reservable areas.

D. No use permit shall be granted for any reservable field before eight a.m. nor beyond one hour before sunset unless the park has appropriate lighting.

E. City personnel will open and close buildings and may be on duty to supervise the use of the facility.

12.04.240 - Rental periods.

Minimum building rental periods are based on two-hour increments. The time indicated on the application will reflect the actual facility use time which includes setup, decoration and clean up. Additional time beyond the two-hour block will be charged on an hourly rate.

12.04.250 - Setup.

Setup, breakdown and basic cleanup will be the responsibility of the group utilizing the facility. When city personnel are to be utilized for setup, finalized setup sheets must be submitted ten (10) days prior to the event. Changes after the final setup sheet is submitted shall be the responsibility of the user.

12.04.260 - Decorations.

Decorations of any building or on any structure are prohibited unless approval is obtained by the user from the city representative.

12.04.270 - Interference.

No person shall use, attempt to use or interfere with the use of any facility which is reserved for another person or group holding a permit issued from the city.

12.04.280 - Compliance.

No person shall enter, occupy or remain in any park or building of the city unless compliance with the appropriate regulations set forth in this chapter are adhered to.

12.04.290 - Regulations.

The City Manager may promulgate rules and regulations deemed necessary to facilitate implementation of this Chapter.

12.04.300 - Violation—Penalty.

A. It is a misdemeanor for any person within an area owned or controlled by the city to knowingly and willfully violate any provision of this chapter, the conditions of any permit issued pursuant hereto, or any rule or regulation relating to parks or buildings.

B. Persons who violate any provision of this chapter, conditions of a permit issued pursuant hereto, or any rule or regulation promulgated to implement this chapter may also be issued an administrative citation in accordance with the procedures set forth in Chapter 1.16 of this Code.

C. Any use, activity or condition in violation of the provisions of this chapter constitutes a public nuisance subject to abatement.

12.04.310 - Alcoholic beverages; narcotics and controlled substances.

A. A person shall not enter, be or remain in any park or public place while in possession of transporting, selling, giving away or consuming any alcoholic beverage except at a concession facility which has a contract with the City, or in connection with a special event duly authorized by the City Manager for which the sponsoring organization is properly licensed by the California Department of Alcoholic Beverage Control.

B. A person shall not enter, be or remain in any park or public place while in possession of, transporting, selling, giving away or consuming any narcotic or controlled substance.

C. A person shall not enter, be or remain in any park or public place while he or she is under the influence of any alcoholic beverage, narcotic or controlled substance.

12.04.320 - Amplified sound.

Except as authorized by the City Manager for specific events and times, or except as necessary for the preservation of public peace or safety, it is unlawful to use any public address system, loudspeaker or other sound-amplifying device in any park or public place, or to otherwise exceed noise levels established by the City, as may be amended from time to time.

12.04.330 - Animals.

A. When prohibited. No person shall bring into any park or public place any cattle, horse, mule, goat, sheep, swine, dog, cat, or other animal of any kind except as hereafter specifically provided or as otherwise permitted by the City Manager.

B. Facilities in which animals are prohibited. Animals are not permitted in any indoor park, public place, facility amenity, swimming pool, preserve, and/or skate park. This subsection does not apply to service animals for blind or disabled persons.

C. Dogs. Except as provided in Subsection B, a person may bring and maintain in a park or public place a dog, if such dog is kept on a leash or chain with a length not to exceed six feet and is under full control of its owner or custodian, or upon written authorization of the City Manager when required to authorized park or public place programs. With the exception of dog parks or dog exercise and/or training areas designated and posted as such, no dog shall be allowed to graze or run at large within the boundaries of a park. The presence of a dog in a dog park or dog exercise and/or training area shall constitute implied consent of the owner or custodian of the dog as to the obligation to comply with any rules or regulations promulgated regarding dog parks and dog exercise and/or training areas. The presence of a dog in a dog park or dog exercise/training area shall constitute a waiver of liability on behalf of the owner or custodian of the dog, to the City, as well as an agreement and undertaking to protect, indemnify, defend and hold harmless the City for any injury or damage caused by the dog.

D. Removal of dog waste. Any person having the care, custody, possession or control of a dog in a park or public place must remove all fecal matter deposited by his/her dog before the person leaves the immediate area where the fecal matter has been deposited. Such person shall have in his/her possession the equipment necessary to remove the dog's fecal matter.

12.04.340 - Off-leash Dog Area Rules and Regulations

The following rules and regulations apply to the use of all off-leash dog areas at City of Lancaster parks:

A. Dogs must be accompanied by persons responsible for the dog(s) who are eighteen (18) years of age or older.

- B. Children under the age of six (6) years old are not permitted in the dog off-leash areas. Persons six (6) to seventeen (17) years of age must be accompanied and supervised by an adult (18 years of age or older) and shall not run, shout, scream, or otherwise excite or antagonize dogs while in the off-leash areas.
- C. Dogs under the age of four (4) months are not permitted in the dog off-leash areas.
- D. Dogs must be current on vaccinations and licensing. Dogs must have a current, county issued dog license on display.
- E. Dogs that are sick or injured are not permitted in dog off-leash areas.
- F. Dogs must be spayed or neutered to use the off-leash areas.
- G. No more than three (3) dogs per responsible person are allowed in the off-leash areas.
- H. Dogs exhibiting aggressive or other behavior that jeopardizes human or animal safety are not permitted and are to be immediately removed.
- I. If a dog injures a person or another dog, the person responsible for the dog shall immediately provide his/her name and phone number and the dog owner's name and phone number (if different), to the injured person and City staff.
- J. Large dogs (over thirty-five [35] pounds) are permitted only in designated large dog areas, small dogs (under thirty-five [35] pounds) are permitted only in designated small dog areas.
- K. A person responsible for a dog(s) shall remove dog feces and shall dispose of it in waste containers for that purpose. It is the responsibility of each person responsible for a dog(s) to supervise, and clean up after his/her dog(s) to ensure a clean and orderly off-leash area.
- L. A person responsible for a dog(s) must remain with his/her dogs(s) in dog off-leash areas at all times. Each dog must be under visual and voice control by the person responsible at all times. Dogs that do not respond to voice commands are not permitted.
- M. A person responsible for a dog(s) must stop his/her dog(s) from digging. Any holes created by his/her dog(s) must be filled.
- N. When not secured within the enclosure of a dog off-leash area, every dog shall at all times be restrained by a leash no more than six (6) feet in length, held in the hand of a person capable of controlling the dog.
- O. No person shall harass, tease, or incite any dog in any way in any dog off-leash areas, including but not limited to, verbal or physical gestures or throwing of objects.
- P. No food (for people or dogs) is allowed in dog off-leash areas.
- Q. No glass containers are allowed in dog off-leash areas.
- R. No toys (except toss toys, such as balls and frisbees) are allowed in dog off-leash areas.
- S. Spiked collars on dogs are not permitted in any dog off-leash areas.
- T. Bicycles, rollerblades, roller skates, skateboards, strollers, and similar items are not permitted in any dog off-leash areas. Wheelchairs and other aides for the disabled are permitted.
- U. Dog trainers are not permitted to use any dog off-leash areas to conduct business.
- V. Anyone who abandons an animal anywhere, including in a dog off-leash area, is subject to a \$500 fine and/or up to six (6) months in jail per the California Penal Code Section 597s.
- W. Use of dog off-leash areas by any person responsible for a dog(s) shall constitute implied consent of that person to all regulations and shall constitute a waiver of liability to the City, and an agreement to protect, defend, indemnify, and hold harmless the City, its

officials, and employees for any injury or damage caused by a dog(s) within such dog off-leash areas.

X. The Director may approve additional administrative regulations relating to the use of any dog off-leash areas not inconsistent with this chapter and shall cause those regulations to be posted prominently within the dog off-leash areas.

Y. Any City employee may request anyone who violates these rules or any posted rules to leave the off-leash area and the park.

12.04.350 - Climbing.

No person shall climb any tree, or walk, stand or sit upon monuments, signs, buildings, roofs, railings, fences, gates, backstops, or tables in a park or public place, or upon any park property not designated or customarily used for such purposes in a manner inconsistent with the intended use or design.

12.04.360 - Dumping.

Dumping rocks, soil, grass clippings, branches, leaves, equipment, vehicles, furniture, furnishings or accessories, or any other item or material is prohibited without first obtaining a city permit.

12.04.370 - Filming.

Filming for commercial purposes is prohibited without a permit issued by the City, and shall be conducted in accordance with any conditions imposed by the permit and/or any rules and regulations promulgated to implement the City's filming policy

12.04.380 - Fire.

No person shall light or maintain any fire unless:

- A. In compliance with all applicable rules and regulations of the Los Angeles County Air Pollution District; and
- B. He/she first obtains a written permit from the City Manager; and
- C. Such fire is lighted and maintained only in a barbecue or place provided by the City for that purpose.

12.04.390 - Firearms and weapons.

- A. Parks. Possession, discharging or use of firearms, airguns, slingshots, bows and arrows, knives, explosives or incendiary devices is prohibited on park property including any portion of the riding and hiking trails.
- B. Public buildings. Except as otherwise provided by federal or state law, no person shall carry a firearm in any public building. This prohibition applies to persons licensed to carry a concealed firearm. The following persons are exempt from this Subsection:
 - 1. Active duty sworn peace officers ;
 - 2. Retired sworn peace officers who carry the requisite identification as set forth in federal law and are in compliance with any and all recertification required by their permitting agency;
 - 3. A security guard or a guard of a contract carrier operating an armored vehicle, when such person is engaged in the exercise of their official duties.

12.04.400 - Fireworks and dangerous objects.

The possession or firing of firecrackers, rockets, torpedoes or fireworks on park property is prohibited.

12.04.410 - Golf.

No person shall play the game of golf, including putting by the use of a golf club or clubs or similar instrument to strike a golf ball, in any park, unless as part of an approved or permitted city recreation program.

12.04.420 - Harmful objects.

No person shall place, throw, leave, keep or maintain any object in such a manner or such a place in a park that a person or animal may be injured or any structure, facility amenity, or vehicle may be damaged, except as may be designated by the City Manager for such use.

12.04.430 - Hazardous games.

No person shall operate a motorized or self-propelled model vehicle or participate in activities of a hazardous nature in a park, including without limitation, propelling or launching a rocket, missile, or projectile of any type, or participating in archery, or playing hardball in any area except as designated and posted for such use.

12.04.440 - Hot air balloons, hang gliders, sky divers.

No person shall operate or land a hot air balloon, hang glider or shall sky dive in a city park without first obtaining a city permit.

12.04.450 - Hunting.

Hunting, shooting, wounding or capturing animals on park property is prohibited.

12.04.460 - Model airplanes, boats, cars, model rockets, drones.

No person shall operate in any park any model airplane, boat, car, craft, drone or other similar device that is powered by internal combustible engine, remote control, or other similar or electrical power source except in an area and at such times designated for such use. The foregoing prohibition shall not apply to any drone operated by the City.

12.04.470 - Motor vehicles and parking.

A. No person shall bring to or operate in any park or open space area any motor vehicle, except at such times and such places as permitted by the City Manager in written regulations or permits issued, and any such operation of a motor vehicle shall be in accordance with the conditions of such regulation or permit.

B. Parking. No person shall park any motor vehicle in any park or public place except in areas designed by the City Manager for parking, with the exception of emergency and/or service vehicles authorized by the City.

C. No overnight parking. No person shall park any motor vehicles overnight in park or public place except in areas designated by the City Manager for overnight parking, with the exception of emergency and/or service vehicles authorized by the City.

D. Speed. The speed limit for all vehicles on vehicular ways within a park or public place shall be fifteen miles per hour unless otherwise posted. No person shall operate a motor vehicle in excess of the speed limit.

E. Posted roads. No person shall operate a motor vehicle over a road which is posted against public use or across which are closed gates. No motor vehicle shall be operated over riding or hiking trails unless permission is posted or a written permit has been issued by the City Manager.

F. Vehicle Code. Enforcing officers, as defined herein, enforce all applicable provisions of the California Vehicle Code in all parks and public places at all times.

12.04.480 - Nudity, disrobing, bathing..

A. No person shall appear, bathe, sunbathe, change clothes, disrobe or be in any park or public place in such a manner that the genitals, buttocks, or pubic hair region, or any portion of the breast at or below the upper edge of the areola of any female person, is exposed to public view. This subsection shall not apply to children under the age of five, provided such children are sufficiently clothed to conform to accepted community standards.

B. No person shall bathe, wash or cleanse any portion of the body other than hands and face in park restrooms, drinking fountains or splash pads.

12.04.490 - Overnight camping.

Overnight camping without a permit is prohibited.

A. Youth Groups. A permit may be issued to any youth group of a responsible nature allowing the members to camp overnight at a designated location in a park. The members of such group shall be supervised by an adequate number of responsible adults, twenty-one (21) years of age or older. The members of the group and/or adult supervisors in charge of a youth group shall comply with time, location and conditions specified in the permit. Said use shall not interfere with the use of the park or in any way be detrimental to the park.

B. Trailers, Campers, Motor Homes, cars and trucks. Overnight parking of trailers, campers, motor homes, cars or trucks is prohibited on park property without a city permit.

12.04.500 - Park and public place property, vegetation, wildlife.

No person shall engage in any of the following in any park or public place:

A. Dig, remove, destroy, injure, mutilate or cut any tree, plant, vegetation, shrub, grass, fruit or flower, or any portion thereof;

B. Remove, destroy, disturb, or deface any wood, turf, grass, soil, rock, sand, or gravel;

C. Cut, break, injure, deface or disturb any facility amenity or any portion thereof, or mark or place thereon any mark, writing, printing, or etching, or placing of any sign, card, display or other similar device;

D. Hunt, harm, molest, kill or harass any animals or wildlife, including nests, burrows, dens, perches, and all features of native habitat and the inhabitants thereof.

12.04.510 - Polluting water.

- A. Dishwashing prohibited. No person shall place, wash or cleanse any edible matter, dish or utensil, in any park or public place waters, including but not limited to restroom basins, drinking fountains, pools, fountains, splash pads.
- B.
- C. Polluting water prohibited. No person shall place trash, rubbish, garbage, liquids, chemicals or other materials in any park or public waters.

12.04.520 - Prime Desert Woodland Preserve and other preserve areas.

- A. No dogs, horses, mule, goat, sheep, swine, cat or other animal of any kind shall be allowed at a preserve.
- B. No open fires shall be allowed at a preserve.
- C. With the exception of wheelchairs, strollers, and other mobility assistance devices, no wheeled vehicles of any type are permitted in a preserve.
- D. No camping without prior written consent of the City Manager shall be allowed at a preserve.

12.04.530 - Roller skating, skateboards.

- A. No person shall use or operate any roller skates or skateboard in any park or public place, with the exception of the designated skating area in Jane Reynolds Park or any other park or area that may be designated and posted for roller skating or skateboarding in the future.
- B. Where skating is permissible, no person shall use or operate any roller skates or skateboard without proper protective equipment.

12.04.540 - Rubbish; disposal.

- A. No person shall throw, place or dispose of any garbage, refuse, waste paper, bottles or cans in any place in a park or public place other than into a garbage can or other receptacle maintained therein for that purpose. No person shall bring into a park or public place any garbage, refuse, waste paper, bottles or cans for the purpose of disposing in any such receptacle.
- B. Where receptacles are not provided, all refuse or trash shall be carried away from the park or public place by the person responsible for its presence, and shall be lawfully disposed of elsewhere.
- C. No person shall scavenge through or remove any item, including recyclables, from any garbage can or other solid waste receptacle.
- D. Glass containers are prohibited in all parks.

12.04.550 - Smoking.

Smoking, vaping, or otherwise ingesting tobacco, nicotine delivery products, or cannabis is prohibited in all parks and public buildings. The use of tobacco, nicotine delivery products, or cannabis in areas adjacent to parks or public buildings shall be in accordance with the provisions of Chapter 8.32 of this Code.

12.04.560 - Soliciting for or Selling Merchandise and Services.

A. Except as provided in Chapter 5.04, Article V of this Code as relates to sidewalk vendors, no park or public place or facility may be used for any commercial use or enterprise in any form unless the City is directly involved as a co-sponsor of an event or project, or the City manager has authorized such commercial enterprise with a written permit. This prohibition includes sales activities that encroach on the sales rights of a vendor authorized to sell such products or services pursuant to a concession contract with the City.

B. Sidewalk vendors shall conduct vending business in accordance with operating and location requirements set forth in Chapter 5.04 of this Code.

12.04.570 - Special amusement equipment.

The temporary construction and/or use of amusement play equipment, such as bounce-houses or any inflatable devices, climbing walls, carousels, dunk tanks, ball crawls, pony rides, slip-and-slides, laser tag, etc., are prohibited, unless a permit has been issued by the City, the operator of such equipment has provided written indemnification and a certificate of insurance and endorsements from the equipment rental company naming the City as additional insured. Location of such equipment is subject to the approval of the City.

12.04.580 - Stage areas.

No person shall enter upon, cross, use, or occupy an elevated stage area at a park without a City permit.

12.04.590 - Throwing objects.

Throwing missiles, mud, sand, or any object that may cause bodily harm to others is prohibited on park property. Objects safely and reasonably used in the course of recreational activities are exempt from this section.

12.04.600 - Trespassing.

Trespassing into areas designated “No Trespassing” is prohibited. This includes, but is not limited to, rooms in city buildings or structures, swimming pools during specific posted hours, fenced control areas such as storage areas, shop areas, holding areas, construction sites, and all other areas posted for protection of property, health, safety or welfare or where damage to body and limb, equipment, fixtures or accessories or property may occur.

12.04.610 - Vandalism.

Persons causing vandalism, or parents of persons under the age of eighteen (18), will be held financially responsible for the full amount of damages, or the maximum allowed under the

California Civil Code, Sections 1714.1 and 1714.3 or subsequent sections. All provisions of the California Penal Code, Section 594, referring to malicious mischief, are applicable.

12.04.620 - Exclusion.

Permission to be within the limits of any park, as defined by this Chapter, or to use any facilities, is conditioned on the person present in said park complying with all applicable provisions of this Chapter or any other applicable laws, ordinances, rules, and regulations. A violation of any provision of this Chapter or of any order, rule, or regulation authorized by this Chapter, or of any other applicable law, ordinance, rule, or regulation will result in the person so violating being a trespasser *ab initio*, and the enforcing officer may cause any such person to be removed or exclude the person from a park in accordance with this Section in addition to any other remedy or penalty.

Nothing in this Section will be construed to authorize the removal or exclusion of any person lawfully engaged in expressive activity protected by the First Amendment to the United States Constitution, or other activity protected by the United States or California constitution. However, a person lawfully exercising these protected rights but who commits an act that is not protected can be subject to removal or exclusion.

A. For the purposes of this Section, removal is an order given by the enforcing officer, directing a person to immediately leave a park and not return for the remainder of the day.

B. For the purposes of this Section, exclusion is an order given by the enforcing officer, directing a person to immediately leave a park and not return for the period of days specified in this Section.

C. Before issuing an exclusion order, the person will be given a verbal or written warning describing the conduct giving rise to the exclusion and a reasonable opportunity to stop the conduct. An exclusion order will not be issued if the person promptly complies with the direction and stops the conduct. A warning is not required before issuing an exclusion order where the behavior, conduct, or activity constitutes one or more of the following:

1. A felony, misdemeanor, or motor vehicle offense;
2. Obscene, violent, or riotous conduct;
3. Lighting or maintaining a fire in any park other than in a stove, fire circle, or area designated for such purpose;
4. Results in property damage estimated to be \$1,000 or more;
5. Dangerous or threatening behavior. Behavior is dangerous or threatening if a reasonable person exposed to or experiencing such behavior could believe that the person would be in imminent danger of physical harm. Actual bodily harm is not required; and
6. Conduct for which a documented prior exclusion order has been issued and not overturned on appeal.

D. Written notice of the exclusion order will be provided to any person excluded. The notice will briefly describe the conduct and list the provision of law that is the basis for the exclusion; the date, length, and place of exclusion; a description of the process for filing an appeal; and a warning of the consequences for failure to comply. The exclusion notice shall be signed by the issuing enforcing officer. The Director, Chief of Police or Sheriff may use reasonable discretion to determine multiple park facilities for the exclusion.

E. The exclusion order will be effective for 30 days, except as stated in paragraph F, during which time the violator may not return to the listed park or park facilities. A second exclusion

within a 12-month period will be effective for 90 days. Additional exclusion orders issued within a 12-month period of the second exclusion order will be effective for 180 days. No exclusion order overturned on appeal will be counted.

F. The duration of the first exclusion shall be 60 days, if one or more of the following occur:

1. A felony;
2. Property damage estimated to be \$1,000 or more; or
3. Dangerous or threatening behavior as defined in this Section. A second exclusion for a person described in this Subsection F within a 12-month period will be effective for 120 days. Additional exclusion orders issued within 12-month period of the second exclusion order for a person described in this Subsection F will be effective for 270 days. No exclusion order overturned on appeal will be counted.

G. Appeal.

1. "Hearing Officer" means the person designated by the City Manager who will conduct a fair and impartial hearing under this Chapter.
2. A person issued a notice of exclusion may appeal the notice within five days by filing a written appeal with the City Clerk. The written appeal shall include the exclusion notice number, a reason the person should not have been excluded, and a phone number, address or email at which the City may serve the cited individual a response to his or her request. Filing an appeal does not preclude the issuance of an exclusion order for a new violation of this Section.
3. Upon receipt of a timely and complete notice of appeal, a Hearing Officer will be appointed, and once appointed the City Manager will forward the notice of appeal and all relevant documents to the Hearing Officer. Upon filing of an appeal, the exclusion order will be stayed. The Hearing Officer will set an administrative hearing as provided by the Hearing Officer's procedures. The hearing shall be de novo. The exclusion order will be upheld if the Hearing Officer determines by a preponderance of evidence that the person committed the act for which the person was excluded, and the exclusion is otherwise in accordance with the law. Evidence may include, without limitation, witness testimony, documents, or other similar evidence. In lieu of personally appearing at an administrative hearing, the cited individual may request that the Hearing Officer decide the matter based on the notice, the written appeal, and any other documentary evidence submitted prior to the hearing date.
4. The Hearing Officer shall issue a written decision responding to the appeal within 10 business days or as otherwise allowed by the Hearing Officer procedures. The decision of the Hearing Officer shall be final.

H. The Department, the Sheriff, or other designee shall maintain an accurate database of those persons excluded from parks or park facilities by their respective employees.

I. Notwithstanding Section 17.04.300.A, a violation of a removal or exclusion order is unlawful and may be charged as a misdemeanor, as provided by Section 1.24.010. Nothing in this Section limits the authority of the City to obtain an injunction prohibiting or restricting park access by any person.