

Title 2

ADMINISTRATION AND PERSONNEL

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2.76	COMMUNITY POLICE REVIEW COMMISSION

K. Initiate any other recommendations to the City Council and City Manager concerning the development, care, maintenance, operation and welfare of the Riverside Metropolitan Museum, and make recommendations on such other museum matters as the City Council or City Manager may request;

L. Perform such other advisory functions relating to museum activities as may be desired by the City Council. (Ord. 6824 § 2, 2005; Ord. 4374 § 1, 1977; Ord. 4081 § 1 (part), 1974)

Section 2.12.030 Administrative Objectives.

In the conduct and administration of the Museum Department, the following objectives shall govern:

A. All collections and exhibits of the museum shall generally reflect but shall not necessarily be limited to the specific interpretations of the history, natural history and anthropology of the City and County of Riverside and the immediate environs of southern California;

B. The types, location and extent of museum facilities and programs shall be recommended to the City Council based on observed or expressed community needs. (Ord. 4374 § 2, 1977; Ord. 4081 § 1 (part), 1974)

Section 2.12.040 Title to Property.

The title to all real and personal property acquired and utilized by the municipal museum or any of its branches, when not otherwise designated by terms of its acquisition, shall vest in the City. (Ord. 4374 § 3, 1977; Ord. 4081 § 1 (part), 1974)

Section 2.12.050 Special Fund Created.

There is hereby created a special fund of the City, to be known as the "Museum Fund." Revenues derived from any allowable special fees, from the sale of inappropriate artifacts, or from any real property held in the name of the Metropolitan Museum Board, together with all moneys acquired through gift, bequest or otherwise which have been specifically designated for museum purposes, shall be deposited in the City Treasury to the credit of such fund. They shall be kept separate and apart from all other moneys of the City, and shall be devoted exclusively to museum purposes. (Ord. 6824 § 3, 2005; Ord. 4081 § 1 (part), 1974)

Chapter 2.14

PARK FEES

Section:

2.14.010 Fairmount Park.

Section 2.14.010 Fairmount Park.

~~The City Council establishes an entrance fee for vehicles entering Fairmount Park. This fee shall be set by resolution of the City Council. Said resolution may establish the time and manner in which the fee is collected, the amount of the fee and other procedures necessary for its collection. (Ord. 4439 § 1, 1977)~~

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Title 6

HEALTH AND SANITATION

Chapters:

- 6.04 SOLID WASTE AND RECYCLABLE MATERIAL**
- 6.05 DEVELOPMENT PROJECT AREAS FOR COLLECTION AND LOADING OF RECYCLABLE MATERIALS**
- 6.08 REGULATION OF FOOD ESTABLISHMENTS AND FOOD FACILITIES**
- 6.09 REGULATION OF FOOD HANDLERS**
- 6.10 REGULATION OF THE SAFETY, OPERATION AND STRUCTURE OF PUBLIC SWIMMING POOLS AND SPAS**
- 6.11 MAINTENANCE AND REHABILITATION OF VACANT AND NEGLECTED BUILDINGS**
- 6.12 DEAD ANIMALS**
- 6.14 LANDSCAPE MAINTENANCE**
- 6.15 ABATEMENT OF PUBLIC NUISANCES**
- 6.20 MOSQUITOES**
- 6.22 RODENT CONTROL**
- 6.24 LICENSURE OF TOBACCO RETAILERS**
- 6.25 PROHIBITION OF TOBACCO VENDING MACHINES**
- 6.26 PROHIBITION AGAINST AIDS DISCRIMINATION**
- 6.28 WATER AND OTHER WELLS**

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fifteen calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this fifteen-day period to expedite the permit suspension or revocation process. The hearing shall be held within fifteen calendar days of the receipt of a request for a hearing. Upon written request of the permittee, the hearing officer may postpone any hearing date, if circumstances warrant such action. The hearing officer shall issue a written notice of decision to the permittee within five working days following the hearing. In the event of a suspension or revocation, the notice shall specify the acts or omissions with which the permittee may request in writing a hearing before a hearing officer to show cause why the permit suspension is not warranted. The hearing shall be held within fifteen calendar days of the receipt of a request for a hearing. A failure to request a hearing within fifteen calendar days shall be deemed a waiver of the right to such hearing. The enforcement agency may, after providing opportunity for a hearing, modify, suspend, or revoke a permit for serious or repeated violations of any of the requirements of this Chapter or for interference in the performance of the duty of the enforcement officer. A permit may be reinstated or a new permit issued if the enforcing officer determines that conditions which prompted the suspension or revocation no longer exists.

G. Notwithstanding the foregoing, if any immediate danger to the public health or safety is found, the enforcement officer may temporarily suspend the permit and order the pool facility immediately closed. Immediate danger to the public health and safety means any condition, based upon inspection findings or other evidence, that can cause drowning, disease or other hazardous condition including but not limited to those listed in Section 6.10.050(c)(1) of this Chapter.

H. Failure by the owner/operator to abate within twenty-four hours an immediate and severe danger to public health may result in an order to drain the pool and/or secure the area as to prevent access by children or adults. This includes, but is not limited to the erection of a fence (if one does not already exist) around the pool in question.

I. Any reinspection following legal actions, other than one reinspection after an initial administrative hearing, will result in the owner/operator being charged an hourly on-site fee. (Ord. 6429 § 4, 1998)

Section 6.10.060 Records.

A daily record of the operation of the pool shall be kept by the owner or operator ~~on forms supplied by the enforcement officer.~~ These records shall be available at the pool facility for review by the enforcement officer upon request. (Ord. 6429 § 4, 1998)

Section 6.10.070 New construction and/or modification(s) of existing pool facilities.

Every person proposing to construct or remodel a public swimming pool or bathhouse, or related locker, shower or dressing room, pool and/or spa fencing shall submit the plans and specifications to the enforcement officer for approval prior to construction. The enforcement officer shall check the plans for compliance with the provisions of the California Code of Regulations. This plan check is in addition to plan check and inspection by City's building official. (Ord. 6429 § 4, 1998)

Section 6.10.080 Criminal penalties.

A. Any person violating any provision of this Chapter is guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each day during which any violation of this Chapter is committed or allowed to exist.

B. Any individual convicted of a violation of this Chapter shall be:

1. Guilty of an infraction and punished by a fine of not less than fifty dollars, but not to exceed one hundred dollars for the first offense.

Title 9

PEACE, SAFETY AND MORALS

Chapters:

9.04	OFFENSES
9.05	POSSESSION OF ALCOHOLIC BEVERAGES ON POSTED PREMISES AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES
9.06	CURFEWS
9.07	SOCIAL HOST OF MINORS ACCOUNTABILITY
9.08	USE OF PUBLIC PARKS
9.09	PUBLIC PAY TELEPHONE REGULATIONS*
9.10	DAYTIME LOITERING BY MINORS
9.12	WEAPONS
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9.28	ABANDONED, WRECKED OR INOPERATIVE VEHICLES
9.30	SEIZURE AND IMPOUNDMENT OF NUISANCE VEHICLES
9.31	SPECTATORS PROHIBITED AT ILLEGAL SPEED CONTESTS OR EXHIBITIONS OF SPEED
9.32	OFF-ROAD USE OF MOTOR VEHICLES
9.36	INDECENT EXPOSURE
9.40	ADULT-ORIENTED BUSINESSES
9.42	FORTUNETELLING AND OCCULT ARTS
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9.52	TRANSIENT MERCHANTS AND TEMPORARY BUSINESSES
9.54	TARGETED RESIDENTIAL PICKETING PROHIBITED
9.55	LIMITATION ON CONTINUOUS AND CUMULATIVE OCCUPANCY OF TRANSIENT HOTELS AND MOTELS
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9.60	LIABILITY FOR FALSE REPORT OF AN EMERGENCY OR OF A CRIMINAL OFFENSE AND FOR EXTRAORDINARY POLICE SERVICES OR RESPONSES
9.65	MOBILE MARIJUANA DISPENSARIES
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Chapter 9.04

OFFENSES

Sections:

9.04.010	Prohibition against certain forms of aggressive solicitation.
9.04.120	Loitering.
9.04.140	Sounding bell or whistle on streetcar or locomotive engine.
9.04.190	Use of public and private school ground at certain times prohibited.
9.04.200	Damaging public property.
9.04.210	Sales to children near school grounds.
9.04.220	Loitering for drug activities.
9.04.230	Display and sale of drug paraphernalia.
9.04.240	Throwing stones and missiles.
9.04.280	Annoying pedestrians--Impeding free passage.
9.04.290	Bicycles, skateboards, etc.
9.04.300	Trespass on private property.
9.04.400	Conduct on public property.
9.04.500	Sitting or lying in entrance of building prohibited.

Section 9.04.010 Prohibition against certain forms of aggressive solicitation.

A. Findings

1. The City Council finds solicitation is unsafe and disruptive to persons in the City of Riverside and is a threat to public health, safety, and general welfare.

2. The City Council finds that solicitation at banks, ATMs and check cashing businesses, from persons in vehicles, in parking lots after dark, in public transportation vehicles, at gasoline stations and fuel pumps, in driveways, on median strips and freeway ramps, within parks, and at dining establishments that subjects persons in the City of Riverside to danger. Soliciting from persons in vehicles results in the congestion of public streets and can lead to distracted drivers causing accidents constituting a danger to pedestrian and vehicular traffic safety. The City Council further finds that soliciting from people in locations where it is difficult to avoid the solicitation makes persons who will commonly be carrying money on their persons vulnerable to intimidation and such solicitation detracts from the rights of persons in the City to quietly enjoy public facilities.

3. The restrictions of this section are content neutral and are narrowly tailored to serve a significant governmental interest but still provide alternatives avenues of communication. The reasonable time, place, manner restrictions of this section avoid the negative effects of aggressive solicitation and solicitation in unsafe places and will not unreasonably restrict free speech of people engaged in solicitation.

B. Authority and Purpose.

1. This section is adopted pursuant to the authority granted to the City of Riverside in Article XI, Section 5(a) and Section 7 of the California Constitution, and Section 200 of the Riverside City Charter.

2. The purpose and intent of this Chapter is to protect public health, safety and the general welfare of people in the City of Riverside by enacting reasonable time, place, manner, restrictions on certain forms of solicitation. The California Supreme Court has held such regulation of solicitation does not violate the liberty of speech clause of the California

Chapter 9.08

USE OF PUBLIC PARKS

Sections:

9.08.005	Findings.
9.08.006	Authority and purpose.
9.08.010	Rules and regulations adopted.
9.08.015	Use of White Park.
9.08.020	Dogs permitted; leash requirements; exceptions; conditions.
9.08.030	Animals prohibited; Exceptions.
9.08.040	Animals protected.
9.08.050	Animals; Removal of feces.
9.08.060	Bicycle and skateboard riding rules.
9.08.065	Designated skateboarding area rules.
9.08.070	Camping; Permit required.
9.08.080	Fires prohibited; Exceptions.
9.08.090	Games; Restrictions.
9.08.100	Liquid waste and refuse, polluting and littering.
9.08.102	Injury to or destruction of park property.
9.08.104	Alcoholic beverages.
9.08.110	Park hours and park closure.
9.08.120	Facility Reservation Application and Permit.
9.08.128	Applicability.
9.08.130	Restroom use.
9.08.140	Smoking prohibited; Exceptions.
9.08.150	Vehicle maintenance prohibited.
9.08.160	Vehicles prohibited on surfaces other than roads for public use.
9.08.165	Parking of recreational vehicles in City parks.
9.08.170	Water prohibitions.
9.08.180	Severability of parts of code.

~~Section 9.08.005 — Findings.~~

~~A. — The City of Riverside desires to amend the Use of Public Parks Chapter of its Municipal Code to provide updates regarding general park use and to provide permit provisions for certain activity in public parks. In developing this Ordinance, the City is mindful of the legal principles relating to regulation of activity and events on public property, and public parks specifically, and the City Council does not intend to suppress or infringe upon any expressive activities protected by the First Amendment of the United States and California Constitutions but instead desires to enact reasonable content-neutral time, place and manner regulations that address the need to coordinate multiple uses of limited park space, assure the preservation of park facilities, prevent dangerous, unlawful, or impermissible activities on park property and assure financial accountability for damages caused by activity on park property; and~~

~~B. — The City is not directing its regulation at communicative activity, but to all activity in Riverside public parks; and~~

~~C. — The City Council in enacting this Ordinance does hereby take legislative notice of the various decisions of the United States Supreme Court regarding regulation of activity in public spaces in general, and activity in public parks in particular, including, but not limited to,~~

~~Thomas v. Chicago Park District, 534 U.S. 316 (2002); City of Littleton, Colo. v. Z. J. Gifts D-4, L.L.C., 541 U.S. 774 (2004); Young v. American Mini Theaters, Inc., 427 U.S. 50 (1976); Capital Square Review & Advisory Bd. v. Pinette, 515 U.S. 753, 761 (1995); Central Hudson Gas & Electric Corp. v. Public Service Commission of New York, 447 U.S. 577 (1980); Cox v. New Hampshire, 312 U.S. 569 (1941); decisions of the Ninth Circuit including, but not limited to, Santa Monica Food Not Bombs v. City of Santa Monica, 450 F.3d 1022 (9th Cir. 2006); and decisions of the Sixth Circuit including but not limited to American-Arab Anti-Discrimination Committee v. City of Dearborn, 418 F.3d 600 (6th Cir. 2005); and~~

~~D. In 2012, the City's public parks were used by approximately 2,900,000 individuals living in Riverside County and throughout the Southern California region. These public parks are heavily used for a variety of purposes including heavy use by families with children. Park usage is limited by the large number of people that use the public parks and by other aspects of the parks, including shape, location, and facilities; and~~

~~E. Of note, some of the City parks are adjacent to busy streets and are located in residential or mixed residential and commercial areas. As well, a portion of the City's park space is not available for general, passive use because it is dedicated to special uses such as playgrounds, tennis courts, basketball and volleyball courts, swimming pools, softball, soccer and sports fields, lawn bowling, community centers, horseshoe pits, exercise courses, picnic facilities and barbeque pits, exercise and walking trails, concert areas and skateboard facilities and other areas are dedicated to gardens and lakes and other water features; and~~

~~F. Most of the specialized areas of City parks are heavily and constantly used. As well, passive park space is also very heavily utilized by individuals who jog, walk, read and lounge, and by informal groups who stroll, play games, chat and have parties and picnics in the City parks. As well, organized groups, such as schools, companies, churches, and the City itself use the public parks for picnics, festivals, community events, recreation classes, rallies and demonstrations; and~~

~~G. In recent years, Fairmount Park has been regularly used by up to seven private groups to distribute free food to the public on a scheduled basis, which attracts crowds of twenty to one hundred individuals and involves significant amounts of paraphernalia and materials used to hold and serve food. The groups distributing food to the public in Fairmount Park concentrate their activities on Thursdays, Fridays, Saturdays and Sundays between 9:00 a.m. and 2:00 p.m. when the use of the park by other members of the public is quite large; and~~

~~H. The groups distributing food to the public in Fairmount Park do not cleanup or restore the park to its original conditions after the food distribution but instead leave significant amounts of litter and trash strewn over the park property. In addition, these feedings are frequently accompanied by provision of clothing which is simply piled in the park area and at the end of the event trash and the remnants of this virtual garage sale remains; and~~

~~I. The ongoing and repetitive outdoor distribution of food to large numbers of people has significant adverse impacts upon City parks and upon park users. Moreover, private food distributions on public property in the City pose significant public health risks. The health risks of distributing food in City parks arise from a variety of factors including the limited sanitary facilities, the presence of birds and animals, and the lack of facilities for storing food and keeping it at proper temperatures. The health risks attendant to distributing food to the public in City parks are exacerbated by the fact that the vast majority of the food consumers are homeless persons who are particularly vulnerable to health risks because many have chronic health problems, and all have very limited access to medical care and sanitary facilities. The City's Homeless Services staff has therefore suggested alternatives to persons distributing food at Fairmount Park, including the alternative of participating in the "Guest Chef" programs operated by Path of Life Ministries for the two emergency shelter programs in the City or to~~

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~~connect with other organizations distributing food at church facilities. Only one organization distributing food to the public at Fairmount Park has accepted the alternative to concentrate their food distribution efforts at emergency shelters; and~~

~~J. Because the City's public parks are constantly used by large numbers of people for a variety of activities, events in parks must be carefully and reasonably managed. This includes but is in no way, or through no intent, limited to the management of the free food distribution to large numbers of the general public; and~~

~~K. The City regulates the use of its public parks to protect the health, safety and public welfare by regulating traffic, noise, aesthetics, and other impacts; and~~

~~L. Events in the public parks may require the provision of additional public services including police, fire, transportation and public works and additional maintenance of the facilities that are used; and~~

~~M. Moreover, group events in the public parks often use facilities that would otherwise be available to the public; and~~

~~N. Managing events and activities in the public parks requires ensuring that these events and activities are compatible in size and type of use with their sites, adequate services are provided for the events, adequate cost recovery for these services is achieved, the events and activities do not interfere with the City's ability to provide services to the entire community, and the impacts on neighbors and others are minimized; and~~

~~O. The City desires to provide a coordinated process for managing events and activities in its public parks to ensure the health and safety of event patrons, residents, workers, and other visitors, to prohibit illegal activities from occurring at park events, and to protect the rights of park event permit holders; and~~

~~P. The City acknowledges that individuals and groups have the right to engage in expressive activities in the City's public parks and that to allow unregulated access to all visitors could easily reduce rather than enlarge the utility of Riverside public parks as a forum for speech; and~~

~~Q. These regulations are designed to establish the least restrictive and reasonable time, place, and manner restrictions of these activities. (Ord. 7244 § 3, 2014)~~

Section 9.08.006 Authority and purpose.

A. This Chapter is adopted pursuant to the authority granted to the City of Riverside in Article XI, Section 5(a) and Section 7 of the California Constitution, and Section 200 of the Riverside City Charter.

B. The purpose and intent of this Chapter is to protect public health, safety, and general welfare of people and premises in the City, including the quiet enjoyment of City parks by enacting a permitting process for groups of over 50 individuals. (Ord. 7244 § 4, 2014)

Section 9.08.010 Rules and regulations adopted.

The rules and regulations set out in this Chapter are established and adopted for the use of public parks in the City of Riverside. All persons using any public park or any facility thereon in any manner shall obey all applicable rules and regulations herein established or adopted. Any persons desiring to vend or sell or offer for sale any merchandise or article or thing whatsoever must have the written consent of the Park and Recreation Commissioners. As used in this Chapter, "Park and Recreation Director" shall mean the Parks, Recreation and Community Services Director or his/her designee. (Ord. 7244 § 6, 2014; Ord. 6832 § 2, 2005; Ord. 6526 § 2, 2000; Ord. 4888 § 1, 1981; Ord. 4267 § 1, 1976; prior code § 25.1)

Section 9.08.015 Use of White Park.

A. The rules and regulations set out in this section are established and adopted for the use of White Park in the City of Riverside. All persons using White Park or any facility thereon in any manner shall obey all applicable rules and regulations herein established or adopted. Except as otherwise provided in this Section, all rules and regulations set out in Chapter 9.08 shall apply to the use of White Park.

B. White Park is designated as a passive use park for activities that are engaged in by individuals or small groups, usually not dependent on a delineated area designed for specific activities. The facilities at White Park will include the following.

1. A walk-through botanical garden.
2. A ~~small~~ community meeting room which will accommodate up to ~~50-180~~ people ~~which can be used for meetings and seminars.~~
3. Permanently affixed tables with inlaid chess/checkerboards and adjacent benches.
4. Bandstand for outdoor performances and special events.

C. White Park is not designed for active use such as soccer, football, baseball, softball, basketball, tennis, volleyball, wheelchair football, bicycling, skateboarding, or skating. There are no fields, courts, or large open space areas within White Park.

D. In consideration of the designated passive use of White Park, the following are prohibited from the park;

1. Dogs, except as provided in section 9.08.020.B.
2. Bicycles, skateboards, scooters, roller skates, roller blades, in-line skates, shopping carts, or any other self propelled device, unless specifically used in connection with a physical disability under federal or state law.

E. White Park Hours.

White Park shall be open for specific hours and times for normal use of the park which shall be determined by the Parks and Recreation Director and shall be posted on all entrances to the park.

White Park may also be open for special events sponsored by the ~~Parks and Recreation~~ Parks, Recreation, and Community Services Department or as reserved by permit for special private events as provided in section 9.08.120.

F. Any person who fails to obey the rules and regulations for use of White Park shall be in violation of the provisions of this section. Each incident shall be a new and separate offense. (Ord. 6592 § 1, 2001)

Section 9.08.020 Dogs permitted; leash requirements; exceptions; conditions.

A. Dogs permitted on-leash. Except as herein provided, no person owning or having charge, care, custody or control of any dog shall permit or allow the same to be in a public park unless such dog is restrained by a leash not more than six feet in length and under the control of a competent person able to restrain such dog.

B. Exceptions. The requirement for a dog to be on-leash while in public park shall not apply to the following:

1. Any dog used by a law enforcement agency.
2. A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Park and Recreation Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.
3. A dog within a posted leash optional area of the park as designated by the City Council, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to maintain proper control over such dog nor shall this subsection be construed as relieving such person from liability for any damages arising out of his or her use of a leash optional area.

C. Rules and regulations for dogs in public parks.

1. It shall be unlawful for any person owning or having charge, care, custody of any dog in a public park not to immediately pick up and properly dispose of the feces of such dog. Proper disposal shall include the placement of such feces in a bag or other container and its removal from the park and disposal in an appropriate depository; provided, however, in designated leash optional areas, such bag or other container may be deposited in a container, if any, designated for such purpose.

~~2.~~ No dog is permitted on a baseball, softball, or artificial turf playing field;

~~23.~~ No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

~~34.~~ No person may have more than two dogs in a designated leash optional area at any one time.

~~45.~~ Any dog in a designated leash optional area must be under the voice control of the person having custody of such dog while the dog is in said area.

~~56.~~ No dogs are permitted in a designated leash optional area except during posted hours of operation.

~~67.~~ No person shall place a dog in a designated leash optional area which is not over the age of four months, vaccinated for rabies and wearing a current dog tag, or whose owner has within his or her possession said dog tag.

~~78.~~ No person shall place a dog that is sick or in heat in a designated leash optional area.

~~89.~~ No person shall place an aggressive dog, of any breed, in a designated leash optional area even if such dog is on a leash.

~~9-10.~~ Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

~~4011.~~ No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Park and Recreation Director in writing.

~~1112.~~ The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided in this Subsection C, and his or her agreement to protect, indemnify, defend and hold harmless the City and its officers and employees from any claim, injury or damage arising from or in connection with such use. (Ord. 6526 § 2, 2000; Ord. 6396 § 1, 1997; Ord. 6198 § 1, 1995; Ord. 4780 § 2, 1980; Prior code § 25.2)

Section 9.08.030 Animals prohibited; Exceptions.

No person shall cause, permit, or allow any animal, bird, or reptile owned possessed by, or in the custody or control of him or her, to be present in any park except:

A. Equine animals being led or ridden under control upon a bridle path or trail authorized and provided for such purpose;

B. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;

C. Dogs or cats when caged, or when led by a leash or chain not more than six feet long, or when confined within the interior of a vehicle and under the control of a competent person able to restrain said animal;

D. Dogs which have been specially trained for law enforcement purposes or which are being used by blind or disabled persons to aid and guide them in their movements;

E. Small animals, birds, reptiles, or otherwise are kept on the person of the possessor at all times;

F. In connection with activities for which a Facility Reservation permit has been obtained

under this Chapter and in accordance with all conditions attached to such permit. (Ord. 7244 § 7, 2014; Ord. 6526 § 2, 2000; Prior code § 25.2)

Section 9.08.040 Animals protected.

No person shall hunt, frighten, disturb, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, nor to animal control officers, nor to City employees or contractors acting within the scope of their official duties or contract obligations. (Ord. 6526 § 2, 2000; Prior code § 25.4)

Section 9.08.050 Animals; Removal of feces.

Any person causing, permitting, or allowing any animal, bird, or reptile owned or possessed by him, or any animal, bird, or reptile in the custody or control of such person, to be present in any park pursuant to the provisions of Section 9.08.030 shall immediately pick up and properly dispose of the feces in a bag or other container, and its removal from the park and disposal in an appropriate depository. (Ord. 6526 § 2, 2000; Prior code § 25.5)

Section 9.08.060 Bicycle and skateboard riding rules.

No person shall operate any skateboard, bicycle, or any propelled device or other similar article or device in or upon any park, playground, trail, open space area or other area of the City under the control of the Parks, Recreation, and Community Services and Recreation Department in willful or wanton disregard for the safety of persons or property. While elsewhere within a park, such devices shall be carried, pushed, or dismounted when moving from place to place. No person shall operate such device upon the tennis courts within any public park in the City except at or on a place especially authorized and provided for such purpose. If such purpose is authorized, users are required to wear the authorized safety gear such as helmet, wrist guards, elbow pads or said equipment for the authorized use of such activity. (Ord. 6526 § 2, 2000; Prior code § 25.6)

Section 9.08.065 Designated skateboarding area rules.

A. The following regulations shall apply to any facility, park or other area designated by the City by resolution as a skateboarding area:

1. No person shall skate or skateboard at times other than established as the hours of operation. The hours of operation shall be from ~~thirty minutes before sunrise and thirty minutes after sunset~~ 6am to 10pm, except as otherwise posted by City. No person shall use or remain in such facility in violation of this section without written consent of the City.

2. No person shall use the skateboarding areas for uses other than skateboarding and in-line skating.

3. No person shall use the skateboarding areas unless proper safety equipment including a helmet, elbow pads, and knee pads are worn. All such gear must be functional and protective, properly sized and designed for their intended use at the skateboarding areas.

4. Every person under the age of fourteen must be supervised by an adult.

5. No person shall ride or cause bicycles or scooters to be on the skating surface of the skateboarding areas.

6. No person shall use alcohol or drugs in the skateboarding area.

7. All persons using the skateboarding area must place trash in cans provided by the City or such persons shall be removed from the designated skateboarding areas.

8. No person shall cause graffiti or tagging at or near the skateboarding area.

9. No person shall skate on the curbs, sidewalks, fences, railings and/or driveways of the City owned area surrounding the skateboarding area.

B. Violations and Penalties. Violations of any provisions of Section 9.08.065 is deemed to be an infraction and is punishable as such according to the provisions of this Code and state law. (Ord. 6586 § 1, 2001)

Section 9.08.070 Camping; Permit required.

No person shall camp, lodge or remain overnight within a park unless there is set aside by the Park Recreation, and Community Services Director certain places for this purpose and a Facility Reservation permit has been obtained from the Park and Recreation, and Community Services Director. (Ord. 7269 § 7, 2014; Ord. 7244 § 8, 2014; Ord. 6526 § 2, 2000; Prior code § 25.7)

Section 9.08.080 Fires prohibited; Exceptions.

No person shall make or kindle a fire nor cook any meal within a park except in stoves or other facilities authorized and specifically provided for such purpose. In barbecue grills only charcoal is to be used. No fire shall be lit or maintained when the parks are closed, except by written permission of the Park and Recreation Director. (Ord. 6526 § 2, 2000; Prior code § 25.8)

Section 9.08.090 Games; Restrictions.

No person shall play or engage in model airplane flying, drones, model rockets, driving of golf balls, archery, or any game of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose. (Ord. 6526 § 2, 2000; Prior code § 25.9)

Section 9.08.100 Liquid waste and refuse, polluting and littering.

A. Liquid Waste and Refuse. No person shall throw any stone or brush or dispose of dishwater or other liquids or dispose of any garbage, empty container, or other solid waste or material within a park, other than in receptacles or other facilities provided for such disposal.

B. Littering. No person shall bring into, leave behind, or dump any material of any kind, whether waste or otherwise, in the park, except refuse, ashes, garbage and other material arising from the normal use and enjoyment of a picnic or other permitted activity provided such material is deposited in receptacles provided for such purposes.

C. Polluting. No material of any kind shall be left or deposited in parks so as to pollute the land, waters or air coursing through or over the parks or otherwise to interfere with proper use and enjoyment of the park. No person shall throw, cast, deposit, damage, lay, place or scatter in any swimming pool, lake, pond or waterway on park property any glass, bottles, nails, cans or other sharp or cutting substances of any kind. No person shall throw, case, lay, drop or discharge into or leave in any waters in any park or any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters. (Ord. 7244 § 9, 2014; Ord. 6526 § 2, 2000; Prior code § 25.10)

Section 9.08.102 Injury to or destruction of park property.

No person in any park shall:

A. Destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any sod, earth or growing thing including, but not limited to, any plant, flower, flower bed, shrub, tree, growth, or any branch, stem, fruit or leaf thereof; or bring into or have in his/her

possession in any park any tool or instrument intended to be used for the removal thereof except as approved and allowed by permit or except at such place as shall be especially set apart and authorized for such purpose;

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B. Set fire to any trees, shrubs, plants, flowers, grass, plant growth or living timber, or suffer any fire upon land to extend into park lands;

C. Go upon any lawn, grass plot, planted area, tree, shrub, monument, fountain, sculpture or structure where access is prohibited by signs or symbols which are posted or otherwise displayed or where access is restricted by fence or other physical barrier;

D. Cut, break or in any way injure, deface, destroy or alter any building, fence, monument, sculpture bridge, or other structure or property contained therein;

E. Operate or drive any motor car, automobile or vehicle of any kind on park property in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure, deface or damage any park property or appurtenance of any kind;

F. Fasten any animal or attach any rope, sign, handbill or other things to any tree or shrub or to any protective device around any tree or shrub growing in any park;

G. Allow any animal to injure or deface any tree, plant, shrub, lawn or grassplot in any manner whatsoever;

H. Fasten any bicycle, motorcycle, moped or other vehicle to or leave the same standing so as to injure any tree, shrub, lawn or grass plot; or

I. Deface, destroy, cover over or otherwise make unreadable any warning or prohibitory sign or symbol on park property. (Ord. 7244 § 10, 2014)

Section 9.08.104 Alcoholic beverages.

No alcoholic beverage shall be sold, brought within, given away, delivered or consumed on park property except with a Facility Reservation permit issued by the Park and Recreation Director pursuant to this Chapter. (Ord. 7244 § 11, 2014)

Section 9.08.110 Park hours and closure.

A. Hours of Operation. All parks owned by the City of Riverside or to be hereafter owned by the City of Riverside, shall be closed from ~~thirty minutes after sunset of one day and thirty minutes before sunrise of the~~ 10 p.m. to 6 a.m. the next day except for those uses noted in Section 9.08.110(C.) or 9.08.120.

B. Closed Parks. Subject to the exceptions as indicated in Subsection C, it shall be unlawful for any person and/or vehicle to be present in or use any closed park as indicated in Subsection A.

C. Exceptions. The park hours listed above shall not apply to persons:

1. Attending events sponsored by the City Parks, ~~and Recreation,~~ and Community Services Department or the events or activities conducted pursuant to a written permit issued by the Park and Recreation Director;

2. Engaged in City business;

3. Engaged in an authorized City program or activity; or

4. Engaged in an activity at a City park or community center for which a City Facility Reservation permit authorizing use during non-daylight hours has been obtained from the Parks and Recreation Department.

D. Emergency Park Closure. Whenever a danger to the public health or safety is created in any public park by such causes as flood, storm, fire, earthquake, explosion, accident or other disaster, or by riot or unlawful assembly, the Park and Recreation Director or designee may close the area where the danger exists for the duration thereof to any and all person not authorized to enter or remain within such closed area. No unauthorized person shall willfully and knowingly enter an area closed pursuant to this section nor shall willfully remain within such

area after receiving notice to evacuate or leave the area. (Ord. 7244 § 12, 2014; Ord. 6526 § 2, 2000; Prior code § 25.11)

Section 9.08.120 Facility Reservation Application and Permit.

A. Reservations for activities in parks and park facilities. The Parks, Recreation, and Community Services Park and Recreation Director or designee shall be responsible for scheduling and controlling the use of parks and park facilities, or portions thereof, for the benefit and participation by interested public and private persons and groups. Any person 18 years or older desiring to reserve any football field, soccer field, ballfieldathletic field, tennis court, swimming pool, picnic facility, open space area or other park facility, shall apply for a permit. Such application shall be in writing, giving the name of the facility, the proposed use, the date of its proposed use, and the person to whom the permit is to be granted. The person of group to whom the permit is to be granted shall abide by the policies and procedures of that facility. Any person not having a Facility Reservation Permit for the use of a recreational park facility shall surrender or turn over possession of said recreational park facility to an individual or group in possession of a Facility Reservation Permit for the use issued by the Parks, Recreation, and Community Services Park and Recreation Director of said facility. It shall be unlawful for any person not having a permit issued by the Parks, Recreation, and Community Services Parks and Recreation Director to refuse or fail to surrender the use of any recreational facility, regardless of whether the facility is reserved for use.

1. Activity Requiring Facility Reservation Application. The following activities on park property shall require a Facility Reservation Application.

- a. An event, that is held on a regular/re-occurring basis (i.e. weekly, bi-weekly or monthly) involving more than fifty (50) individuals per day.
- b. The commercial sale of any good or service merchandise or article or thing;
- c. The sale or service of alcohol;
- d. Advertising or commercial activities;
- e. Activities involving use of more than one park;
- f. Creation or emission of any amplified sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment of another person;
- g. Stationing or erecting any building, bandstand, stage, tower, tent, canopy, scaffold, sound stage, platform, rostrum or other structure;
- h. Use of any electrical or electronic device or equipment requiring outdoor auxiliary power;
- i. Bringing, landing or causing to ascend or descend or alight within the Park District, any airplane, helicopter, drone, flying machine, balloon, parachute or other apparatus for aviation;
- j. Use of mechanical rides (which may be permitted only on hard surfaces);
- k. Conducting any exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission;
- l. Exhibiting or displaying any motion picture, television program, light or laser light display, or similar event;
- m. Operating a vehicle, except upon a surface maintained and open to the public for purposes of vehicular travel or designated as temporary parking areas publicly;
- n. Displaying, posting or distributing any placard, handbill, pamphlet, circular, book or

other writing containing commercial advertising on park property; or

o. Bring onto park property a tame, non-domestic supervised and controlled or restrained animal for limited non-commercial or promotional purposes except for the specific animals under the specific conditions provided for in Section 9.08.030 of this Chapter.

B. Exemptions From Facility Reservation Permit. A Facility Reservation Permit shall not be required under this Chapter for the below-listed activities:

1. Activities conducted by a government agency within the scope of its authority.

2. Funeral processions by a licensed mortuary.

3. An exempted activity is required to comply with the general regulations governing public health and safety.

C. Procedures for review.

1. Review and Appeal. An applicant for a Facility Reservation Permit has the right to appeal the following:

a. The denial of a permit;

b. A permit condition;

c. The denial of a waiver of a certificate of insurance;

d. A determination that an applicant's insurance policy does not comply with the requirements specified in this Chapter;

e. The requirement or amount of a cleanup deposit specified in this Chapter; or

f. The retention of an applicant's cleanup deposit (in full or in part) because of assessed damages or a fine pursuant to this Chapter.

Within five (5) working days of the service of notice of determination on any of the above listed items, an applicant may file a written appeal from such determination with the City Manager. The City Manager shall have five (5) working days from the date on which the appeal was received in which to serve upon the applicant a notice that they have affirmed, modified or reversed the decision. Such notice shall be deemed served upon the applicant when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit. If such notice is not served upon the applicant within five (5) working days of the date upon which the appeal was filed, then the decision of the Park and Recreation Director shall be deemed reversed.

D. Form of Appeal. Any appeal filed pursuant to this Chapter shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the Parks, Recreation, and Community Service Department and any other papers that are material to the determination.

E. Other Provisions of Law. The procedures or requirements of this Chapter shall not affect or supersede the provisions of law or the issuance of fireworks, structural, electrical or other permits by City departments prescribed elsewhere in this Code, when such permits are otherwise required because of a particular condition or requirement of the event on park property.

F. Reservation Procedure. Groups desiring to use City parks, park facilities, or portions thereof, may request the Parks, Recreation, and Community Services ~~Park and Recreation~~ Director or his/her designee to reserve the same for such use. Persons or groups from within the City shall be given priority over persons or groups from outside the City if a conflict in scheduling arises. Requests for such use shall be submitted in writing to the City on the Facility Reservation Application approved by the Parks, Recreation, and Recreation-Community Services Director not less than ~~140~~ working days in advance and not more than 18 months of the intended use. The Parks, Recreation, and Community Services ~~and Recreation~~ Director

may permit a shorter or longer advance request time for good cause shown. The Facility Reservation Application is available at the ~~Park~~Parks, Recreation, and Community Services and Recreation Department Office. Upon the written approval by the Parks, Recreation, and Community Services ~~Park and Recreation~~ Director ~~or his/her~~ designee, the applicant must pay such fees as approved by ordinance or resolution of the City, not less than 10 working days in advance of the intended use. If the Parks, Recreation, and Community Services ~~Park and Recreation~~ Director is not satisfied as to the reasonableness of the proposed activity in relation to the use of the park by other persons, or as the effect such use might have upon the peace of the neighborhood, or if Parks, Recreation, and Community Services ~~the Park and Recreation~~ Director is unable to agree with the applicant as to the conditions to be imposed, the request for a reservation shall be processed as a Special Event Permit.

G. Permit Conditions. The Parks, Recreation, and Community Services~~Park and Recreation~~ Director may condition the issuance of a park event permit by imposing reasonable requirements which are necessary to protect the safety of persons and property, and to provide for adequate control of traffic. These may include conditions concerning:

1. Alteration of the date, time, route or location of the event proposed on the application;
2. Requirements for the area of assembly and disbanding of events;
3. Provision of first aid, sanitary or emergency facilities;
4. Requirements for event monitors or other method for providing notice of permit conditions to event participants;
5. Restrictions on the number or type of vehicles or animals at the event;
6. Restrictions on the number and type of structures at the event and inspection and approval of the structures by fire safety by the Riverside Fire Department;
7. Compliance with animal protection ordinances and laws;
8. Requirements for use of garbage containers, cleanup and restoration of park property;
9. Restrictions on use of amplified sound;
10. Compliance with any relevant ordinance or law in obtaining any other legally required permit or license in addition to a park event permit; and
11. Security guards and/or plan.
12. Compliance with County Health requirements and regulations.

H. Insurance. The Parks, Recreation, and Community Services ~~Park and Recreation~~ Director may also require the applicant to provide such additional liability insurance, water, sanitary facilities and refuse receptacles as the Parks, Recreation, and Community Services ~~Park and Recreation~~ Director determines to be necessary for the protection of public health, safety, and welfare in connection with the intended use.

I. Fees and Deposits. Fees and deposits required in respect to reservation permits may include, without limitation, such amounts as may be determined by ordinance or resolution of the City, to be necessary to compensate the City, for the administrative costs associated with the permit, as security for repair of damage to the park or to park facilities, for costs of cleanup, and for extra personnel to regulate conduct and traffic.

J. Clean-up and Repair Expenses. The Facility Reservation application form shall provide that the applicant shall reimburse the City for all unusual or extraordinary cleanup and repair expenses and for services provided by the City arising out of the activity authorized by the permit.

K. Written Denials. With the exception of Facility Reservations for field allocation (i.e., baseball, softball, soccer), if no written denial or conditional approval is issued within ~~thirty-sixty~~ (60) ~~(30)~~ working days of the date on which a permit application is fully completed, executed and filed with the City, the application shall be deemed to have been granted a conditional

approval pursuant to Subsection B above. Provided, however, the Parks, Recreation, and Community Services~~Park and Recreation~~ Director may extend the period of review for an additional ten (10) working days by issuance of a written notice of extension. If, prior to the expiration of the extended review period, no written denial is issued, the application for permit shall be deemed to have been granted a conditional approval pursuant to Subsection B above.

For Facility Reservations for field allocation, the Parks, Recreation, and Community Services~~Park and Recreation~~ Director or his/her designee shall have information regarding the field allocation application and process at the Park and Recreation Department Office.

1. Notice of Extended Review or Denial or Issuance of Permit. Written notice of denial or notice of extension shall be served on the applicant by personal delivery, by email, or by deposit in United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.

2. Contents of Notice; Grounds for Denial. Notice of denial of an application for a park event permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the Park and Recreation Director, or his/her designee, for measures by which the applicant may cure and defects in the application for a park event permit or otherwise procure a park event permit. Where an application or permit has been denied because a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonable permit multiple occupancy of the particular area, the Park and Recreation Director shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place. The Park and Recreation Director may deny an application for a park event permit if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. The Park and Recreation Director may also deny an application for permit on any of the following grounds:

a. The application for permit (including any required attachments and submissions) is not fully completed and executed;

b. The applicant has not tendered the required application fee with the application or has not tendered any required user fee, indemnification agreement, insurance certificate, or cleanup deposit within the times required under this Chapter;

c. The application for permit contains a material falsehood or misrepresentation;

d. The applicant is legally incompetent to contract or to sue and be sued;

e. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged park property and has not paid in full for such damage, or has other outstanding and unpaid debts to the Park and Recreation Department;

f. A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;

g. The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place;

h. The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, or City employees or the public;

i. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City concerning the sale or offering for sale of any goods or services; or

j. The use or activity intended by the applicant is prohibited by law, including but not limited to the Riverside Municipal Code and the rules and regulations of the Park and Recreation Department.

L. Amendment or Revision of Applications. Any amendment or revision of an application for permit shall for purposes of determining the priority of the application for permit, relate back to the original filing thereof. However, the time in which the Park and Recreation Director shall grant or deny the application for permit and serve notice of such granting or denial shall be computed from the date of the amendment or revision. (Ord. 7244 § 13, 2014; Ord. 6526 § 2, 2000; Ord. 3403 § 1, 1966; prior code § 25.12)

Section 9.08.128 Applicability.

The provisions of this Chapter shall apply to completed Facility Reservation applications for Facility Reservation Permits submitted on or after the effective date of this Ordinance. (Ord. 7244 § 14, 2014)

Section 9.08.130 Restroom use.

No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex, and said person shall not be allowed to go within twenty feet of such restroom, except City employees or contractors may enter upon such premises at proper hours for the purpose of cleaning, repairing, monitoring, and securing. No person shall be in the same stall with another, except children six years of age and younger or any person in need of assistance who are accompanied into such facility by an adult. No person shall cut or deface the walls of any restroom or structure within the public parks or shall cut or write thereon. (Ord. 6526 § 2, 2000)

Section 9.08.140 Smoking prohibited; Exceptions.

It is unlawful for any person to smoke or to dispose of any lighted match or cigarette, cigar ashes or any flaming or glowing substance in any area of any park or open space managed by the Parks, Recreation, and Community Services Park and Recreation Department and specifically designated by sign as a prohibited smoking area by the Park and Recreation Department. The Park and Recreation Director is hereby authorized to designate the permissive and prohibited smoking areas by appropriate signs. The term "Smoke" means (1) the carrying or tending of a lighted pipe, lighted cigar, or lighted cigarette composed of any combustible substance of any kind, or the lighting of a pipe, cigar, or cigarette composed of any combustible substance of any kind; or (2) the carrying or use of an activated or functioning electronic or battery-operated device, the use of which may resemble smoking (commonly known as "vaping"), which can be used to deliver an inhaled dose of nicotine or other substances. Electronic smoking device includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. Electronic smoking device does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of

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disease.

_(Ord 6526 § 2, 2000; Ord. 4628 § 1, 1978)

Section 9.08.150 Vehicle maintenance prohibited.

It is prohibited for any person, firm, or corporation to repair, lubricate, paint, prepare for painting, add to, alter or overhaul any vehicle within any park. The term add to, as used in this section, shall include within its meaning, the installation of any accessory to a vehicle. (Ord. 6526 § 2, 2000; Ord. 5228 § 1, 1984)

Section 9.08.160 Vehicles prohibited on surfaces other than roads for public use.

No person shall stop, park, ride or drive any vehicle, horse, motor vehicle, or motorcycle upon any path, trail, bridle path, or in any other area, unless it is posted or marked for parking or designated for use of travel, within a park, playground or recreation area owned or controlled by the City.

No person shall drive or otherwise operate a vehicle, as defined in California Vehicle Code Section 670, in a park or upon any surface other than those maintained and opened to the public for purpose of vehicular travel, except that vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time authorized by the Park and Recreation Director. This provision does not apply to the following:

1. Any vehicle being used for authorized City business;
2. Any police or other emergency vehicle performing an authorized mission;
3. Any vehicle which is within a park pursuant to written permission of the Park and Recreation Director. (Ord 6526 § 2, 2000; Ord. 5929 § 1, 1991)

Section 9.08.165 Parking of recreational vehicles in City parks.

No person, group or entity shall park a recreational vehicle as defined in Section 10.04.132 within a park or recreation area owned or controlled by the City without first having obtained a permit from the Parks and Recreation Director pursuant to Section 9.08.120 or otherwise obtained the permission of the Parks and Recreation Director. (Ord 7165 § 1, 2012)

Section 9.08.170 Water prohibitions.

No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other device, on or in any pond, lake, stream, or water within or into a park, except at such place or places authorized and provided by the City for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a fountain, pond, lake, stream, or reservoir within a park; nor shall any person throw any stone, earth, or other article into any stream, pond, or lake in any park in the City, and no person shall dislodge or remove any earth or stone from any impounding dam in any such park. (Ord 6526 § 2, 2000)

Section 9.08.180 Severability of parts of code.

It is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentences, paragraph or section of this code shall be declared unconstitutional by the valid judgment of decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Ord 6526 § 2, 2000)

Title 13

STREETS AND SIDEWALKS

Chapters:

- 13.02 DATUM PLANES
- 13.04 USE REGULATIONS
- 13.06 VEGETATION MAINTENANCE
- 13.08 PERMITS
- 13.10 MAINTENANCE AND REPAIR OF SIDEWALKS
- 13.12 EXCAVATIONS*
- 13.16 IMPROVEMENTS
- 13.18 TRAILS MASTER PLAN
- 13.20 PEDESTRIAN MALL
- 13.24 NEWSRACKS

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Chapter 13.06

VEGETATION MAINTENANCE

Sections:

13.06.010	Obstructions on private property.
13.06.030	Notice of existence of obstruction.
13.06.050	Injunction.
13.06.070	Sight obstructions, obstructing or dangerous trees or shrubs on streets.
13.06.090	Vegetation--Property owner maintenance responsibility and duty to public.
13.06.101	Dangerous trees--Notice to trim or remove.
13.06.103	Notice to trim or remove--Delivery.
13.06.105	Notice to trim or remove--Contents.
13.06.107	Notice to trim or remove--Trees on private property.
13.06.109	Dangerous trees--Obstructions--Removal by City.
13.06.111	Dangerous trees--Cost of removal by City.
13.06.113	Removal costs--Assessment against property.
13.06.115	Hearing on assessment costs.
13.06.117	Assessment deemed a lien when.
13.06.119	Lien--Recordation and collection.
13.06.121	Liability limitation.
13.06.123	No interference with enforcement of this chapter.
13.06.125	Failure to give or receive notice.
13.06.127	Exemption.

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Section 13.06.010 Obstructions on private property.

No owner or person in possession of any premises on any corner or interior lot abutting upon a street shall permit the existence of any hedge, shrub, tree, landscaping, mound of earth, or boulders greater than thirty inches in height or limb of a tree less than eighty-four inches in height between the setback lines of such lot and the street excluding planting easements, which is determined by the Public Works Director to obscure and impair the view of intersecting or entering traffic from a street of passing motorists or pedestrians or which impairs the view of the street signs, traffic signs, or any other control devices or signs placed upon the streets for the safety and convenience of the public. (Ord. 6264 § 1 (part), 1996; Ord. 6205 § 1 (part), 1995)

Section 13.06.030 Notice of existence of obstruction.

The Public Works Director shall give written notice of the existence of an obstruction of the type described in Section 13.06.010 personally to the owner or person in possession of the premises mentioned in said Section 13.06.010 or by mailing a notice, postage prepaid, to the person in possession of such premises or to the owner thereof at his or her last known address as the same appears on the last equalized assessment rolls of the County to remove the sight obstruction by trimming or removing the obstructing hedge, shrub, limb of tree, tree, landscaping or removing or regrading the mound of earth or boulders, as determined necessary by the Public Works Director. The Public Works Director may require the removal of such hedge, shrub, limb of tree, tree, landscaping or mound of earth or boulders, if trimming or regrading will not adequately remove the sight obstruction. It is unlawful for the owner or person in possession of said premises to neglect or fail to comply with the directions of the Public Works Director concerning such obstruction within fourteen days after the service upon him or her of

said notice. No permit to remove trees creating a hazard to the public of the type described in Section 13.06.010 shall be required. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.050 Injunction.

In addition to any remedy provided for herein or by law for the violation or violations of Section 13.06.010 and 13.06.030, the City Attorney may maintain an action for an injunction to restrain, abate, or to correct or compel the removal of such violation or violations. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.070 Sight obstructions, obstructing or dangerous trees or shrubs on streets.

A. The Public Works Director may inspect any and all trees, shrubs and hedges which are in any street or which, standing on any private property, overhang or project into any such street, to determine whether any of the same, or any part thereof, appears to be dead, liable to fall, dangerous or an obstruction to public pedestrian, equestrian, bicycle or vehicular travel on any such street or cause such inspection to be performed.

B. In case any tree, shrub or hedge in any street, or any tree, hedge or shrub on any private property overhanging or projecting into any such street appears to be dead, liable to fall, dangerous, or an obstruction to such public pedestrian, equestrian, bicycle or vehicular travel on any such street, the Public Works Director with the concurrence of the ~~Parks and Recreation~~Parks, Recreation, and Community Services Director may cut down or cause the same or such parts thereof as are dead, liable to fall, dangerous or an obstruction to such public pedestrian, equestrian, bicycle or vehicular travel, to be cut down, and if in any such street, to remove or cause the same or such parts thereof to be removed therefrom. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.090 Vegetation--Property owner maintenance responsibility and duty to public.

A. The owner or person in possession of a lot fronting on or adjacent to any portion of a street shall maintain any trees, shrubs, hedges or other landscaping along said street or within the street right-of-way adjacent to his or her property in such nondangerous condition that the trees, shrubs, hedges or other landscaping will not interfere with the public convenience or safety in the use of the streets, trails, paths and sidewalks.

B. For purposes of this part, maintenance of trees, shrubs, hedges and other landscaping includes, but is not limited to: deep root watering, root pruning, installing root barriers, clearance and structural trimming, fertilizing, pest control, and removal of branches, leaves and other debris.

C. Property owners or persons in possession required by this section to maintain trees, shrubs, hedges and other landscaping shall owe a duty to members of the public using public streets, trails, paths and sidewalks to maintain such trees, shrubs, hedges or other landscaping in a safe and nondangerous condition for users of the public streets, trails, paths and sidewalks.

D. If any property owner or person in possession fails to maintain any adjacent trees, shrubs, hedges or other landscaping in a nondangerous condition as required by this section, and any person suffers damage or injury to person or property, the property owner or person in possession shall be liable for all damages or injuries caused by the failure of the owner or person in possession to maintain these areas. (Ord. 6264 § 1 (part), 1996: Ord. 6205 § 1 (part), 1995)

Section 13.06.101 Dangerous trees--Notice to trim or remove.

Chapter 13.10

MAINTENANCE AND REPAIR OF SIDEWALKS AND TRAILS

Sections:

13.10.010	Maintenance and repair of sidewalks <u>and trails</u> .
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Section 13.10.010 Maintenance and repair of sidewalks and trails.

A. Anything in this chapter to the contrary notwithstanding, the maintenance and repair of sidewalk and trail areas and the making, confirming and collecting of assessments for the cost and expenses of said maintenance and repair may be done and the proceedings therefor may be had and taken in accordance with this Chapter and the procedure therefor provided in Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State as the same is now in effect or may hereafter be amended. In the event of any conflict between the provisions of said Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State and this chapter, the provisions of this chapter shall control.

B. The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area between the property line of the lots and the street line, including parking strips, sidewalks, curbs and gutters, and persons in possession of such lots by virtue of any permit or right shall repair and maintain such sidewalk areas and pay the costs and expenses therefor, including a charge for the City's costs of inspection and administration whenever the City awards a contract for such maintenance and repair and including the costs of collection of assessment for the costs of maintenance and repair or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

C. For the purposes of this part, maintenance and repair of sidewalk and trails area shall include, but not be limited to, maintenance and repair of surfaces including grinding, removal and replacement of sidewalks, repair and maintenance of curb and gutters, removal and filling or replacement of parking strips, removal of weeds and/or debris, tree root pruning and installing root barriers, trimming of shrubs and/or ground cover and trimming shrubs within (1) the area between the property line of the adjacent property and the street pavement line, including parking strips and curbs, so that the sidewalk area will remain in a condition that is not dangerous to property or to persons using the sidewalk in a reasonable manner and will be in a condition which will not interfere with the public convenience in the use of said sidewalk area.

D. Notwithstanding the provisions of Section 5614 of the State Streets and Highways

Code, the Public Works Director may in his or her discretion, and for sufficient cause, extend the period within which required maintenance and repair of sidewalk areas must commence by a period of not to exceed ninety days from the time the notice referred to in said Section 5614 is given. (Ord. 6393 § 36, 1997; Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.030 Liability for injuries to public.

The property owner or person in possession required by Section 13.10.010 to maintain and repair the sidewalk and/or trail area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and nondangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a nondangerous condition as required by Section 13.10.010, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury. (Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.050 Notice to repair.

When any portion of the sidewalk and/or trail area is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk area, the Public Works Director, or designee, may notify the owner or person in possession of the property fronting on that portion of such sidewalk area so out of repair, to repair the sidewalk area. (Ord. 7157 § 4, 2012; Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.070 Service of notice to repair.

Notice to repair may be given by delivering written notice personally to the owner or to the person in possession of the property facing upon the sidewalk and/or trail area so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his or her last known address as the same appears on the last equalized assessment rolls of the county. (Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.090 Contents of notice to repair.

The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within thirty days after notice is given and diligently and without interruption prosecuted to completion, the ~~Public Works Director~~City, or designee, shall make such repair, and the costs of the same shall be a lien on the property. (Ord. 7157 § 5, 2012; Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.101 Work performance.

In performing the work of repairing or constructing any sidewalk and/or trails as provided in Chapter 22 of Division 7, Part 3 of the Streets and Highways Code of the State, the Public Works Director, or designee, may, if the costs of said work does not exceed ten thousand dollars, or the amount delegated by City Manager, whichever is greater:

A. Procure at least three sealed bids to perform said work from contractors licensed to undertake the same, and let said work to the lowest responsible bidder at the prices named in his bid; or

B. Order a City work crew to perform said work. (Ord. 7157 § 6, 2012; Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Chapter 13.16

IMPROVEMENTS

Sections:

- 13.16.010 Permit required.
- 13.16.020 Application contents.
- 13.16.030 Fees.
- 13.16.040 Regulations generally.
- 13.16.050 Effect of chapter upon other permits and fees.
- 13.16.060 Obligations of contractor for curbs, gutters ~~and~~, sidewalks and trails when constructing buildings.
- 13.16.070 Conduit stub down or pull box may be required.
- 13.16.071 Street lighting charge.
- 13.16.080 Appeal to Board of Public Utilities.
- 13.16.090 Modification of requirements.
- 13.16.100 Final approval and acceptance not to be granted prior to construction guarantee.
- 13.16.110 Submission and preparation of plans.
- 13.16.120 Plans to be checked and approved by City Engineer.
- 13.16.130 Plan check fees.
- 13.16.140 Fees not required for altered or resubmitted plans.
- 13.16.150 Collection and disposition of fees.

Section 13.16.010 Permit required.

No person shall grade, prepare subgrade, pave, lay sewer or drain pipe, construct curbs, gutters, driveways, sidewalks, manholes, catch basins or similar structures in any street, alley, way or easement, which street, alley, way or easement is dedicated or proposed to be dedicated for public use, within the City, without first obtaining a written permit from the City so to do. (Ord. 3927 § 3 (part), 1972; prior code § 17.1)

Section 13.16.020 Application contents.

Any person desiring a permit required by Section 13.16.010 shall present a written application therefor to the Director of Public Works, setting forth the name and address of the applicant, details concerning the location, nature and extent of construction intended to be made, and the purpose for which such construction is to be made and used. (Ord. 3927 § 3 (part), 1972; prior code § 17.2)

Section 13.16.030 Fees.

The fees for permits for the construction, repair or alteration of sidewalks, curbs, gutters, driveways, subgrades, pavement, sewers, manholes, catch basins and other structures, and for excavating, laying and backfilling sewer and drain pipelines, for which work specifications, grades and lines have been approved by the Director of Public Works, shall be computed and determined by the Director of Public Works in accordance with the schedule of fees as may be established by the City Council by resolution. (Ord. 4822 § 1, 1980; Ord. 4132 § 1, 1974; Ord. 3927 § 3 (part), 1972; Ord. 3530 § 2, 1968; prior code § 17.3)

streets, alleys, easements and ways are not affected by this chapter.

The fees required by this chapter are distinct from the connection fees and service charges imposed by other provisions of this code and other ordinances or by department rules and regulations.

The fees imposed by this chapter for the inspection of work which is by or on behalf of public entities, except the cost of inspection performed on an overtime basis, are waived, and the permit for such work, which is required by this chapter, shall be issued without payment of the inspection fees imposed hereby. (Ord. 3927 § 3 (part), 1972; prior code § 17.5)

Section 13.16.060 Obligations of contractor for curbs, gutters ~~and~~, sidewalks, and trails when constructing buildings.

Any person obtaining a permit to erect, construct, place or replace or relocate a building, structure or dwelling or, with the exception of single family dwellings, to enlarge or make additions thereto in excess of six hundred fifty square feet shall, at his expense, provide for the plans and construction of curbs, gutters, sidewalks, trails, street lights, street trees, driveway approaches, base, paving, barricades, catch basins and drain pipe along all street and alley frontages in accordance with the standard drawings and standard specifications of the Department of Public Works, and of the Department of Public Utilities in the case of street lights.

Any combination of permits issued within a twelve month period which provide or result in enlargements or additions of six hundred fifty square feet, or more, to existing buildings shall be considered as a single permit for the purpose of applying the requirements of this chapter.

Where existing driveway depressions or approaches are abandoned or not required for access to the property, they shall be removed and replaced with curb and gutter and sidewalk, as necessary.

In addition to the above, the applicant shall do all grading necessary to install the above improvements and shall, at his expense, relocate or remove all structures, utilities, trees and irrigation lines within the right-of-way which interfere with the installation of the above improvements.

Where additional street or alley right-of-way is required in order to properly align the required curb, gutters, street lights, sidewalks or paving with existing or planned improvements on the same block frontage, or in accordance with the planned street lines established in Chapter 19.72 in conformance with the circulation element of the City master plan of land use, streets and highways, or in accordance with existing or planned dedicated alley right-of-way, or to provide corner cut-offs, the applicant shall be required to dedicate the necessary property and install improvements.

The building official shall not issue a permit requiring improvements pursuant to this section until the applicant has:

A. Guaranteed construction by a cash deposit or suitable bond, letter of credit or deposit agreement approved as to amount by the Director of Public Works and approved as to form by the City Attorney; and

B. Dedicated the required right-of-way. (Ord. 3927 § 3 (part), 1972; Ord. 3575 § 1, 1968; prior code § 17.7)

Section 13.16.070 Conduit stub down or pull box may be required.

In order to decrease the obstruction of streets and ways and to increase the safety and convenience of the public in their use and because of the additional economic burden which otherwise would be imposed upon persons required to convert utility lines from overhead to underground in existing buildings, structures or dwellings which are not being erected, constructed, replaced, relocated or enlarged, the provisions in this section are declared to be for the welfare and safety of the inhabitants of the City.

Title 15

TREES AND VEGETATION

Chapters:

15.04 REWARD FOR DETECTION OF PERSON BURNING

15.08 SUPERVISION*

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Chapter 15.08

SUPERVISION*

Sections:

- 15.08.00E** Editor's note to Chapter 15.08.
- 15.08.010** Planting under direction of Park and Recreation Commission.
- 15.08.020** Removal, trimming, and trenching around.
- 15.08.030** General supervision--Selection of varieties.
- 15.08.040** Effect of chapter upon Councilmanic power to remove for street improvement.

Section 15.08.00E Editor's note to Chapter 15.08.

* For charter provisions as to powers and duties of Park and Recreation Commission, see Char. § 809. (Ord. 6393 § 38, 1997)

Section 15.08.010 Planting under direction of Park and Recreation Commission.

No trees or shrubs shall hereafter be planted in the public streets of the City except pursuant to the policies established by the Park and Recreation Commission and approved by the City Council. (Ord. 5100 § 1, 1983; prior code § 32.4)

Section 15.08.020 Removal, trimming, and trenching around.

No trees or shrubs planted or growing in the public streets of the City shall be removed except pursuant to the policy established by the Park and Recreation Commission or except at such place as shall be especially set apart and authorized for such purpose and no trees in the streets shall be cut, pruned or trimmed except pursuant to the policy established by the Commission and approved by the City Council; nor shall anyone not authorized by said policy trench around or alongside of any tree, plant or shrub with a view to cutting the roots of same. (Ord. 5100 § 2, 1983; prior code § 32.5)

Section 15.08.030 General supervision--Selection of varieties.

Subject to approval by the City Council the Park and Recreation Commission shall establish policies for the general care and supervision of all trees in the streets of the City and shall select the varieties of trees to be planted. (Ord. 5100 § 3, 1983; prior code § 32.6)

Section 15.08.040 Effect of chapter upon Councilmanic power to remove for street improvement.

Nothing in this chapter shall be, or shall be construed to be, any limitation on the powers lawfully vested in the City Council, to cause the removal of any shrubs or trees when, in the opinion of the City Council, it is necessary to remove the same for any purpose of improving any street or alley. (Prior code § 32.7)