

EXHIBIT “B”

Title 9

Chapter 9.08

Section 9.08.005 Findings.

A. The purpose of this section of the Municipal Code is to regulate general park use and to provide permit provisions for certain activity in public parks. 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.

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

C. The City 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.

D. The City’s public parks have been used by millions of 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.

E. 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.

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.

G. In recent years, various parks have been used by private groups to distribute free food to the public, which attracts crowds and involves significant amounts of paraphernalia and materials used to hold and serve food, all during times when the use of the park by other members of the public is quite large.

H. The groups distributing food to the public have not cleaned up or restored the parks to their original condition after the food distribution but instead leave significant amounts of litter and trash strewn over the park property 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.

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.

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.

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.

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.

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

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.

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.

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.

Q. These regulations are designed to establish the least restrictive and reasonable time, place, and manner restrictions of these activities.

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 community meeting room which will accommodate up to 180 people.
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, Recreation and Community Services 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 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.

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.

3. 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.

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

5. 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.

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

7. 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.

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

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

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

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

12. 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.

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 Park, Recreation and Community Services 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 6 a.m. to 10 p.m., 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.

Section 9.08.090 Games; Restrictions.

No person shall play or engage in model airplane flying, drones, unmanned aircraft systems, 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.

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 authorize of such purpose;
- 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.

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 10 p.m. to 6 a.m., 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, Recreation and Community Services Department or the events or activities conducted pursuant to a written permit issued by the Parks, Recreation and Community Services 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, Recreation and Community Services 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 Parks, Recreation and Community Services 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.

Section 9.08.120 Facility Reservation Application and Permit.

A. Reservations for activities in parks and park facilities. The Parks, Recreation and Community Services 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 athletic 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 park facility shall surrender or turn over possession of said recreational facility to an individual or group in possession of a Facility Reservation Permit for the use issued by the Parks, Recreation and Community Services Director of said facility. It shall be unlawful for any person not having a permit issued by the Parks, Recreation and Community Services 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, flying machine, drone, unmanned aircraft system, 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 Parks, Recreation and Community Services 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 Services 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 Director or his 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 Community Services Director not less than 10 working days in advance and not more than 18 months of the intended use. The Parks, Recreation and Community Services Director may permit a shorter or longer advance request time for good cause shown. The Facility Reservation Application is available at the Parks, Recreation and Community Services Department Office. Upon the written approval by the Parks, and Recreation and Community Services Director or his 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 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 the Parks, Recreation and Community Services 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 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 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 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 sixty (60) 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 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 Director or his/her designee shall have information regarding the field allocation application and process at the Parks, Recreation and Community Services 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, e-mail, 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.

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 Department. 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 form of tobacco, plant product or other combustible substance of any kind and in any form; or (2) the carrying or use of an activated or functioning electronic or battery-operated device, the

use of which may resemble smocking “vaping” or “e-cigarettes”), 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 electronics pipe, an electronic hookah, or any other product name or descriptor.

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 Parks, Recreation and Community Services 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 Parks, Recreation and Community Services 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, Recreation and Community Services Director pursuant to Section 9.08.120 or otherwise obtained the permission of the Parks, Recreation and Community Services Director.

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.

Chapter 9.18

Section 9.18.050 Graffiti declared public nuisance.

Graffiti which the Public Works Director or his/her designated representative has determined exists on any permanent structure in the City which is visible from a street or other public or private property is declared to be a public nuisance.

Section 9.18.060 Abatement.

Whenever the Public Works Director or his/her designated representative determines that graffiti on a particular structure constitutes a public nuisance and is unable to secure the consent of the owner for the City to cause the graffiti to be removed, such graffiti shall be abated as follows:

A. Notice. The Public Works Director or his/her designated representative shall cause a notice to be issued to abate such nuisance. The property owner shall have ten days after the date of the notice to remove the graffiti, or the property will be subject to abatement by the City.

B. Service of Notice. The notice to abate graffiti pursuant to this section shall cause a written notice to be served upon the owner(s) of the affected premises, as such owner's name and address appears on the last equalized property tax assessment rolls of the County of Riverside. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this chapter may be served in any one of the following manners:

1. By personal service on the owner, occupant or person in charge or control of the property.

2. By certified mail addressed to the owner at the last known address of said owner. If this address is unknown, the notice will be sent to the property address.

The notice shall be substantially in the following form:

NOTICE OF INTENT TO REMOVE GRAFFITI

"Date:

NOTICE IS HEREBY GIVEN that you are required by law at your expense to remove or paint over the graffiti located on the property commonly known as _____, Riverside, California, which is visible to public view, within ten (10) days after the date of this notice; or, if you fail to do so, City employees or private contractors employed by the City will enter upon your property and abate the public nuisance by removal or painting over the graffiti. The cost of the abatement by the City employees or its private contractors will be assessed upon your property and such costs will constitute a lien upon the land until paid.

All persons having any objection to, or interest in said matters are hereby notified to submit any objections or comments to the Public Works Director for the City of Riverside or his/her designated representative within ten (10) days from the date of this notice. At the conclusion of this ten (10) day period the City may proceed with the abatement of the graffiti inscribed on your property at your expense without further notice."

C. Appeal. Within ten days from the mailing or personal service of the notice, the owner or person occupying or controlling such premises or lot affected may appeal to the City Council of the City of Riverside. At a regular meeting or regular adjourned meeting of the City Council not more than twenty days thereafter, the Council shall proceed to hear and pass upon such appeal. The decision of the Council thereupon shall be final and conclusive.

D. Removal by City. Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the Public Works Director or his/her designated representative approves, then the Public Works Director is authorized and directed to cause the graffiti to be abated by City forces or private contract, and the City or its private contractor is

expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the City, and any paint used to obliterate graffiti shall be as close as practicable to background color(s).

E. Record of Cost for Abatement. The Public Works Director and/or the Finance Director shall keep an account of costs (including, but not limited to, court costs, attorney's fees, cost of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, incidental and administrative costs, and any law enforcement costs incurred in the investigation and apprehension of a person causing the graffiti damage) of abating such nuisance on each separate parcel of land where the work is done and shall render an itemized report in writing to the City Council showing the cost of abatement; provided, that before the report is submitted to the Council a copy shall be served in accordance with the provisions of this section, together with a notice of time when the report shall be heard by the Council for confirmation.

1. The City Council shall set the matter for hearing to determine the correctness and reasonableness of such costs.

2. The term "incidental expenses" shall include, but not be limited to, the actual expenses and costs of the City in the preparation of notices, specifications and contracts and in inspecting the work, and the costs of printing and mailing required hereunder.

F. Report--Hearing and Proceedings. At the time and place fixed for receiving and considering the report, the City Council shall hear and pass the report of such costs of abatement, together with any objections or protests. Thereupon, the City Council may make such revision, correction or modification in the report as it may deem just, after which, by motion, the report as submitted or as revised, corrected or modified shall be confirmed. The decision of the City Council on all protests and objections which may be made shall be final and conclusive.

G. Assessment of Costs Against Property. The total cost for abating such nuisance, as confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon notice and recordation in the office of the Riverside County Recorder of a notice of lien, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment pursuant to Government Code Section 38773.5.

1. After such confirmation and recordation, a copy shall be filed with the Assessor and Tax Collector of Riverside County, acting for the City, in order that said County officials may add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or

2. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

H. Second or subsequent civil judgment. Upon the entry of a second or subsequent civil judgment within a two-year period, the City may find that an owner of property is responsible for a condition that may be abated in accordance with this code section, may request the court order treble damages pursuant to Government Code Section 38773.7.

Chapter 9.20

Sections:

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Section 9.20.020 Definitions.

When used in the context of this Chapter, the following words, terms, and phrases shall have the meanings respectively ascribed to them by this Section:

Activate - As used in this Chapter, shall mean the placing into operation of the Emergency Organization hereinafter provided for, upon the receipt of official warning of an impending or threatened emergency, or upon the declaration of the existence of a local emergency.

Continuity of Government - As used in this Chapter, shall mean all measures taken to ensure the continuity of essential functions of government in the event of emergency conditions, including lines of succession for key decision makers and officials.

Director of Emergency Services - As used in this Chapter, shall mean the individual having jurisdiction and authority over the City's response and recovery to extraordinary emergencies and disasters. The City Manager serves as the Director of Emergency Services.

Disaster Service Worker - As used in this Chapter, shall mean any person registered with a disaster council or the Governor's Office of Emergency Services, or a state agency granted authority to register disaster service workers, for the purpose of engaging in disaster service work pursuant to the California Emergency Services Act without pay or other consideration. Disaster service worker includes public employees, and also includes any unregistered persons impressed into service during a state of war emergency, a state of emergency, or a local emergency by a person having authority to command the aid of citizens in the execution of his or her duties.

Emergency - As used in this Chapter, shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, drought, sudden and severe energy shortage, plant or animal infestation or disease, or other conditions, including conditions resulting from war or imminent threat of war, severe or imminent threat of terrorist attack, but other than conditions resulting from a labor controversy, which conditions are or are likely to require the combined services, personnel, equipment and facilities of this city.

Emergency Operations Center (EOC) - As used in this Chapter, shall mean the location from which centralized city emergency management is performed.

Inability to Act - As used in this Chapter, shall mean that an official is either killed, missing, or so seriously ill or injured as to be unable to attend meetings and otherwise perform his/her duties. Any question as to whether a particular official can be deemed to have an "inability to act" shall be settled by the City Council or any remaining available members of the City Council (including standby officers who are serving on such body).

Local Emergency - As used in this Chapter, shall mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the County of Riverside or the City of Riverside, caused by such conditions as air pollution, fire, flood, storm, epidemic, pandemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or other conditions, including conditions resulting from war or imminent threat of war, severe or imminent threat of terrorist attack, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the State Public Utilities Commission.

Multi-Agency or Inter-Agency Coordination - As used in this Chapter, shall mean the participation of agencies and disciplines involved at any level of the Standardized Emergency Management System (SEMS) organization working together in a coordinated effort to facilitate decisions for overall emergency response activities, including the sharing of critical resources and the prioritization of incidents.

National Incident Management System - As used in this Chapter, shall mean the adopted national emergency management processes, protocols, and procedures for Federal, State, tribal and local responders. National Incident Management System (NIMS) utilizes the Incident Command System (ICS), Resource Management, Joint Information Management System, Communication and Information Management and Preparedness policies. NIMS is consistent with SEMS.

Operational Area - As used in this Chapter, shall mean an intermediate level of State emergency services organization, consisting of a county and all political subdivisions within the county area. Each county geographic area is designated an operational area for the coordination of emergency activities and to serve as a link in the system of communications and coordination between the State's emergency operations centers and the operations centers of the political subdivisions comprising the operational area, as defined in Government Code Sections 8559 (b) and 8605. This definition does not change the definition of operational area as used in the existing fire and rescue mutual aid system.

Standardized Emergency Management System - As used in this Chapter, shall mean the adopted State Emergency Management System. The Standardized Emergency Management System (SEMS) utilizes the Incident Command System (ICS), Multi/Interagency Coordination, Mutual Aid, and the Operational Area Concept to facilitate emergency incident management, priority setting, interagency cooperation and the efficient use of resources and flow of information during an emergency. SEMS is consistent with NIMS.

State of Emergency - As used in this Chapter, shall mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, pandemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or other conditions, other than conditions resulting from a labor controversy or conditions causing a state of war emergency, which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the State Public Utilities Commission.

State of War Emergency - As used in this Chapter, shall mean the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this State or Nation is attacked by an enemy of the United States, or upon receipt by the State of a warning from the Federal government indicating that such an enemy attack is probable or imminent.

Section 9.20.110 Emergency Services Administrator.

There is hereby created the position of Emergency Services Administrator who shall manage the day-to-day affairs of the Office of Emergency Management and the City's emergency management program; have certain other emergency management functions as relating to the development of emergency plans; the management of the City's emergency programs; and the performance of such other duties and responsibilities as may be assigned to him/her by the Director of Emergency Services.

Section 9.20.120 Emergency Services Administrator Powers and Duties.

The Emergency Services Administrator shall, prior to the existence of a “state of war emergency”, a “state of emergency” or a “local emergency”:

- (1) Coordinate all City activities as it relates to emergency preparedness, mitigation, prevention, response and recovery;
- (2) Develop and coordinate basic disaster planning for the City; to provide for the use of all governmental entities; resources and equipment; all commercial and industrial resources; and all such special groups, bodies and organizations as may needed to support disaster operations;
- (3) Prepare and maintain the basic emergency plans for the City and submit such plans to the Director of Emergency Services;
- (4) Develop and coordinate such disaster training programs and exercises as may be required;
- (5) Develop and coordinate a public information program designed for basic self-protection;
- (6) Coordinate planning and training with other City, County, State, Federal, military and other disaster relief organizations;
- (7) Represent the City in all dealings with public and private agencies pertaining to emergency planning;
- (8) Recommend to the Director of Emergency Services for referral to the City Disaster Council matters for consideration within the purview of the Council’s responsibilities;
- (9) Recommend to the Director of Emergency Services matters of policy for consideration by the City Council insofar as they relate to disasters;
- (10) Serve as staff advisor to the Director of Emergency Services on matters related to emergency preparedness, mitigation, prevention, response and recovery.

Section 9.20.130 Emergency Operations Plan/Hazardous Materials Area Plan.

The Emergency Services Administrator shall be responsible for the development and maintenance of the City of Riverside Emergency Operations Plan (EOP) and oversee the Hazardous Materials Area Plan which is located at the EOC. The City Disaster Council shall be responsible for providing required input into the EOP and training and exercising the EOP insofar as to their identified emergency support functions and responsibilities. This EOP shall provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency; and shall provide for the organization, powers and duties, services and staff of the emergency organization. The Fire Department Hazardous Materials Coordinator will be responsible for the review and three year update of the Hazardous Materials Area Plan. The EOP and Hazardous Materials Area Plan shall comply with all of the requirements and components of the Standardized Emergency Management System (SEMS) for the State of California and the Federal National Incident Management System (NIMS).

Such plan shall take effect upon adoption of the plan by resolution of the City Council.

Section 9.20.170 Emergency Operations Center Direction and Control.

For the purposes of this Chapter, the Emergency Operations Center for the City of Riverside and the City Emergency Organization shall be under the direction and control of the

Director of Emergency Services. For the period of a local emergency, the Director of Emergency Services shall serve as Emergency Operations Center Director. The Director of Emergency Services may delegate to the Assistant Director of Emergency Services all matters within the purview of this Chapter including the direction and control of the Emergency Operations Center and the City Emergency Organization. The Emergency Services Administrator shall serve as staff advisor to the Emergency Operations Center Director during local emergencies and as Emergency Operations Center Manager at all times. Emergency Operations Center activities will be consistent with the Standardized Emergency Management System and the National Incident Management System.

Section 9.20.200 Policy Group Membership.

The City of Riverside Policy Group is hereby created and shall consist of the following:

- a. City Manager, who shall be chairperson, and serve as the Director of Emergency Services;
- b. Assistant City Manager(s);
- c. Finance Director/Treasurer;
- d. Mayor;
- e. Mayor Pro Tem;
- f. Chairperson – Public Safety Committee;
- g. Fire Chief;
- h. Police Chief;
- i. Director - Community & Economic Development Department;
- j. Director - Human Resources Department;
- k. Chief Innovation Officer;
- l. Director - Parks, Recreation and Community Services Department;
- m. General Manager - Public Utilities Department;
- n. Director - Public Works Department;
- o. City Clerk, who shall serve as secretary to the Policy Group;
- p. Emergency Services Administrator, who shall serve as advisor to the Policy Group;
and
- q. City Attorney, who shall serve as legal advisor to the Policy Group

Section 9.20.220 Disaster Council Membership.

The City of Riverside Disaster Council is hereby created and shall consist of the following:

- a. City Manager, who shall be chairperson, and shall also be a member of the Riverside County Disaster Council;
- b. Assistant City Manager;
- c. Mayor, or in his/her absence Mayor Pro Tem;
- d. Fire Chief;
- e. Police Chief;
- f. Director – Community& Economic Development Department;
- g. Director – Finance Department;
- h. Director – General Services Department;
- i. Director – Human Resources Department;
- j. Chief Information Officer;

- k. Director – Library;
- l. Director – Museum;
- m. Director – Parks, Recreation and Community Services Department;
- n. General Manager – Public Utilities Department;
- o. Director – Public Works Department;
- p. Chairperson – Public Safety Committee;
- q. Such representatives of civic, business, labor, professional, or other organizations having an official emergency responsibility, as may be appointed by the chairperson with the advice and consent of the City Council;
- r. City Clerk, who shall serve as secretary to the Disaster Council;
- s. Emergency Services Administrator, who shall serve as advisor to the Disaster Council;
- t. City Attorney, who shall serve as legal advisor to the Disaster Council

Section 9.20.260 Powers of the City Council.

The City Council is hereby empowered to enact such ordinances, resolutions or rules to prevent against, mitigate, and prepare for aid in the response or recovery to all such foreseeable or unforeseeable emergencies and disasters.

During a local emergency the City Council may promulgate orders and regulations necessary to provide for the protection of life and property, including orders and regulations imposing curfew within designated boundaries where necessary to preserve the public order and safety, orders against price fixing, and all other orders necessary to protect lives and property. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice.

Whenever a local emergency is declared by the Director of Emergency Services, the Emergency Services Administrator of the City Office of Emergency Management shall prepare, with assistance of the City Attorney, a resolution ratifying the existence of a local emergency and the need for continuing the state of local emergency. The resolution shall be submitted by the Director of Emergency Services to the City Clerk for presentation to the City Council. The City Council shall approve or disapprove said resolution within seven (7) days from the date of the original declaration by the Director of Emergency Services and at least every thirty (30) days thereafter unless the state of emergency is terminated sooner.

Section 9.20.300 Lines of Succession – Department Heads and Key Officials.

For the purpose of this Chapter, department heads and other key City officials shall provide for at least a four-deep order of succession of appropriate subordinate employees to succeed to their position if that Department Head is unavailable or unable to serve.

These lines of succession will be identified in each department's continuity plan.

For the purpose of this chapter, key officials and departments include:

- a) City Manager
- b) Assistant City Managers;
- c) City Clerk;
- d) City Attorney;
- e) Chief Innovation Officer;
- f) Airport Department;

- g) Community & Economic Development Department;
- h) Emergency Services Administrator;
- i) Finance Department;
- j) Fire Department;
- k) General Services Department;
- l) Human Resources Department;
- m) Police Department;
- n) Parks, Recreation and Community Services Department;
- o) Public Utilities Department;
- p) Public Works Department.

Chapter 9.28

Section 9.28.040 Administration and enforcement.

Except as otherwise provided herein, the provisions of this Chapter shall be administered and enforced by the Chief of Police, the Community & Economic Development Director, and/or the Public Works Director and/or the authorized representative thereof. In the enforcement of this Chapter such code enforcement officers and law enforcement officers may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle (and to remove or cause the removal of a vehicle or part thereof) declared to be a nuisance pursuant to this Chapter.

Section 9.28.070 Abatement and removal.

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the City, the Chief of Police, the Community & Economic Development Director, and/or the Public Works Director and/or the authorized representative thereof shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein.

Section 9.28.080 Notice of intention to abate and remove.

A. Unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof, a ten-day notice of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be mailed by certified mail to the owner of the land and to the owner of the vehicle except when the vehicle is in such condition that identification numbers are not available to determine ownership of such vehicle.

The notices of intention shall be in substantially the following forms:

"NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE.

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to (section of ordinance or Municipal Code) has determined that there exists upon said land an (or parts of an) abandoned, wrecked,

dismantled or inoperative vehicle registered to, license number, which constitutes a public nuisance pursuant to the provisions of (ordinance or Municipal Code chapter number).

You are hereby notified to abate said nuisance by removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City of Riverside and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said part of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Code Enforcement Manager, Code Enforcement Division of the Community & Economic Development Department of the City of Riverside within such 10-day period, the Chief of Police, the Community & Economic Development Director, the Public Works Director and/or the authorized representative thereof shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing. Notice mailed s/ (Date) (Title)" "NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE. (Name and address of last registered and/or legal owner of record of vehicle--notice should be given to both if different) As last registered (and/or legal) owner of record of (description of vehicle - make, model, license, etc.) you are hereby notified that the undersigned pursuant to Chapter 9.28 of the Riverside Municipal Code has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Chapter 9.28 of the Riverside Municipal Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice. As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such request is not received by the Code Enforcement Manager, Code Enforcement Division of the Community & Economic Development Department of the City of Riverside within such a 10-day period, the Chief of Police, the Code Enforcement Manager, the Public Works Director and/or the authorized representative thereof shall have the authority to abate and remove said vehicle (or parts of a vehicle) without a hearing. Notice mailed s/ Date) (Title)."

B. Notwithstanding the provisions of Subsection (A) above, the notice of intention is not required for removal of a vehicle or part thereof which is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued at less than two hundred dollars by a person specified in Section 22855 of the Vehicle Code of the State of California, and is determined by the City to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition under Section 9.28.110 of

such a low-valued vehicle or part for which evidence of registration was recovered, the City shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within twelve days after the notice is mailed, from the location specified in Section 9.28.110, final disposition may proceed. This subsection applies only to inoperable vehicles located upon a parcel that is (1) zoned for agricultural use or (2) not improved with a residential structure containing one or more dwelling units.

Section 9.28.090 Request for hearing.

Upon request by the owner of the vehicle or owner of the land received by the Code Enforcement Manager, Code Enforcement Division of the Community & Economic Development Department within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held as set forth in Section 6.15.030 by the hearing officer on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten-day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by certified mail, at least ten days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within said ten days after mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

Chapter 9.30

Section 9.30.030 Definitions.

“Business day” shall mean any weekday other than a Saturday, Sunday, or a legal holiday which falls on a day other than a Saturday or Sunday.

“City” shall mean the City of Riverside.

“City Attorney” shall mean the City Attorney of the City of Riverside or an authorized representative, deputy, or agent appointed by the City Attorney..

“Claimant” shall mean any person claiming an interest in a nuisance vehicle subject to seizure and impoundment under this chapter, by properly requesting a post-seizure hearing as set forth in § 9.30.080 D.

“Highway” shall mean a way or place of whatever nature, which is used or can be used by the public for vehicular travel.

“Illegal dumping” as set forth in Section 374.3(h) of the Penal Code shall mean a person who places, deposits, or causes to be placed, deposited, or dumped, waste matter in violation of this section in commercial quantities. Commercial quantities means an amount of waste matter generated in the course of a trade, business, profession, or occupation, or an amount equal to or in excess of one cubic yard. This does not apply to the dumping of household waste at a person’s residence.

“Prostitution” as set forth in Section 647(b) of the Penal Code shall mean any person who solicits or who agrees to engage in any act of prostitution. A person agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution. No agreement to engage in an act of prostitution shall constitute a violation of this subdivision unless some act, in addition to the agreement, is done within this state in furtherance of the commission of an act of prostitution by the person agreeing to engage in that act. Prostitution includes any lewd act between persons for money or other consideration.

“Pimping” as set forth in Section 266(h) of the Penal Code shall mean any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person’s prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person.

“Pandering” as set forth in Section 266(i) of the Penal Code shall mean any person who procures another person for the purpose of prostitution; by promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute; procures for another person a place as an inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state; by promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as an inmate; by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution; receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution.

“Local law enforcement or governmental entities” means any city, charter city, county, or city and county, or the respective departments thereof, in this state.

“Nuisance” shall have the same meaning as set forth in Civil Code § 3479.

“Owner” shall mean the last registered owner; the last legal owner; and any, then-existing lien holder; of record as shown on the records of the Department of Motor Vehicles or similar state or federal agency, for any vehicle used for any of the nuisance activities subject to this chapter.

“Vehicle” shall mean a vehicle as that term is defined in California Vehicle Code § 670, and a motor vehicle as that term is defined in California Vehicle Code § 415.

Chapter 9.32

Section 9.32.030 Prohibited operations.

A. No person shall drive a motor vehicle on any unimproved private property belonging to or occupied by another or upon any unimproved public property without having in his or her immediate possession and, upon request of a peace officer, displaying written permission to be

on such lands from the owner thereof, from the owner's agent, or from the person in lawful possession thereof; but this subsection shall not apply to a person having lawful business with the owner.

B. No person shall park a motor vehicle on any unimproved private property belonging to or occupied by another or upon any unimproved public property without displaying in such a manner as to be seen through the front windshield by any person outside of such vehicle, written permission to be on such lands from the owner thereof, from the owner's agent, or from the person in lawful possession; but this subsection shall not apply to a person having lawful business with the owner.

C. No person shall operate a motorcycle or motor-driven cycle other than a publicly owned motorcycle or motor-driven cycle, upon any public or recreational area or upon any other publicly owned property, except highways, within the City. This shall not be construed to prohibit the operation of a motorcycle or motor-driven cycle having a valid California vehicle registration by any person possessing a valid California operator's license upon the public highways in the City.

D. In addition to the requirements of Subsections A and B of this section, no person shall operate a motorcycle or motor-driven cycle, other than a publicly owned motorcycle or motor-driven cycle, upon any unimproved private property within the City.

Section 9.32.090 Exemptions.

A. The provisions of this chapter shall not apply on public or private lands expressly set apart for the use of motor vehicles by or with the permission of the owner of such lands pursuant to any zoning permit or other permit or licensing procedure authorized by law.

B. The provisions of this chapter shall not apply to the use of farm vehicles for agricultural purposes, vehicles being used for grading or construction purposes, vehicles being used for governmental purposes, or golf carts being used on golf courses.

C. The provisions of this chapter shall not apply upon any public highway, street, road or alley within the City.

Chapter 9.40

Section 9.40.130 Adult-Oriented business development and performance standards.

A. Maximum occupancy load, fire exits, aisles and fire equipment shall be regulated, designed and provided in accordance with the Fire Department and building regulations and standards adopted by the City of Riverside.

B. At no time shall any Adult-Oriented Business be open for private parties or other similar functions.

C. No Adult-Oriented Business shall be operated in any manner that permits the observation of any material or activities depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior shall be covered with opaque covering at all times.

D. All off-street parking area and premise entries of the sexually-oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) foot candle of light on the parking surface and/or walkways. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually-oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.

E. The premises within which the Adult-Oriented Business is located shall provide sufficient sound-absorbing insulation so that noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate unit within the same building.

F. The building entrance to an Adult-Oriented Business shall be clearly and legibly posted with a notice indicating that persons under eighteen (18) years of age are precluded from entering the premises. Said notice shall be constructed and posted to the satisfaction of the Community & Economic Development Director or designee. No person under the age of eighteen (18) years shall be permitted within the premises at any time.

G. All indoor areas of the Adult-Oriented Business within which patrons are permitted, except rest rooms, shall be open to view by the management at all times.

H. Any adult-oriented business which is also an "adult arcade", shall comply with the following provisions:

1. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be direct line of sight from the manager's station.

2. The view area specified in subsection (5) shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times. No patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

3. No viewing room may be occupied by more than one person at any one time.

4. The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any two such rooms such as would allow viewing from one booth into another or such as to allow physical contact of any kind between the occupants of any two such booths or rooms.

5. Customers, patrons or visitors shall not be allowed to stand idly by in the vicinity of any such video booths, or from remaining in the common area of such business, other than the restrooms, who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.

6. The floors, seats, walls and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary controls; repeated instances of such conditions may justify suspension or

revocation of the owner and operator's license to conduct the Adult-Oriented establishment.

I. All areas of the Adult-Oriented Business shall be illuminated at a minimum of the following foot-candles, minimally maintained and evenly distributed at ground level:

<u>Area</u>	<u>Foot-Candles</u>
Bookstore and other retail establishments	20
Theaters and cabarets	5 (except during performances, at which times lighting shall be at least 1.25 foot-candles)
Arcades	10
Motels/Hotels	20 (public areas)
Modeling studios	20

J. The Adult-Oriented Business shall provide and maintain separate restroom facilities for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using the restroom(s) for females, and female patrons and employees shall be prohibited from using the restroom(s) for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from any adult material. Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this paragraph shall not apply to an Adult-Oriented Business which deals exclusively with sale or rental of Adult Material which is not used or consumed on the premises, such as an Adult Bookstore or Adult Video Store, and which does not provide restroom facilities to its patrons or the general public.

K. The following additional requirements shall pertain to Adult-Oriented Businesses providing live entertainment depicting Specified Anatomical Areas or involving Specified Sexual Activities.

1. No person shall perform live entertainment for patrons of an Adult-Oriented Business except upon a stage at least eighteen (18) inches above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest area occupied by patrons, and no patron shall be permitted within ten (10) feet of the stage while the stage is occupied by an entertainer. "Entertainer" shall mean any person who is an employee or independent contractor of the Adult-Oriented Business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an Adult-Oriented Business.

2. The Adult-Oriented Business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainers' use.

3. The Adult-Oriented Business shall provide an entrance/exit for entertainers which is separate from the entrance/exit used by patrons.

4. The Adult-Oriented Business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the Adult-Oriented Business shall provide a minimum three (3) foot wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers.

5. No entertainer, either before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during or after performances by such entertainer. This subsection shall only apply to physical contact on the premises of the Adult-Oriented Business.

6. Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between entertainers and patrons required by this subsection.

7. No patron shall directly pay or give any gratuity to any entertainer and no entertainer shall solicit any pay or gratuity from any patron.

8. No owner or other person with managerial control over an Adult-Oriented Business (as that term is defined herein) shall permit any person on the premises of the Adult-Oriented Business to engage in a live showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque coverage, and/or the female breast with less than a fully opaque coverage over any part of the nipple or areola and/or covered male genitals in a discernibly turgid state. This provision may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical part required to be covered.

L. Adult-Oriented Businesses shall employ security guards in order to maintain the public peace and safety, based upon the following standards:

1. Adult-Oriented Businesses featuring live entertainment shall provide at least one (1) security guard at all times while the business is open. If the occupancy limit of the premises is greater than (35) thirty-five persons, an additional security guard shall be on duty.

2. Security guards for other Adult-Oriented Businesses may be required if it is determined by the Police Chief that their presence is necessary in order to prevent any of the conduct listed in Section 9.40.110(b) from occurring on the premises.

3. Security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of these regulations. Security guards shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state law. No security guard required pursuant to this subsection shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.

The foregoing applicable requirements of this Section shall be deemed conditions of Adult-Oriented Business Regulatory Permit approvals, and failure to comply with every such requirement shall be grounds for revocation of the Permit issued pursuant to these regulations.