

ORDINANCE NO.____

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
CALWA RECREATION AND PARK DISTRICT
ESTABLISHING PARK USE RULES AND REGULATIONS**

The Board of Directors of the Calwa Recreation and Park District ordains as follows:

SECTION 1. This ordinance is adopted to read as follows:

CALWA PARK RULES AND REGULATIONS

Chapters:

Chapter 1.	Title.
Chapter 2.	Definitions.
Chapter 3.	Applicability.
Chapter 4.	Authority.
Chapter 5.	Unacceptable Conduct.
Chapter 6.	Violations
Chapter 7.	Park Hours.
Chapter 8.	Park or Facility Application.
Chapter 9.	Denial or Cancellation of Permit.
Chapter 10.	Liability.
Chapter 11.	No Commercial Events
Chapter 12.	Right to Appeal.
Chapter 13.	Prohibited Acts and Conduct – General.
Chapter 14.	Dogs and Animals in Park.
Chapter 15.	Obstructing Pathways in Park.
Chapter 16.	Health and Safety.
Chapter 17.	Drug Free Zone.
Chapter 18.	Soliciting.
Chapter 19.	Trespass.
Chapter 20.	Parking Space – Disabled Persons.
Chapter 21.	Parking – General.
Chapter 22.	Automobiles, Bicycles, and Other Conveyances.
Chapter 23.	Severability

CHAPTER 1. TITLE.

This ordinance shall be known as the Calwa Park Use Rules and Regulations.

CHAPTER 2. DEFINITIONS.

A. “Board” means the Board of Directors of the Calwa Recreation and Park District.

- B. “Calwa Park” or “Park” as used in this ordinance shall mean the District-owned and maintained park located at 4545 E. Church Street, Fresno, California, 93725.
- C. “District” means the Calwa Recreation and Park District, and includes all lands owned, controlled, or managed by the Calwa Recreation and Park District.
- D. “Permission.” Unless otherwise expressly provided, “permission” means written permission granted by the District per approved permits, contracts, or Board approval.
- E. “Person” means any natural person, firm, corporation, club, municipality, district, or public agency, and all association or combinations of persons whenever acting for themselves or by any agent, servant, or employee.

CHAPTER 3. APPLICABILITY

All persons entering upon Calwa Park shall abide by the rules and regulations of the District and the laws of the State of California.

The provisions of this Ordinance shall not apply to employees of the District engaged in and acting within the scope of their authorized duties. However, the District employees shall abide by the laws of the State of California and all applicable county and/or municipal ordinances.

CHAPTER 4. AUTHORITY.

This ordinance is adopted pursuant the Recreation and Park District Law as set forth in Public Resources Code Section 5780 to 5780.9.

CHAPTER 5. UNACCEPTABLE CONDUCT.

No person shall continue to engage in any course of conduct in the Park after he or she is advised by a District employee, agent, or concessionaire having authority to regulate or manage the area, that such conduct unreasonably or unnecessarily interferes with obstructs the lawful use and enjoyment of such facility or area by other persons, or unreasonably impairs the ability of any District employee, agent, or concessionaire to perform his or her authorized duties and activities.

CHAPTER 6. VIOLATIONS

Pursuant to Public Resources Code Section 5786.17, any violation of this Ordinance is punishable as a misdemeanor or infraction. Public Resources Code Section 5786.17 provides:

- A. Violation of this ordinance is a misdemeanor punishable pursuant to Section 19 of the Penal Code.
- B. Any citation issued by District for violation of this ordinance may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code.

- C. To protect property and to preserve the peace at Calwa Park, the Board of Directors may confer on designated District employees the power to issue administrative citations pursuant to Government Code 54951.

CHAPTER 7. PARK HOURS.

Park hours are from 8:00 a.m. to 9:00 p.m. No person shall be in, on, or within Calwa Park between 9:00 p.m. and 8:00 a.m. unless a Special Permit or Contract provides otherwise. Persons with a valid Special Permit or Contract shall be permitted to use the Park as specified in the Permit or Contract after which they shall leave the Park without delay.

CHAPTER 8. PARK OR FACILITY APPLICATION.

Any person applying for a required permit for use of the Park shall file an application (in the form and time schedule established by the District) for such permit. All applications for such use must be signed or co-signed by an adult, which adult shall agree to be responsible for said use. No use permit will be granted until payment of fees has been made; and no use permit will be granted if, prior to the time the application was filed, the District has scheduled a District event or general public use at the same time and place as the activity proposed in the application.

CHAPTER 9. DENIAL OR CANCELLATION OF PERMIT.

A permit shall be denied or canceled if the proposed use or activities:

- A. Cause injury or damage to park resources; or
- B. Are contrary to the purposes for which involved park areas were established; or
- C. Unreasonably interfere with interpretive programs, visitor services, or other District program activities, or with Public Safety or administrative activities of the District; or
- D. Substantially impair the operation of public use facilities or services; or
- E. Present a clear and present danger to the public health and safety; or
- F. Result in significant conflict with other existing uses; or
- G. Insurance or other permit conditions cannot or are not complied with; or
- H. Affects the aesthetics of or alters the landscape of the Park.

CHAPTER 10. LIABILITY.

All persons to whom an exclusive use or special event permit has been granted and all persons who enter a contract for use of the Park must agree in writing to indemnify and hold the District harmless for injury or damage in any way caused by the activity sponsored by the permittee, and said person shall be liable to the District for any and all injury to persons or damage to Park and facilities owned by the District which results from the activity of the permittee/contractor or is caused by any participant in said activity, and provide insurance coverage at levels set by the

District's insurance provider, sufficient to provide reasonable insurance coverage for such use or event.

CHAPTER 11. RESERVATION POLICIES.

The District has established reservation policies for use of the Park which are required to be followed.

CHAPTER 12. RIGHT TO APPEAL.

An applicant whose application for a permit or reservation has been denied or whose permit or reservation has been canceled may appeal the decision of the District Administrator to the Board of Directors. The District Board of Directors shall allow the appellant an opportunity to be heard including presenting any and all evidence, testimony, and information relevant to the application. The Board shall issue a final written decision within 7 business days after the close of the hearing either approving the permit, approving it with modifications or upholding the denial or cancellation of the permit.

CHAPTER 13. PROHIBITED ACTS AND CONDUCT – GENERAL

Within the limits of the Park, no person shall:

- A. Sell any tickets for a performance or activity or seek contributions for a performance or activity, whether conducted in the Park or elsewhere, except with the prior written permission of the District Administrator.
- B. Cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property; or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon any building, monument, fence, bench, or other structure, or carry any flowers, shrubs, or branches into or through any Park.
- C. Cut or remove any wood, turf, grass, soil, rock, sand, or gravel.
- D. Distribute any commercial handbills, or circulars, or post, place, or erect a commercial advertising device of any kind.
- E. Make or kindle a fire for any purpose.
- F. Camp or lodge at any place in Calwa Park.
- G. Use playground equipment in an unsafe manner or for an unintended use.
- H. Indulge in riotous, threatening, indecent, or immoral conduct, or abusive, threatening language or throwing stones or missiles.
- I. Play or practice golf or archer, or fly motor driven models.

- J. Play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shell, credit, or other representative of value, or maintain or exhibit any gambling table or other instrument of gambling or gaming, or play any game prohibited by any provision of state law.
- K. Practice, carry on, conduct, or solicit for any trade, occupation, business, or profession, without the written permission of the District Administrator.
- L. Enter, remain, stay, loiter, park or leave standing any vehicle between the hours of 9 p.m. and 8 a.m., without the written permission of the District Administrator.
- M. Take into, exhibit or use in any park any firearm, air gun, sling shot, firecrackers, torpedoes, rockets, or other fireworks, or other articles of like character.
- N. Go upon any lawn or grass plot, where prohibited by the District Administrator and which prohibition is indicated by legible signs.
- O. Open, expose, or interfere with any water or gas pipe, hydrant, stopcock, sewer, basin, or other construction, in any park.
- P. Throw or place any paper, bottle, trash, or refuse matter of any kind whatsoever, or any other article or thing, upon the grounds of Calwa Park.
- Q. Hunt, pursue, annoy, throw stones or missiles at, or molest or disturb in any way, any animal, bird or reptile.
- R. Remain in, or place anything in, any public place or way in a park so as to obstruct, or unreasonably hinder the use for which such place was designed.
- S. Take into the Park any wild animal or fowl.
- T. Allow or leave unattended children under the age of 12 in the Park.

CHAPTER 14. DOGS AND ANIMALS IN PARK.

- A. Dogs on Leash. No person having the control or care of any dog shall suffer or permit such dog to enter or remain in Calwa Park unless it be led by a leash of suitable strength not more than six (6) feet in length.

The owner of the dog and/or the person in control or care of the dog shall be responsible for, and to make good, any damage caused in any event, by such dog, whether or not leashed. The provisions of this subsection do not relieve the owner and/or person in control or care of said dog from liability to the District for violation of this Section.

- B. Removal of Dog Feces. Any person bringing a dog onto the Park shall immediately remove the excrement deposited by such animal. Animal waste must be placed in garbage cans or removed from the Park.

C. Dangerous Animals. No person shall bring into or permit any dangerous animal to enter or remain on Park property or any part thereof. For purposes of this subsection, a dangerous animal is defined as any animal, which is declared a dangerous animal by a County or City, an exotic animal, or an animal which demonstrates any of the following behavior:

- i. An attack which requires a defensive action by any person to prevent bodily injury and/or property damage.
- ii. An attack on another animal, domestic or wild, or livestock.
- iii. An attack that results in any injury to any person.
- iv. Any behavior that constitutes a physical threat of bodily harm to a person.

D. Abandoned Animals. No person shall abandon a dog, cat, fish, fowl, or other animal within the Park.

CHAPTER 15. OBSTRUCTING PATHWAYS IN PARK.

No person or persons shall assemble, collect or gather together in any walk, driveway, passageway or pathway in any park or in any other place set apart for the travel of persons or vehicles in or through any park in such a manner that the free passage or use thereof by persons or vehicles passing along the same shall be obstructed.

CHAPTER 16. HEALTH AND SAFETY.

A. Consumption of Alcoholic Beverages Prohibited. No person shall consume or possess any alcoholic beverage in Calwa Park. "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer and any liquid or solid containing one half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances. Notwithstanding the above, beer and wine may be permitted under a Special Event Permit pursuant to terms and conditions established by the Board of Directors.

B. Smoking on District Property Prohibited. Smoking or disposal of any cigarette, cigar, or tobacco product, or any combustible plant, weed, or substance, including medical marijuana, is prohibited in Calwa Park.

CHAPTER 17. DRUG FREE ZONE.

Calwa Park is a designated "drug free zone" pursuant to state law. This section applies and is enforceable only if notice of this section is posted at the park. No person shall possess drug paraphernalia as defined in Section 11364 of the Health and Safety Code.

CHAPTER 18. SOLICITING.

- A. General. No person nor group of persons shall solicit, sell, hawk, or otherwise peddle or rent any goods, wares, merchandise, liquids, or edibles for human consumption or services, except by the concessionaires and groups authorized so in writing by the Board of Directors or the District Administrator, and such written authority is in the possession of a representative of the group while soliciting. However, groups who are using the District property may sell, or raise funds for non-profit, charitable, or political purposes in conjunction with a facility reservation or with an approved special event. In no event may selling or soliciting be extended to members of the general public using District parklands.
- B. Commercial. No person, group of persons, nor any business or commercial entity shall solicit, sell, merchandise, liquids or edibles for human consumption or service, or give any lessons, classes, or instruction whether for profit or otherwise, except by those concessionaires or groups so authorized by the Board of Directors or the District Administrator. For the purposes of this section, soliciting and selling shall include leafletting or distribution of advertisements or other promotional devise, the collection of any monies for the use of Park District property, or delivering any goods or services for fee.

CHAPTER 19. TRESPASS.

- A. Refusing or failing to leave the Park immediately upon being requested by a District employee for failure to comply with this ordinance or any District permit or contract is trespass. The following also constitute trespass:
- i. Tearing down, mutilating, or destroying any sign, sign board, or notice forbidding trespassing on the land; or
 - ii. Removing, injuring, unlocking, or tampering with any lock on any gate on or leading to the Park; or
 - iii. Refusing or failing to leave the Park including real property areas or structures not open to the general public, upon being requested to leave by a peace officer at the request of the District and upon being informed by the peace officer that he or she is acting at the request of the District; or.
 - iv. Willfully tearing down, or otherwise destroying any fence on the enclosed land or another, or opening any gate, bar, or fence of another willfully leaving it open without written permission of the District.

CHAPTER 20. PARKING SPACE – DISABLED PERSONS.

- A. Parking Spaces. Certain parking stalls or spaces at Calwa Park shall be designated for the exclusive use of disabled persons' vehicles that display a distinguishing license plate or placard issued pursuant to Section 22511.5 of the California Vehicle Code or the disabled veteran as specified in Section 9105 of the California Vehicle Code.

- B. Removal. Except as authorized by written District permit or contract, any vehicle parked or left standing in violation of this provision shall be removed from the Park property posted disabled persons' parking spaces in accordance with Section 22511.8 of the California Vehicle Code.

CHAPTER 21. PARKING – GENERAL.

Motor vehicles or other motorized conveyances shall only park in a District established or designated parking area. The parking lots are to be used by Park patrons during District Park hours. No person shall park a motor vehicle, except an authorized emergency vehicle or when in compliance with the direction of a peace officer, in any of the following places:

- A. In areas where prohibited by “NO PARKING” signs.
- B. Blocking or obstructing any gate, entrance, or exit.
- C. On any lawn or grassy area.
- D. On any picnic area.
- E. In such a manner as to take up more than one “marked” parking place in any authorized parking area.
- F. In any area where such vehicle blocks or obstructs the free flow of traffic.
- G. Within 15 feet of a fire hydrant.
- H. Adjacent to any curb painted red.

CHAPTER 22. AUTOMOBILES, VEHICLES, AND OTHER CONVEYANCES.

- A. Limited Areas for Driving or Operating. No person shall operate or drive an automobile, bicycle, motorcycle, truck, trailer, wagon, motor scooter, or other conveyance on other than roads or parking lot designated by the District for that purpose or as authorized by a written District permit or contract.
- B. Safe Driving and Operation. Bicycles, skateboards, roller skates, roller blades, self-propelled scooters and other like vehicles and conveyances shall not be operated in a negligent, unsafe, or reckless manner or in a way that potentially endangers the safety, well-being, or property of any person, not at excessive speeds, especially when passing other Park users.
- C. No Washing or Repairs. No person shall wash, service, or repair any motor vehicle within the Park.
- D. Safety Gear. Individuals using bicycles, skateboards, roller skates, roller blades, self-propelled scooters, and other like vehicles and conveyances in and through the Park must wear a helmet while using such vehicles and conveyances while in the Park.

- E. Speed Limits. No person shall drive a vehicle within the Park at a speed greater than is reasonable or prudent having due regard for children, seniors, adults, pets, and other vehicles.

CHAPTER 23. SEVERABILITY.

If any chapter, section, subsection, paragraph, subparagraph, sentence or clause of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; and the Board of Directors declares that this Ordinance, and each chapter and section would have been adopted irrespective of such possible findings of invalidity or unconstitutionality and, to that end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 2. CEQA. This ordinance is exempt from CEQA pursuant to Title 14, California Code of Regulations Section 15061(b)(3) under the general rule that CEQA does not apply to activities which can be seen with certainty to have no effect on the environment. Adopting regulations relating to massage establishments will not create any environmental impacts.

SECTION 3. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 25124.

SECTION 4. Effective Date. This ordinance shall become effective thirty days after its adoption.

The foregoing ordinance, Ordinance No. _____ was adopted at a regular meeting of the Board of Directors of the Calwa Recreation and Park District held on _____, 2016, and was passed and approved by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

Mary Rosales,
Board Chairperson

ATTEST:

Amardeep Gill, Secretary