

ORDINANCE NO. 2014-146

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE,
CALIFORNIA, ADDING CHAPTER 13.01 TO THE MENIFEE MUNICIPAL CODE
ESTABLISHING REGULATIONS FOR THE USE OF PARK AND RECREATION
AREAS WITHIN THE CITY**

THE CITY COUNCIL OF THE CITY OF MENIFEE DOES ORDAIN AS FOLLOWS:

SECTION 1 A new Chapter 13.01 establishing regulations for park use within the City is hereby added to the Meniffee Municipal Code to read in its entirety as follows:

“CHAPTER 13

REGULATIONS FOR THE USE OF PUBLIC PARKS

Section

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§ 13.01.010 PURPOSE

The purpose and intent of this Chapter is to provide for necessary regulations for general park use and to provide permit provisions for certain activity in public parks and recreation areas and by doing so to protect public health, safety, and general welfare of people and premises in the City, including the quiet enjoyment of City parks by enacting a permitting process for groups of over twenty-five (25) individuals.

§ 13.01.020 AUTHORITY

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

§ 13.01.030 DEFINITIONS

As used in this Chapter, "park" shall include all public grounds, greenbelts, parks, quadrants, plazas, buildings and school facilities when they are in use as recreational centers and when they are under control of the City.

As used in this Chapter, "open space area" shall include all publicly dedicated land owned or under the control of the City for the preservation of natural, biological and/or cultural resources.

As used in this Chapter, "City Manager" shall mean the City Manager or his/her designee.

§ 13.01.040 RULES AND REGULATIONS ADOPTED.

The rules and regulations set out in this Chapter are established and adopted for the use of public parks in the City of Menifee. All persons using any public park or any facility thereon in any manner shall obey all applicable rules and regulations herein established or adopted at all times. Any persons desiring to vend or sell or offer for sale any merchandise or article or thing whatsoever must have the written consent of the City Manager and obtain business license(s).

Any and all individuals shall be provided equal opportunity for the use of any park and any recreational program without regard to physical limitation, age, race, color, national origin, religion, political beliefs or sex.

The following rules and regulations apply in all city parks, including special use parks, unless expressly stated otherwise elsewhere in these regulations.

§ 13.01.050 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 parks 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 City Manager, 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 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.
3. No person may have more than two dogs in a designated leash optional area at any one time.
4. 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.
5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. 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.

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

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

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

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the City Manager in writing.

11. 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.

§ 13.010.060 ANIMALS PROHIBITED; EXCEPTIONS.

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

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

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

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

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

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

F. In connection with activities for which a Facility Reservation permit has been obtained under this Chapter and in accordance with all conditions attached to such permit.

§ 13.01.070 ANIMALS PROTECTED.

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

§ 13.01.080 ANIMALS; REMOVAL OF FECES.

Any person causing, permitting, or allowing any animal, bird, or reptile owned or possessed by him, or any animal, bird, or reptile in the custody of control of such person, to be present in any park pursuant to the provisions of this Chapter shall immediately pick up and properly dispose of the feces in a bag or other container, and its removal from the park and disposal in an appropriate depository.

§ 13.01.090 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 City Manager/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.

§ 13.01.100 DESIGNATED SKATEBOARDING AREA RULES.

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

1. No person shall skate or skateboard at times other than established as the hours of operation. The hours of operation shall be from thirty minutes before sunrise and thirty minutes after sunset, 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, and hard wheel scooters.
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 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.
10. All persons using facility will adhere to park capacity rules.

B. Violations and Penalties. Violations of any provisions of this Section is deemed to be an infraction and is punishable as such according to the provisions of this Code and state law.

§ 13.01.110 CAMPING; PERMIT REQUIRED

No person shall camp, lodge or remain overnight, unless there is set aside, by the City Manager, certain places for this purpose and a Facility Reservation permit has been obtained from the City Manager/Community Services Department.

§ 13.01.120 FIRES PROHIBITED; EXCEPTIONS.

No person shall make or kindle a fire nor cook any meal within a park except in stoves or other facilities authorized and specifically provided for such purpose. In barbecue grills only charcoal is to be used. No fire shall be lit or maintained when the parks are closed, except by written permission of the Director of City Manager/Community Services.

§ 13.01.130 GAMES; RESTRICTIONS.

No person shall play or engage in model airplane flying, 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.

Persons playing upon turf areas, except playing fields, must wear smooth-soled footwear. Footwear with cleats, spikes, or other specialty traction-enhancing surfaces whether metal, nylon, rubber or plastic shall not be considered smooth-soled.

§ 13.01.140 LIQUID WASTE AND REFUSE, POLLUTING AND LITTERING.

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

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

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

§ 13.01.150 EXCESSIVE SOUND PROHIBITED.

Park users shall not produce loud and unreasonable noise, including, playing music, using amplification equipment or playing a musical instrument, which disturbs, injures or endangers the health or peace of others after the designated park hours of operation (Section 13.01.250).

§ 13.01.160 INJURY TO OR DESTRUCTION OF PARK PROPERTY.

No person in any park or recreation area 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;

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.

§ 13.01.170 SIGNAGE.

No person shall post signs or handbills on fences, buildings or park amenities, unless authorized by the City Manager, and in accordance with the City's existing sign ordinance (Riverside County Ord. No. 348, adopted by City at incorporation).

§ 13.01.180 TRAILS, TRESPASSING AND CLOSED AREAS.

A. Designation and Use. The City Manager may designate operations for horseback riding, bicycle riding, hiking trails, trailheads and restrooms in the open space area. The City Manager may also designate closed areas where entry is prohibited in the interest of public convenience or safety or for the preservation and protection of natural or cultural resources. No person may leave a designated trail in any open space area on foot, bicycle, horseback or otherwise other than at designated entry or exit points, except for law enforcement, lifesaving or emergency purposes or for open space area management. No person shall enter on foot, bicycle, horseback or otherwise any open space area or any trail or road that the City Manager has authorized be posted as a closed area.

B. Gates. No person shall unlock or otherwise open a locked gate without advance permission from the City or its authorized agents. No person opening a closed gate shall proceed beyond said gate without first closing it.

C. Closure. The City Manager may close an open space area and facilities and portions thereof when such areas and facilities are filled to capacity, when use of such areas and facilities will adversely impact sensitive species and habitat or when a hazardous condition poses potential danger to citizens, City employees or City property, or for repair and/or renovation of facilities and amenities.

D. Right-of-way. All persons shall observe posted right-of-way restrictions on any trail, path, walkway, parking lot or road owned, operated or managed by the City. This requirement shall also apply to any "trail courtesy" right-of-way regulations for multiple-use trails as may be promulgated by the City Manager.

§ 13.01.190 DISORDERLY CONDUCT.

Public parks are for the enjoyment and benefit of those persons who desire to use the facilities in an orderly manner. Disorderly conduct shall include such things as:

A. Use of offensive words which are inherently likely to provoke an immediate violent reaction;

- B.** Throwing of rocks, stones or other missiles;
- C.** Firing, discharging or carrying firearms or other dangerous weapons in the park, unless being used in connection with a city sanctioned or approved event. Weapons prohibited under this section will include, but not be limited to: firearms, any gun, pistol, bow and arrow, slingshot, or any type of object or device capable of propelling a projectile and exposed knives, daggers, and martial arts weaponry.
- D.** Discharging or carrying any firecracker, or other fireworks, except by permit;
- E.** Playing any game of chance, or operating any gaming table or instrument, or equipment designed for such game of chance;
- F.** Begging or soliciting contributions or subscriptions, except by permit;
- G.** Climbing upon or tending to deface, any wall, fence, shelter, building, structure or other public facility or equipment; and/or
- H.** Any other violation of any section of the Penal Code sections of the State relating to disorderly conduct.
- I.** Persons who are boisterous or publicly offensive to park users or nearby residents, or regarded in disorderly conduct shall be asked to cease such activity and upon failure to do so may be required to leave the park. All persons doing any act or thing injurious to any public area shall be removed therefrom by the appropriate public official or his or her agent, or by the police department.

§ 13.01.200 ALCOHOLIC BEVERAGES.

No alcoholic beverage shall be sold, brought within, given away, delivered or consumed on park property except with a Facility Reservation permit issued by the City Manager pursuant to this Chapter and securing required ABC licensing for intended use.

§ 13.01.210 CONTROLLED SUBSTANCES PROHIBITED.

The provisions of the California Uniform Controlled Substances Act are applicable in city parks and shall be enforced and prosecuted in accordance with the provisions thereof.

§ 13.01.220 SOLICITATION PROHIBITED.

No person shall practice, carry on, conduct or solicit for any commercial occupation, business or profession in any city park, or sell or offer for sale or charitable distribution any food, beverage, merchandise, article or anything whatsoever in any public park. This section shall not apply to any person acting pursuant to a contract with the City or the City Manager/Community Services Department, or under a permit granted by the City Manager.

§ 13.01.230 FIREARMS, FIREWORKS, AND TOY WEAPONS PROHIBITED.

No person shall carry or discharge firearms, firecrackers, rockets, torpedoes or other types of explosives, or carry or discharge any gun, or pistol, or any sling shot or similar device, or any bows and arrows, or any other object capable of propelling a projectile, or carry or use any object calculated to make a noise sufficient to disturb the peace or quiet of the park, or bring into any park any of the above objects or articles. Fireworks may be permitted for special events only with formal approval from the City Council, fire department, and City Manager/Community Services Department.

§ 13.01.240 DANGEROUS WEAPONS PROHIBITED.

The provisions of the California Dangerous Weapons' Control Law are applicable in city parks and shall be enforced and prosecuted in accordance with the provisions thereof. No person shall carry on his person, in plain view, any knife with a blade in excess of three inches. Daggers are strictly prohibited.

The provisions of this section shall not be deemed to prohibit the carrying of ordinary tools or equipment for use in a lawful occupation or for the purpose of lawful recreation.

§ 13.01.250 PARK HOURS AND CLOSURE.

A. Hours of Operation. All unlighted parks owned by the City of Menifee or to be hereafter owned by the City of Menifee, shall be closed from thirty minutes after sunset of one day and thirty minutes before sunrise of the next day except for those uses noted under Section C (Exceptions) below. All lighted sports fields shall be closed from 10:00 pm of one day and thirty minutes before sunrise of the next day.

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 Manager/Community Services Department or the events or activities conducted pursuant to a written permit issued by the City Manager;
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 City Manager/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 City Manager 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.

§ 13.01.260 FACILITY RESERVATIONS, PERMITS AND APPEALS.

A. Reservations for Activities in Parks and Park Facilities. The City Manager or designee shall be responsible for scheduling and controlling the use of parks and park facilities, or portions thereof, for the benefit and participation by interested public and private persons and groups. Any person 18 years or older desiring to reserve any football field, soccer field, ball 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 or group to whom the permit is to be granted shall abide by the policies and procedures of that facility. Any person not having a Facility Reservation Permit for the use of a recreational 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 City Manager of said facility. It shall be unlawful for any person not having a permit issued by the City Manager to refuse or fail to surrender the use of any recreational facility, regardless of whether the facility is reserved for use.

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

1. An event, which is held on a regular/re-occurring basis (i.e. weekly, bi-weekly or monthly) involving more than twenty-five (25) individuals per day.
2. The commercial sale of any good or service merchandise or article or thing;
3. The sale or service of alcohol;
4. Advertising or commercial activities;
5. Activities involving use of more than one park;
6. 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;
7. Stationing or erecting any building, bandstand, stage, tower, tent, canopy, scaffold, sound stage, platform, rostrum or other structure;
8. Use of any electrical or electronic device or equipment requiring outdoor auxiliary power;
9. Bringing, landing or causing to ascend or descend or alight within a public park, any airplane, helicopter, flying machine, balloon, parachute or other apparatus for aviation;

10. Use of mechanical rides (which may be permitted only on hard surfaces);
11. Conducting any exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission;
12. Exhibiting or displaying any motion picture, television program, light or laser light display, or similar event;
13. 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;
14. Displaying, posting or distributing any placard, handbill, pamphlet, circular, book or other writing containing commercial advertising on park property; or
15. 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 this Chapter.

C. 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.

D. Reservation Procedure. Groups desiring to use City parks, park facilities, or portions thereof, may request the City Manager 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 City Manager not less than 10 working days in advance and not more than 18 months of the intended use. The City Manager may permit a shorter or longer advance request time for good cause shown. The Facility Reservation Application is available at the Department of City Manager/Community Services and on the City web page. Upon the written approval by the City Manager 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 City Manager 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 City Manager 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.

The scheduling of events on the following holidays will be considered on a case-by-case basis and at the discretion of the City Manager: Independence Day, Thanksgiving, day after Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Easter and other holidays.

E. Permit Conditions. The City Manager 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.

F. Insurance. The City Manager may also require the applicant to provide such additional liability insurance, water, sanitary facilities and refuse receptacles as the City Manager determines to be necessary for the protection of public health, safety, and welfare in connection with the intended use.

G. 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.

H. 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.

I. Written Denials. With the exception of Facility Reservations for field allocation (i.e., baseball, softball, soccer), if no written denial or conditional approval is issued within thirty (30) working days of the date on which a permit application is fully completed, executed and filed with the City, the application shall be deemed to have been granted a conditional approval pursuant to Subsection B above. Provided, however, the City Manager 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 City Manager or his/her designee shall have information regarding the field allocation application and process through the City Manager/Community Services Department.

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, 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 City Manager, 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 City Manager shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place. The City Manager 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 City Manager 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 City Manager/Community Services 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 Menifee Municipal Code and the rules and regulations of the City Manager/Community Services Department.

J. 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 City Manager 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.

K. Right to Appeal. An applicant for a Facility Reservation Permit has the right to appeal the following:

1. The denial of a permit;

2. A permit condition;
3. The denial of a waiver of a certificate of insurance;
4. A determination that an applicant's insurance policy does not comply with the requirements specified in this Chapter;
5. The requirement or amount of a cleanup deposit specified in this Chapter; or
6. The retention of an applicant's cleanup deposit (in full or in part) because of assessed damages or a fine pursuant to this Chapter.

L. Filing of Appeal. Within five (5) working days of the service of notice of determination on any of the items set forth in paragraph D above, , 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 is it 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 City Manager shall be deemed reversed.

M. 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 City Manager/Community Services Department and any other papers that are material to the determination.

N. 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.

§ 13.01.270 APPLICABILITY.

The provisions of this Chapter shall apply to completed Facility Reservation applications for Facility Reservation Permits submitted on or after the effective date of this Ordinance.

§ 13.01.280 RESTROOM USE.

No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex, and said person shall not be allowed to go within twenty feet of such restroom, except City employees or contractors may enter upon such premises at proper hours for the purpose of cleaning, repairing, monitoring, and securing. No person shall be in the same stall with another, except

children six years of age and younger or any person in need of assistance who are accompanied into such facility by an adult. No person shall cut or deface the walls of any restroom or structure within the public parks or shall cut or write thereon.

§ 13.01.290 SMOKING PROHIBITED.

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 City Manager/Community Services Department and specifically designated by sign as a prohibited smoking areas by the City Manager/Community Services Department.

§ 13.01.300 VEHICLE MAINTENANCE PROHIBITED.

It is prohibited for any person, firm, or corporation to repair, lubricate, paint, prepare for painting, add to, alter or overhaul any vehicle within any park. The term add to, as used in this section, shall include within its meaning, the installation of any accessory to a vehicle.

§ 13.01.310 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 City Manager. 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 City Manager.

13.01.320 PARKING OF RECREATIONAL VEHICLES IN CITY PARKS.

No person, group or entity shall park a recreational vehicle as defined in within a park or recreation area owned or controlled by the City without first having obtained a permit from the City Manager pursuant to this Chapter or otherwise obtained the permission of the City Manager.

§ 13.01.330 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.

§ 13.01.340 SEVERABILITY OF PARTS OF CODE.

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

§ 13.01.350 PENALTIES.

A. Unless otherwise specifically provided, any person violating any provision of this Chapter shall be guilty of a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or imprisonment in the County Jail for a period not exceeding six months, or by both fine and imprisonment, or shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars.

B. In addition, in any case involving the destruction, defacing, removal or injury to any park facility or park foliage the court may require restitution in an amount necessary to reimburse the City for investigative costs and for the value of the item or material destroyed, defaced, removed or damaged as well as any labor expended to replant or restore the area, item or material affected.”

SECTION 2. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase 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, it being expressly declared that this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE AND POSTING

This ordinance shall take effect 30 days from the date of its adoption or July 1, 2014, whichever is later. The City Clerk shall certify to the passage of this ordinance and cause the same to be posted as required by law.

PASSED APPROVED AND ADOPTED this 21st day of May, 2014, by the following vote:

AYES: August, Denver, Edgerton, Fuhrman, Mann
NOES: None
ABSENT: None



Scott A. Mann, Mayor

APPROVED AS TO FORM:



Julie Biggs, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, KATHY BENNETT, City Clerk of the City of Menifee, do hereby attest to and certify the attached Ordinance No. 2014-146 to be the original ordinance adopted by the City Council of the City of Menifee on May 21, 2014 and that said ordinance was published in accordance with the law.

Date: 5/22/14



Kathy Bennett, City Clerk