

CHAPTER I. IN GENERAL.

Sec. 12-1. "Park" defined.

When used in this title, the word "park" shall include all grounds, roadways, avenues, parks, buildings, parking lots, school facilities when they are in use as recreational facilities, or to serve recreational facilities, and when they are under the control of the director of public services or the director of administrative services, and areas under the control, management or direction of the director of public services or the director of administrative services of the city.

(Code 1960, § 10101; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 4, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-2. "Employees of the department" defined.

When used in this title, the words "employees of the department" refer to those individuals appointed by the city manager, by the director of public services, or by the director of administrative services.

(Code 1960, § 10102; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 5, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-3. "Director" defined.

When used in this title, the words "public services director" shall refer to the department manager of the department of public services appointed by the city manager. The words "administrative services director" shall refer to the department manager of the department of administrative services appointed by the city manager.

(Code 1960, § 10103; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 6, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-4. Master plan adopted.

Attached to Ordinance 89-12 marked Exhibit "A" and made a part hereof, is a master plat designating the boundaries of one (1) zone which plat is hereby adopted as the master plan of parks for the City of Costa Mesa. The official plat of the master plan of parks for the City of Costa Mesa shall be kept on file in the office of the director of administrative services and a copy of the same shall be kept in the office of the city clerk for the city. Said plat is hereby declared to be a public record and shall be available for public view during the normal business hours of the City of Costa Mesa.

(Ord. No. 72-46, § 2 12-4-72; Ord. No. 80-12, § 2, 7-21-80; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-5. "Parkway" defined.

When used in this title, the word "parkway" shall define the area of a public street that lies between the curb and the adjacent property line or physical boundary definition, which is used for landscaping and/or passive recreational purposes.

(Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-6. Reserved.**Sec. 12-7. Camping and storage of personal property prohibited.**

(a) *Purpose.* The public streets and areas within the city should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or other storage of personal property interferes with the rights of others to use the areas for which they were intended. The purpose of this section is to maintain public streets and areas within the city in a clean and accessible condition.

(b) *Definitions.* Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this section.

- (1) *Camp* means to pitch or occupy camp facilities; to use camp paraphernalia.
- (2) *Camp facilities* include, but are not limited to, tents, huts or temporary shelters.
- (3) *Camp paraphernalia* includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or noncity designated cooking facilities and similar equipment.
- (4) *Park* means the same as defined in section 12-1 of this Code.
- (5) *Store* means to put aside or accumulate for use when needed to put for safekeeping, to place or leave in a location.
- (6) *Street* means the same as defined in this Code.

(c) *Unlawful camping.* It shall be unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise designated by the parks and recreation commission, and as permitted by the administrative services director:

- (1) Any street;
- (2) Any public parking lot or public area, improved or unimproved;
- (3) Any park.

(d) *Storage of personal property in public places.* It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise approved in writing by the administrative services director:

- (1) Any park;
- (2) Any street;
- (3) Any public parking lot or public area, improved or unimproved.

(Ord. No. 95-15, § 2, 9-18-95; Ord. No. 02-10, § 1, 5-20-02)

Secs. 12-8—12-15. Reserved.

CHAPTER II. USE REGULATED

ARTICLE 1. GENERALLY

Sec. 12-16. Parental responsibility.

No parent, guardian or custodian of a minor shall permit or allow such minor to do any act or thing in any park square, avenue, grounds or recreation center prohibited by the provisions of this title.
(Code 1960, § 10628; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-17. Rules and policies of department to be obeyed.

No person shall disobey or violate any of the rules, policies or regulations of the public services department or the administrative services department governing the use and enjoyment by the public of any park, square, avenue, grounds or recreation center, or governing the use and enjoyment of any building, structure, equipment, apparatus or appliance thereon, which rules or regulations at the time are posted in some conspicuous place in the park, square, avenue, grounds or recreation center, or in or near the building, structure, equipment, apparatus or appliance to which the rules or regulations apply.
(Code 1960, § 10205; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 7, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-18. Signs and notices to be obeyed.

(a) No person shall disobey any instruction, sign or notice posted by the public services department or by the administrative services department in any park, recreation center or building or structure thereon for its reasonable regulation and use.

(b) No person shall disobey any reservation notice posted or issued by the administrative services department concerning the use of any park facility, site, tables or other public accommodations therein.
(Code 1960, § 10206; Ord. No. 68-10, 3-4-68; Ord. No. 83-22, § 2, 9-6-83; Ord. No. 86-19, § 2, 8-4-86; Ord. No. 99-8, § 8, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-19. Public may be excluded.

In an emergency or when the city council shall determine that the public interest, health, morals or safety demand such action, any park, square, avenue, grounds or recreation center, or any part or portion thereof, may be closed against the public and all persons may be excluded therefrom until such emergency or other reason upon which such determination of the city council is based has

ceased, and upon the cessation thereof the park, square, avenue, grounds or recreation center, or part or portion thereof, so closed shall again be reopened to the public by order of the city council.
(Code 1960, § 10207; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-20. Disorderly conduct.

(a) [Enumerated.] When used in this title, the words "disorderly conduct" shall include any of the following conduct in any park:

- (1) A violation of any section of the California Penal Code.
- (2) A violation of any section of this Code.
- (3) Throw or cause to be launched stones or any other projectile.
- (4) Fire or carry fireworks of any kind including "safe and sane fireworks."
- (5) Make any fire or hold any barbecue except at places designated and/or permitted by the public services director or by the administrative services director.
- (6) Conduct or cause to be conducted any business which is defined as the sale or solicitation of business including, but not limited to, the wholesale or retail provision or distribution of goods, commodities, or services, without a written permit from the administrative services director.
- (7) Climb upon any wall, fence, shelter, seat, building, structure, tree, shrub, device or other equipment, except at play equipment designated by the public services director or by the administrative services director.
- (8) Bring, land or cause to descend or alight any aircraft, balloon, parachute or other instrumentality, machine, or apparatus for aviation or flight, except as permitted by the administrative services director pursuant to this title.
- (9) Damage, deface, alter, injure, destroy or remove any tree, wood, bush, turf, flower, plant, grass, soil, rock or any similar thing or part thereof from any park or in or on any building or structure within any park.
- (10) Damage, deface, alter, injure, destroy, or make, cut, paint upon, or otherwise mar or mutilate, or remove any equipment, pathway, facility, building or structure or part thereof within any park.
- (11) Let loose or permit to run, or swim, at large any animal upon any park, building or structure thereon, except as permitted by the administrative services director pursuant to this title.

- (12) Damage, deface, alter, injure, destroy or remove any animal in any park, except that abandoned wild or exotic animal let loose in any park in violation of this title may be removed by the public services department or by the administrative services department.
- (13) Lead, drive, entice, conduct or otherwise bring or cause to bring any horse, mule, ass, cattle, goat, sheep, swine or other similar livestock animal upon any park, building or structure thereon, except as permitted by the administrative services director pursuant to this title.
- (14) Place, pile, deposit, leave or cause to be deposited any building material, soil, solid waste or any other thing upon any park, and building or structure, except as permitted by the public services director, by the administrative services director, or in an area or receptacle designated by the public services department pursuant to this title.
- (15) Swim, bathe or wade in or pollute the waters of any fountain, lake, marsh or fishpond in any park or recreation center, and building or structure thereon.
- (16) Operate a remote-controlled ground-based vehicle on or within any park, square, avenue, parkway, grounds or recreation center, except in areas as designated by the administrative services director.
- (17) Engaging in a sport or activity such as "paintball", whereby a projectile is launched either mechanically or through pressure, or possessing any of the equipment or paraphernalia used in such a sport or activity.
- (18) Feed or cause to be fed wild animals, including but not limited to opossums, skunks, raccoons, and squirrels, or wild fowl, including but not limited to ducks, geese, and pigeons, except that this section does not pertain to wild fowl at TeWinkle Park.

(b) *Ejection.* Any person who commits any of the acts set forth in this section shall be guilty of disorderly conduct and shall be subject to ejection from the park by the public services director, by the administrative services director, city park ranger, or by a city police officer.

(Code 1960, § 10625; Ord. No. 68-10, 3-4-68; Ord. No. 86-19, § 2, 8-4-86; Ord. No. 96-4, § 4-1-96; Ord. No. 98-6, § 1, 3-2-98; Ord. No. 02-10, § 1, 5-20-02; Ord. No. 02-18, § 1, 10-7-02)

Sec. 12-21. Reserved.

Editor's note—Ordinance No. 05-5, § 2, adopted April 19, 2005, repealed § 12-21 in its entirety. Formerly, each section pertained to skateboard park and derived from Section 10627

of the 1960 Code; Ord. No. 68-10, 3-4-68; Ord. No. 96-4, § 2, 4-1-96; Ord. No. 98-15, § 1, 6-1-98; Ord. No. 02-10, § 1, 5-20-02.

Sec. 12-22. Reserved.

Editor's note—Section 2 of Ord. No. 96-4, adopted April 1, 1996, repealed § 12-22. Formerly, § 12-22 pertained to ejection of offenders and derived from § 10629 of the 1960 Code.

Sec. 12-23. Presence in parks after dark.

No person shall enter upon or engage in any activity in any park and building or structure thereon after dark, except in these recreation facilities and park areas designated by signage or subject to a permit issued by the administrative services director pursuant to this title.
(Code 1960, § 10626; Ord. No. 68-10, 3-4-68; Ord. No. 96-4, § 3, 4-1-96; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-24. Riding animals, operating vehicles.

No person shall ride or drive any horse or other animal or drive or propel any automobile, truck, dune buggy, motorcycle, motor scooter or any other motor powered vehicle within any park, square, avenue, grounds, or recreation center, except upon the roads, driveways, paths and highways provided and designated by the public services department for such use, and shall ride or drive such horse or other animal or propel such automobile, truck, dune buggy, motorcycle, motor scooter or any other motor powered vehicle in a

careful manner, at a lawful rate of speed, and in accordance with the rules and regulations made by the public services department.
(Code 1960, § 10208; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 9, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-25. Parking vehicles.

(a) No person shall park any automobile or other vehicle on any lawn or planted section in any park, square, avenue, grounds or recreation center, or in any pedestrian lane therein, or any other place where the rules and regulations of the public services department prohibit vehicular parking, without a written permit from the public services director or from the administrative services director.

(b) No automobile or other vehicle shall be parked in any road, place or highway in any park, square, avenue, grounds or recreation center, except on the extreme right side of said road, place or highway and immediately adjacent to the planted portion of the park, square, avenue, grounds or recreation center; provided, however, the public services department shall have full power and authority to set aside suitable space for the parking of any automobile or other vehicle off any road, place or highway. The extreme right side of said road, place or highway shall be deemed the right-hand side of any road, place or highway as measured or applied in the direction in which any vehicle is traveling.

(Code 1960, § 10208; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 10, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Cross reference—Parking regulations generally, § 10-181 et seq.

Sec. 12-26. Stopping, parking vehicles between dark and 5:00 a.m.

It shall be unlawful for the driver of any vehicle to stop or park the same at any place within the boundaries of any park, square, avenue, grounds or recreation center during the hours between dark and 5:00 a.m., except when attending some special event authorized to be conducted within the park during said hours by the administrative services director, and then only when such person stops or parks the vehicle at an area specifically designated for such stopping or parking in connection with such special event or with a permit from the administrative services director.

(Code 1960, § 101042; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 11, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-27. Maintaining vehicles.

No person shall wash, polish, grease or repair any automobile or other vehicle in any park, square, parkway, avenue, grounds or recreation center, except insofar as repairs may be necessary for the immediate removal of any damaged or disabled automobile or other vehicle from such

park, square, avenue, grounds or recreation center, except that the administrative services director may allow washing by written permit.
(Code 1960, § 10208; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-28. Wheeled, self-propelled vehicles and implements.

No person shall ride or drive a bicycle, skate board or roller skates upon or over any tennis court, shuffleboard court, handball court, seat, bench, furniture, railing, curb, stair, or planter wall within any park, square, avenue, grounds or recreation center, without a written permit from the administrative services director.

(Code 1960, § 10208; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-29. Trucks, drays and delivery vehicles; transporting garbage.

No dray, truck, auto truck, wagon, motor delivery vehicle, or other vehicle carrying or used in carrying goods, wares, merchandise, manure, soil, building material or other article or thing of commerce or trade shall enter into or upon any park, square, avenue, grounds or recreation center without first obtaining a permit from the administrative services director or from the public services director. Transportation of garbage into, upon or within any park, square, avenue, grounds or recreation center is prohibited.

(Ord. No. 1960, § 101040; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

Cross reference—Garbage generally, § 8 76 et seq.

Sec. 12-30. Advertising and commercial vehicles.

No vehicle having thereon or attached thereto any exposed advertising matter, name of owner, name of maker of said vehicle or sign, or advertising any commodity, article, merchandise, business, activity, person or thing shall be allowed within any park, square, avenue, grounds or recreation center without first obtaining a permit as provided in this Code. Trucks, drays, wagons, motor delivery vehicles and other vehicles may use transverse roads extending across such areas and designated for passage of commercial vehicles by the public services director.

(Code 1960, § 10317; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 12, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-31. Soliciting passengers for vehicles.

No person shall solicit, arrange, contract or make any agreement, or establish or maintain any stand or other equipment, for procuring passengers for any carriage, coach, motor wagon, automobile, auto bus, auto stage or other vehicle, let or used for hire, in any park, square, avenue,

grounds or recreation center without first having obtained a permit to do so from the administrative services director.
(Code 1960, § 101041; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 13, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-32. Disturbing property; performance of labor.

No person shall perform any labor in or upon any park, square, parkway, avenue, grounds, or recreation center, such as taking up or replacing soil, turf, ground, pavement, a structure, tree, shrub, plant, grass, flower and the like, except under the supervision and control of the public services director, and by virtue of a permit issued by the public services director authorizing such labor.

(Code 1960, § 10209; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 14, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Secs. 12-33—12-35. Reserved.

Editor's note—Section 4 of Ord. No. 96-4, adopted April 1, 1996, repealed §§ 12-33—12-35. Formerly, § 12-33 pertained to injuring trees, shrubs, and plants and derived from § 10832 of the 1960 Code and Ord. No. 68-10, adopted Mar. 4, 1968; § 12-34 pertained to removing trees, plants, turf, etc., and derived from § 10833 of the 1960 Code and Ord. No. 68-10; and § 12-35 pertained to defacing buildings prohibited and derived from § 10834 of the 1960 Code and Ord. No. 68-10. See § 12-20 for current provisions regarding said subject matter.

Sec. 12-36. Erecting obstructions.

No person shall build, construct, erect, put up or maintain any building, structure, fence, wall, monument, dome or other thing in or upon any park, square, avenue, grounds or recreation center without first having obtained a permit from the director. Any such building, structure, fence, wall, monument, dome or other thing shall not prevent, hinder or impair the full and free use and enjoyment by the public of such park, square, avenue, grounds or recreation center for park purposes.

(Code 1960, § 10935; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 15, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-37. Reserved.

Editor's note—Section 4 of Ord. No. 96-4, adopted April 1, 1996, repealed § 12-37. Formerly, § 12-37 pertained to building materials and derived from § 10936 of the 1960 Code and Ord. No. 68-10, adopted Mar. 4, 1968. See § 12-20 for current provisions regarding said subject matter.

Sec. 12-38. Warning devices at danger points.

Every person by whom or under whose direction or authority, either as principal, contractor or employer, any part or portion of any park, square, avenue, grounds or recreation center is made dangerous, must erect and, so long as the danger continues, maintain around the portion of the park, square, avenue, grounds or recreation cen-

ter or retain at both ends of such barrier during every night from sunset until daylight, such barricades and traffic and warning devices as shall be required by the public services director.
(Code 1960, § 10937; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

Cross references—Excavations and work on or affecting streets, § 15-25 et seq.; standard specification for warning devices, § 15-45.

Sec. 12-39. Grounds to be restored.

Where work has been done in any park, square, avenue, grounds or recreation center under any permit, the permittee shall repair, reconstruct and put the ground in as good condition in all respects when the work shall have been completed or terminated or such permit shall have expired as said ground was in when the permit was granted or the work commenced; the condition of the ground, site or place in any park, square, avenue, grounds or recreation center where any work has been done pursuant to any permit shall be made satisfactory to the public services director and on the completion of the work, the permittee shall forthwith remove all buildings, structures, machinery or equipment used in connection with such work from the park.

(Code 1960, § 10938; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 16, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Secs. 12-40, 12-41. Reserved.

Editor's note—Section 4 of Ord. No. 96-4, adopted April 1, 1996, repealed §§ 12-40 and 12-41. Formerly, § 12-40 pertained to animals or large and dangerous animals and derived from § 10418 of the 1960 Code and Ord. No. 68-10, adopted Mar. 4, 1968; § 12-41 pertained to livestock and derived from § 10419 of the 1960 Code and Ord. No. 68-10. See § 12-20 for current provisions regarding said subject matter.

Sec. 12-42. Dogs generally.

(a) For purposes of this section, the following words and phrases shall have the meanings as set forth below:

- (1) *Responsible person* means any person who owns, has a proprietary interest in, harbors or has the care, charge, control, custody or possession of a dog.
- (2) *Dog exercise area* means any fenced area or other enclosed area of a city park designated by the city council by resolution or ordinance as an area where dogs may be off a leash.

(b) No responsible person shall permit his dog(s) to be in or upon any public street, sidewalk, park or other public place unless such dog(s) is upon a secure leash not more than six (6) feet long held continuously in the hands of a person capable of controlling the dog, or unless the dog is securely confined within an automobile, or in or upon any fully enclosed lot or premises; provided, however, that this subsection shall not apply to a person

who is in the possession or operating within the terms of a valid permit from the city to conduct obedience classes or other types of trial or show of dogs in or upon any public place. This subsection shall not apply to dogs under the control of a responsible person in a dog exercise area.

(c) All responsible persons shall clean up after their dog(s) and remove all dog feces left by their dog(s) upon any public street, sidewalk, park or other public place, or any private property not owned by the responsible person, and dispose of it in a sanitary and proper manner.

(d) In addition to such other regulations that may be adopted from time to time by the Parks and Recreation Commission, the following regulations and limitations shall apply to all dog exercise areas:

- (1) No responsible person shall have more than four (4) dogs at once in a dog exercise area.
- (2) Dog exercise areas will be open from dawn to dusk and closed one (1) day per week as posted for maintenance. The operational hours may be adjusted as conditions require.
- (3) All responsible persons shall, at all times, take all reasonable precautions to prevent their dog(s) from biting, attacking or attempting to bite or attack any person or dog. A responsible person shall immediately remove his dog from the dog exercise area if it bites, attacks or attempts to bite or attack any person or dog.
- (4) Any dog over the age of four (4) months must be vaccinated and legally licensed prior to use of the any dog exercise area. Dogs under the age of four (4) months are prohibited from any dog exercise area pursuant to section 1920 of the Health & Safety Code.
- (5) Female dogs in heat are not permitted in any dog exercise area.
- (6) There shall be no food or food products, whether intended for human or dog consumption, in any dog exercise area.
- (7) All responsible persons using a dog exercise area must have a leash in their possession at all times for each of their dog(s) in the dog exercise area, which shall be worn by the dog(s) at all times the dog(s) is not in the exercise area.
- (8) All responsible persons shall also comply with all rules governing city parks and relevant parking regulations.
- (9) Use of any dog exercise area by a responsible person and his dog(s) shall constitute implied consent of the responsible person to all of the conditions set forth in this section. a waiver of liability benefit-

ing the City of Costa Mesa, and an agreement and undertaking to protect, indemnify, defend and hold the City of Costa Mesa harmless for any injury or damage caused by a responsible person's dog during any time that the dog is in the dog exercise area.

(e) The provisions of this section shall be enforceable by any police officer, animal control officer, park ranger or other code enforcement officer of the city pursuant to section 1-33 of this Code. In addition to any other remedies, the city officer shall have the authority to eject any person who violates this section pursuant to section 12-20 of this Title.

(Code 1960, § 10420; Ord. No. 68-10, 3-4-68; Ord. No. 96-13, § 1, 11-18-96; Ord. No. 98-6, § 2, 3-2-98; Ord. No. 01-26, § 1, 10-15-01; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-43. Dogs excluded from children's playgrounds, etc.

No person having in charge any dog shall permit, allow or suffer such dog to enter upon or remain within any park area reserved for children or to enter any sandbox or play apparatus area.

(Code 1960, § 10421; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-44. Handbills and circulars; distributing and posting.

No person, association, partnership, firm, corporation or trust shall paint, mark or write on, post, attach or otherwise affix any handbill, notice, sign or similar device to or upon any park, sidewalk, parkway, crosswalk, street, alley, median, curbstone, street lamppost, bus bench or shelter, or hydrant, tree, shrub, tree stake or guard, electric light, power or telephone pole or wire or appurtenance thereof, or upon any lighting system, bridge, drinking fountain, street sign or barrier, traffic sign, fence, building or structure of any kind located on city property or any city right-of-way or easement unless a permit is obtained from the city council as provided in section 5-121(d)(5) or Chapter II of Title 19. The person, association, partnership, firm, corporation or trust responsible for such sign, notice, handbill or similar device in violation of this section shall be liable for the cost incurred for the removal and disposal thereof as provided in section 5-128.

(Code 1960, § 10316; Ord. No. 68-10, 3-4-68; Ord. No. 94-9, § 6, 6-6-94; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-45. Sports activities.

(a) No person shall fly a kite or airplane (driven by an internal combustion engine) or participate in any games such as baseball, football, hockey, and the like in any park where such use has been prohibited by a sign posted at the

entrance to the park as designated by the administrative services department or the public services department.

(b) No person shall play, practice or in any way engage in the game of golf in any public park or parkway in the city, except at the times and places designated by the administrative services director and under the supervision of a member of the staff of the administrative services department. This section shall not apply to playing of golf on any city-owned golf course.

(c) No person shall engage in any boxing contest, prizefight, combative martial arts activity or wrestling contest, or promote or participate in any such contest, in any park or recreation center without a written permit from the administrative services director.
(Code 1960, § 10210; Ord. No. 68-10, 3-4-68; Ord. No. 96-4, § 5, 4-1-96; Ord. No. 99-03, § 1, 4-19-99; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-46. Vending merchandise.

No person shall bring or cause to be brought for the purpose of sale or barter, or have for sale, or sell or exchange, or offer for sale or exchange, any goods, wares, merchandise or other things in any park, square, avenue, grounds or recreation center, without first having obtained a permit from the administrative services director and an appropriate business license from the director of finance.
(Code 1960, § 10211; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-47. Reserved.

Editor's note—Section 5 of Ord. No. 96-4, adopted April 1, 1996, repealed § 12-47. Formerly, § 12-47 pertained to golf and derived from § 10212 of the 1960 Code and Ord. No. 68-10, adopted Mar. 4, 1968. See § 12-45 for current provisions regarding said subject matter.

Sec. 12-48. Reserved.

Editor's note—Ord. No. 02-10, § 1, adopted May 20, 2002, deleted § 12-48. Former § 12-48 pertained to camping and derived from the Code of 1960; Ord. No. 68-10, adopted March 4, 1968; and Ord. No. 99-8, adopted June 7, 1999.

Sec. 12-49. Reserved.

Editor's note—Ord. No. 98-10, § 1, adopted April 6, 1998, repealed § 12-49, which pertained to campfires and barbecues and derived from Code 1960, § 10214; and Ord. No. 68-10, adopted March 4, 1968.

Sec. 12-50. Reserved.

Editor's note—Section 5 of Ord. No. 96-4, adopted April 1, 1996, repealed § 12-50. Formerly, § 12-50 pertained to swimming and water pollution and derived from § 10215 of the 1960 Code and Ord. No. 68-10, adopted Mar. 4, 1968. See § 12-20 for current provisions regarding said subject matter.

Sec. 12-51. Rubbish to be put into receptacles.

No person shall throw, place, cast, deposit, dump, or cause to be thrown, placed, cast, deposited or dumped, any ashes, refuse, offal, vegetable, garbage, dross, cinders, shells, straw, shavings, paper, scraps or dirt, or dead animal, fish, fowl, bird or reptile, glass, crockery, bones, tin cans or like matter, empty box, carton, wastepaper, remains of food, newspaper, filth or rubbish of any kind in any park, square, avenue, grounds or recreation center, except to place the same in cans or receptacles provided for such matter.
(Code 1960, § 10522; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

Cross reference—Garbage and rubbish generally, § 8-76 et seq.

Sec. 12-52. Reserved.

Editor's note—Section 5 of Ord. No. 96-4, adopted April 1, 1996, repealed § 12-52. Formerly, § 12-52 pertained to boxing and wrestling contests and derived from § 10624 of the 1960 Code and Ord. No. 68-10, adopted Mar. 4, 1968. See § 12-45 for current provisions regarding said subject matter.

Sec. 12-53. Permits.

(a) Any lodge, society, social organization, group, sports league or team, social club or other organization of persons having ten (10) or more members or attendees desiring to use any area of any public park, square, avenue, grounds or recreation facility for a parade, picnic, game, or other purpose and where such use will exclude or interfere with use by other members of the public from such area shall obtain a permit from the administrative services director or his designee not less than three (3) business days or more than one (1) year prior to such use. The administrative services director and other personnel of the department may take all reasonable measures to apportion the use of any park, square, avenue, grounds and other recreational facilities fairly among individuals and groups desiring to use them. A permit fee may be charged to offset costs. Such fees shall be established by resolution of the city council.

(b) The administrative services director shall issue permits for the exclusive use of any public facility described in subsection (a) during certain times unless one of the following grounds is found to exist:

- (1) The proposed use of a specified facility for a certain time is in conflict with a previously issued permit for the same facility.
- (2) The proposed use will have a significant adverse impact on or present an imminent threat of damage or injury to the facility or the public health, safety, and welfare.

- (3) The proposed use violated the provisions of this article or any other federal, state, county or city statute, ordinance or regulation.

(c) Before making a determination on an application for a permit, the administrative services director shall allow interested persons an opportunity to submit relevant information either orally or in writing, and the director shall give notice of his decision on the application by mail within twenty-four (24) hours of his decision. The decision of the administrative services director shall be made within three (3) business days of the filing of the application, and may be appealed to the parks and recreation commission by any interested person within seven (7) days of the date on which the notice of the decision, addressed to the groups or organizations affected, is deposited in the mail; provided, however, that the decision shall remain in effect while the appeal is pending. (Code 1960, § 10730; Ord. No. 68-10, 3-4-68; Ord. No. 86-19, § 2, 8-4-86; Ord. No. 92-12, § 2, 7-6-92; Ord. No. 99-8, § 18, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

Sec. 12-54. Reserved.

Editor's note—Ord. No. 86-19, § 2, adopted Aug. 4, 1986, provided for the repeal of § 12-54, which had prohibited making speeches in parks without a permit. Prior to repeal, such section had been derived from the 1960 Code, § 10731; and Ord. No. 68-10, adopted Mar. 4, 1968.

Sec. 12-55. Amusements, shows, etc.; permit required.

No person shall set up or maintain any exhibition, place of amusement, concert hall, moving picture, show, showstand, performance, concert, entertainment or amusement in any park, square, avenue, grounds or recreation center without first having obtained a permit to do so from the parks and recreation commission. (Code 1960, § 10939; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

ARTICLE 2. SKATE PARKS*

Sec. 12-55.1. Definitions.

Roller skate shall mean any footwear or device that may be attached to the foot or footwear, to which non-metallic wheels are attached and such wheels may be used by the wearer for moving or propulsion, including but not limited to in-line skates commonly known as roller blades.

**Editor's note*—Ordinance No. 05-5, § 1, adopted April 19, 2005, set out provisions intended for use as §§ 12-47—12-49. For purposes of clarity, and at the editor's discretion, these provisions have been included as §§ 12-55.1—12-55.3.

Safety equipment shall mean, at a minimum, legal or approved helmets, elbow pads and knee pads.

Skateboard shall mean all non-metallic wheeled objects, coasters, conveyances, or similar devices used for transportation or sport which are propelled by human power and which are not classified as bicycles or roller skates.

Skate park shall mean a public facility that is designed for use by persons riding skateboards or roller skates, and which is designated a "skate park" by the recreation manager. (Ord. No. 05-5, § 1, 4-19-05)

Sec. 12-55.2. Skate park regulations.

The following regulations shall apply for all skate parks:

- (a) No person shall use a skate park for uses other than for skateboarding or roller skating.
- (b) No person shall skateboard or roller skate without wearing the required safety equipment as posted at a skate park.
- (c) No person shall skateboard or roller skate when the skating surface is wet.
- (d) No person shall engage in profanity, reckless or boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay and bullying) or any other activity that could endanger the safety of persons using a skate park or spectators.
- (e) Only skateboards and roller skates will be allowed to be used in a skate park. Prohibited devices include, but are not limited to, bicycles, scooters and any motorized device whether electric or gas powered.
- (f) No person shall use, consume or possess food, beverages, glass bottles or any breakable glass item on the skating surface.
- (g) No person shall place or utilize additional obstacles or other materials, including, but not limited to, ramps or jumps, at a skate park.
- (h) No person shall use, or be under the influence of, alcohol, controlled substances or illegal drugs while using a skate park.
- (i) No person shall enter the skating surface area of a skate park unless actively skateboarding or roller skating in accordance with these regulations.
- (j) No person shall use portable/personal stereos and headphones within a skate park or its perimeter.
- (k) No person shall have a dangerous weapon in his/her possession. Deadly weapons shall include, but not be limited to guns, knives, bats/clubs or martial arts weapons.