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## CHAPTER 10-1 ADMINISTRATION

### **Section 10-1.01. Park Rangers designated Peace Officers.**

All persons appointed to the classifications of "Park Services Officer" or "Park Services Aide" and regularly employed and paid as such by the City are Peace Officers and designated as park rangers for purposes of Penal Code Section 830.31(b). The primary duty of such Peace Officers shall be the protection of public property and the preservation of the peace in and around city parks, public open space, public parking areas and public rights of way within the City of Santa Maria. The Director of Recreation and Parks or his/her designee shall serve as the City of Santa Maria's Principal Park Services Officer and shall have the authority to oversee, select and train persons in the classification of Park Services Officer/Aide. (Prior Code § 2-91.11; Ord. 2005-01, eff. 3/3/05)

### **Section 10-1.02. Adoption of regulations.**

The Recreation and Parks Commission is authorized to adopt such reasonable regulations for the safe use of City parks, as it deems necessary; provided, that the adoption of each such regulation shall be reported to the City Council at its first regular meeting next following the adoption of the regulation. At the meeting the City Council may consider the regulation and, if it deems the regulation unnecessary, unreasonable or not in the best interest of the City and of the public, may order the regulation repealed and voided forthwith, by motion of a majority of the Council, and the regulation shall be then and there null and void; provided, that such action shall not affect the validity of such regulations, or actions based thereon, prior to such avoidance and repeal by the Council. (Prior Code § 2-91.9)

## CHAPTER 10-2 PARK RULES

### **Section 10-2.01. Eviction of persons.**

Any person upon any premises of the City maintained under the provisions of this title, whether as a participant in any contest or exhibition, or as spectator, or in any other capacity, and whether he is present thereon under a permit granted under Section 10-3.101 through 10-3.105, and whether he has paid an admission fee or not, shall be a mere licensee only and may be evicted, by any Police Officer of the City or by the Director of Recreation and Parks, upon return to him of any admission price which he has paid. (Prior Code § 2-91)

### **Section 10-2.02. Vehicles: Operation: Speed limit.**

No vehicle, other than authorized emergency vehicles and service vehicles of the City, shall be permitted in any park except upon vehicular ways designated therein. The speed limit for all vehicles on vehicular ways within a park shall be fifteen (15) miles per hour and no vehicle shall exceed the speed limit. (Prior Code § 2-91.2)

### **Section 10-2.03. Vehicles: Parking.**

No vehicle, other than authorized emergency vehicles and service vehicles of the City, shall be parked on any vehicular way within any park, but shall be parked in designated parking areas only. Parking in any place within any park, other than in a designated vehicular parking area, is a misdemeanor. (Prior Code § 2-91.4)

### **Section 10-2.04. Obstruction of ways and paths.**

No vehicle and no table, booth or other structure operated, parked or erected within any park, and no individual or group of individuals, or organization, shall obstruct any vehicular or pedestrian way, walk, path or bridle path within any park, in any manner or at any time in such a manner as to prevent convenient pedestrian passage on such way, walk or path; provided, that pursuant to a permit issued and approved by the Recreation and Parks Commission, an area within a park approved for the use of a permittee, may include provision for temporary closure of specified pedestrian ways, walks or paths, in a safe manner, so as to permit the use of that portion of that park by such permittee, but in no event for any period of time greater than that specified in the permit. (Prior Code § 2-91.3)

### **Section 10-2.05. Sound amplifying systems.**

No person, group of persons or organization shall operate any sound amplifying system within any park in conjunction with their use of the park, except upon specific approval thereof by the Recreation and Parks Commission. Violation of these provisions is a misdemeanor; provided, that the request to use such a sound amplifying system may be included as a part of a request for the use of park facilities, as provided in Chapter 10-3; provided further, that in any park in which a sound amplifying system has been installed by the City as part of the park facilities, the sound amplifying system may be used by an applicant upon approval by the Director of Recreation and Parks. In no event shall any sound amplifying system be operated within a park, at such a volume as to constitute a substantial source of annoyance to other persons, groups or organizations using the park outside of the immediate area approved for the use of the particular person, group or organization using the system or to persons lawfully occupying private properties adjoining the park. (Prior Code § 2-91.5)

### **Section 10-2.06. Damage to property.**

Any action by any person or groups of persons, intentionally causing damage or which to a reasonable person would appear likely to cause damage to any park property or recreational equipment within the park, is a misdemeanor. (Prior Code § 2-91.6)

### **Section 10-2.07. Signs.**

No signs, placards, posters, hand-carried signs or signs of any kind shall be permitted within any park, except upon approval of a permit therefor by the Director of Recreation and Parks or his authorized representative. Such approval shall not be granted except for identifying the person, group or organization using the park, and the nature or purpose of their activity therein. Erection, maintenance or display of signs in parks, contrary to these provisions, is a misdemeanor. (Prior Code § 2-91.7)

### **Section 10-2.08. Molestation or harassment.**

No person, group or organization using any park facilities, or being in or on any City park or any public way immediately adjacent thereto, shall molest or harass any other person on or within the park or the public way. Any such molestation or harassment is a misdemeanor. (Prior Code § 2-91.8)

**Section 10-2.09. Overnight camping, sleeping, parking.**

There shall be no overnight camping, sleeping or parking within any public park at any time, and no permit issued pursuant to this title shall permit an activity to continue beyond twelve (12:00) midnight on the date for which the activity is permitted. Any such overnight camping, sleeping or parking is a misdemeanor. (Prior Code § 2-91.10)

**Section 10-2.10. Prohibition Against Nonconforming Activities at Specialty Recreation Facilities.**

It is the intent of this section is to ensure the safe and proper use of City recreation facilities that have been specifically designed or intended for a specialty function.

It shall be unlawful for any person or group to engage in activity upon or adjacent to City recreation facilities for which that facility is not intended. The Director of Recreation and Parks may identify specific specialty uses for recreation facilities due to the design specifications, safety issues or physical constraints of a recreation facility. A sign shall be posted in clear view of the public stating the special purpose of the facility and that no other activity may occur on the facility without the express written permission of the Director of Recreation and Parks.

Those persons participating in the nonconforming activity may be removed from the premises and/or charged with an infraction. (Ord. 2001-08, eff. 6/15/01)

## CHAPTER 10-3 USE OF FACILITIES

### Section 10-3.100. Article 1. Nonprofit

#### Section 10-3.101. Eligibility: Permit.

Any lodge, church, club, society, union, organization, group of individuals, or individual, not created or acting for purposes of profit, may obtain a permit for the use of any portion of any recreational buildings or lands of the City, for the purposes provided in this chapter, in the manner set out in this article and none other. (Prior Code § 2-90 (part))

\* Editor's Note: Section 10-3.101 through Section 10-3.104 was amended by request of the City Attorney.

#### Section 10-3.102. Request.

Any such organization or person shall submit a request in writing to the Director of Recreation and Parks stating the time at which such use is desired, the portion of the recreational facilities desired, the nature of the use for which it is desired, and whether an admission price is proposed to be charged and, if so, what the admission price is proposed to be. (Prior Code § 2-90 (part))

#### Section 10-3.103. Investigation: Admissions charged.

The Director shall, after receipt of the request provided for in Section 10-3.102, investigate the facts of the matter. The Director may grant a permit upon any conditions which he deems reasonably necessary to protect and preserve the recreational buildings or lands of the City. If an admission price is proposed to be charged, the Director shall require the petitioner to provide evidence, satisfactory to the Director, that proceeds from such admission will not profit any person, except that such proceeds may be used for any valid, charitable purposes for which the petitioning organization, group or individual has been formed or is acting. In the event of the failure or refusal of the petitioner to provide such evidence, the permit shall not be granted. (Prior Code § 2-90 (part))

#### Section 10-3.104. Security.

The Director, as a condition precedent to the granting of a permit under this article, may require a sufficient security, in cash or otherwise, to reimburse and indemnify the City for the cost of lights, cleaning, repairs and other expenses arising from the use of such facilities under such permit, and to require the petitioner to execute an agreement for the use of such facilities or equipment, and may impose such other and further conditions as he deems necessary to the granting of such permit. (Prior Code § 2-90 (part))

#### Section 10-3.105. Appeal of denial.

In the event the Director refuses to grant the permit requested under this article, the applicant may appeal such refusal in writing to the Recreation and Parks Commission by filing notice thereof in writing with the Director of Recreation and Parks within not more than thirty (30) days following refusal of the permit by the Director. The Commission shall consider such appeal at its next meeting following the filing of such appeal. The Director shall, upon such appeal being filed, notify the appellant in writing of the date, time and place of the next meeting of the Commission and set the matter of the appeal on the agenda of the Commission for the meeting. The appellant shall be entitled to be heard on the matter at the meeting. The Commission, by majority vote of the quorum present, may affirm or overrule the action of the Director in refusing the permit and may, in overruling, impose such additional conditions or change such conditions of the issuance of the permit as the Commission deems reasonably necessary. (Prior Code § 2-90 (part))

\* Editor's Note: Section 10-3.105 was amended by request of the City Attorney.

#### Section 10-3.106. Contests, demonstrations and exhibits.

Athletic contests, demonstrations or exhibits, and other educational contests, demonstrations or exhibits, may be held from time to time; provided, that no such contests, demonstrations or exhibits may be held for which an admission fee is charged unless the same are amateur and noncommercial. (Prior Code § 2-89)

### Section 10-3.200. Article 2. Other

#### Section 10-3.201. Rental of buildings.

The Director of Recreation and Parks may permit the use of recreational buildings or portions thereof by persons or organizations other than charitable and nonprofit organizations; provided, that such person or

organization makes application in the manner provided in Article 1 of this chapter; and provided further, that such person or organization pays in advance a reasonable rental for the use of such building or portion thereof. A schedule of such rental rates shall be established by the Director and approved by the Recreation and Parks Commission. (Prior Code § 2-90.1)

**Section 10-3.202. Personal property.**

Personal property, including play or recreational equipment, may be issued to any group or individual, for a period not exceeding four (4) consecutive days from the date of issuance, by the Director of Recreation and Parks or his subordinates, in accordance with regulations for the use and issuance of such equipment established by the Director. (Prior Code § 2-90.2)

**Section 10-3.203. Erection of booths, tables: Large-group picnicking.**

All persons proposing to erect or maintain a table, booth or similar structure, however temporary in nature, or whether or not portable in design, within a City park, and all groups of persons, other than picnickers using picnic tables provided in the park, exceeding seventy-five (75) in number, and groups of picnickers exceeding one hundred (100) in number, shall obtain a permit from the Recreation and Parks Commission for the use of City facilities in the manner provided in Article 1 of this chapter. All persons in groups obtaining such permits shall comply with all state laws and local ordinances, and with all conditions imposed by the Recreation and Parks Commission in approving the permit. Failure or refusal to obtain the permit or to comply with all applicable laws, ordinances and permit conditions is a misdemeanor and is also grounds for the immediate revocation of the permit on the order of the Director of Recreation and Parks and, upon revocation of such permit, all such persons and all persons, members, guests, participants or spectators, whether as members of the group or as individuals, may be evicted from the park by any Police Officer of the City, or by the Director of Recreation and Parks, or his duly authorized representative, as provided in this title. (Prior Code § 2-91.1)

**Section 10-3.204. Commercial specialty structures.**

(a) All commercial specialty structures operated on or placed upon City property or facilities shall be required to obtain an annual permit from the Director of Recreation and Parks. The permit fee shall be \$250 per owner/vendor. The permit fee and requirements shall be reviewed annually and adjusted by the Recreation and Parks Commission.

(b) "Commercial specialty structure" means any structure including, but not limited to out-houses, portable restrooms, inflatable bounce houses or slides, tents and other similar structures. (Ord. 2005-11, eff. 10/20/05)

## CHAPTER 10-4 OPEN WATERFRONT RECREATIONAL PARK AREAS

### Section 10-4.01. Purpose and goals.

Intent-purpose. Provide guidelines and policies for recreational park areas with bodies of water that exceed an acre in size, whether natural or man-made. The City of Santa Maria's Open Waterfront Recreational Park Areas Ordinance is enacted to further the following public purposes:

- (a) To realize the optimum public benefits and uses of open waterfront recreational park areas.
- (b) To integrate safe water activities with open waterfront recreational areas.
- (c) To promote safe and healthy activities in and around open waterfront recreational areas.
- (d) To reduce any public hazard in conjunction with water and open waterfront recreational areas. (Ord. 2005-10, eff. 9/2/05)

### Section 10-4.02. Definitions.

As used in this chapter, unless the context clearly requires a different meaning, the following words have the following meanings:

- (a) "Department" means the City of Santa Maria Recreation and Parks Department.
- (b) "Lake" means any body of water, man-made or natural, over an acre in size.
- (c) "Park" means any municipal area open to the public for recreational purposes.
- (d) "Park Personnel" means all department personnel charged with the responsibility of maintenance and management of any municipal area open to the public for recreational purposes. "Park Personnel" includes the Director of Recreation and Parks, Service Managers and other Recreation and Park staff.
- (e) "Motorboat" means any vessel propelled by a motor. This includes Jet Skis, Wave Runners, remote controlled boats, or other similar crafts.
- (f) "Watercraft" means any vessel not propelled by a motor and capable of transporting a person.
- (g) "Swimming" means propelling oneself through the water intentionally.
- (h) "Wade" means step in the water.
- (i) "Wildlife" means any living creature native or migrating to a park site.
- (h) "Fishing and hunting" means any attempt to catch, trap, net, or shoot any living fish or other animal native or otherwise. (Ord. 2005-10, eff. 9/2/05)

### Section 10-4.03. Authority of park personnel.

Park Personnel are authorized to direct the visiting public in its use of a park according to statutes, ordinances and rules and regulations applicable to a park, including but not limited to the following situations: In the event of fire or other emergency; to expedite traffic; to ensure safety of the persons in a park; to ensure against pollution of a lake; and to protect property and facilities in a park. (Ord. 2005-10, eff. 9/2/05)

### Section 10-4.04. Restriction of public use parks.

Park Personnel, the Chief of Police, and the Fire Chief are authorized to restrict the public use of a park by closing a park or any of its facilities or restricting the hours of operation for good and sufficient reasons, including but not limited to the following:

- (a) Sanitary protection of the watershed.
- (b) Fire prevention.
- (c) Construction.
- (d) Dangerous or unsafe conditions.
- (e) To prevent damage to the park or its facilities.
- (f) Conservation of fish and wildlife. (Ord. 2005-10, eff. 9/2/05)

### Section 10-4.05. Eligibility: Permit.

No individual, association or organization of any sort may access, use, go in or on any lake in any park for any purpose prohibited in this Chapter unless a permit is obtained from the Director of Recreation and Parks. Permits may be applied for, and will be issued, according to the procedures set forth in Chapter 10-3 of this Title. (Ord. 2005-10, eff. 9/2/05)

### Section 10-4.06. Motorboat/Watercraft washing.

It is unlawful for any person to wash a motorboat, watercraft or motor vehicle in a lake or park area. (Ord. 2005-10, eff. 9/2/05)

**Section 10-4.07. Watercraft/Motorboat operation in prohibited areas.**

It is unlawful for any person within the park to load, unload or operate a watercraft/motorboat within a prohibited area designated by official standard waterway markers on a lake and waterfront. Such prohibited areas shall be designated by the Director of Recreation and Parks. (Ord. 2005-10, eff. 9/2/05)

**Section 10-4.08. Motorboats.**

It is unlawful for any person to operate any type of motorboat in or on a lake. (Ord. 2005-10, eff. 9/2/05)

**Section 10-4.09. Watercraft/Motorboat on shore-designated areas-sleeping in.**

It is unlawful for any person within a park to do any of the following acts:

(a) To keep any watercraft/motorboat on shore overnight, except in an area designated and posted for such purpose.

(b) To sleep in any watercraft/motorboat during the hours when a lake is closed.

(c) To moor any watercraft/motorboat overnight in a location of a lake. (Ord. 2005-10, eff. 9/2/05)

**Section 10-4.10. Unattended Watercrafts/Motorboats.**

It is unlawful for any person utilizing the area to leave any watercraft/motorboat unattended at any time. Park personnel are authorized to impound any watercraft/motorboat involved in a violation of this section and to charge a reasonable fee or fees for the release of said watercraft/motorboat to the owner. Any such watercraft/motorboat not claimed by the owner within thirty (30) days after written notification of such impounding may be sold by the Director of Recreation and Parks at public auction and any fees imposed shall first be deducted and retained from the amount received, and the remainder, if any, shall be paid to the owner. (Ord. 2005-10, eff. 9/2/05)

**Section 10-4.11. Watercraft/Motorboat operation time restriction.**

Provided that a required permit has been obtained as set forth in section 10-4.05, it is unlawful for any person to operate or occupy any watercraft/motorboat in the lake between the time of one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise. (Ord. 2005-10, eff. 9/2/05)

**Section 10-4.12. Watercraft/Motorboat operation by incapable person.**

Provided that a required permit has been obtained as set forth in section 10-4.05, it is unlawful for the owner of any watercraft/motorboat within a park or any person having such in his/her charge or control to authorize or knowingly permit the same to be operated by any person who is incapable of operating such watercraft/motorboat under the prevailing circumstances for any reason, including, but not limited to, inexperience, or physical or mental disability. (Ord. 2005-10, eff. 9/2/05)

**Section 10-4.13. Closure of lake or park.**

Park Personnel are authorized to close a lake or park or portions thereof for any of the following reasons:

(a) Dangerous water or weather conditions.

(b) Unsatisfactory parking or road conditions.

(c) Construction or special event activities. (Ord. 2005-10, eff. 9/2/05)

**Section 10-4.14. Conservation.**

It is unlawful for any person within a park to receive, bring, or cause to be brought into the recreation area any fish, amphibian, or aquatic plant for the purposes of propagation or use as fish bait without the approval of the Department of Fish and Game of the State of California and the Director of Recreation and Parks. (Ord. 2005-10, eff. 9/2/05)

**Section 10-4.15. Swimming, wading, skin diving, SCUBA diving, and snorkeling are not allowed.**

It is unlawful for any person to intentionally swim, wade, skin dive, SCUBA dive, or snorkel in a lake unless authorized by a required permit as set forth in section 10-4.05. (Ord. 2005-10, eff. 9/2/05)

**Section 10-4.16. Fishing.**

Is allowed in designated areas only. Such areas shall be designated by the Director of Recreation and Parks. All State and Federal fishing laws shall be followed. All persons shall have a current fishing license as required by State and Federal laws. All persons shall clean fish in the posted designated areas only. (Ord. 2005-10, eff. 9/2/05)

**Section 10-4.17. Penalties.**

Violations of the provisions of this chapter shall be prosecuted in accordance with the provisions of Santa Maria Municipal Code as a misdemeanor. (Ord. 2005-10, eff. 9/2/05)