

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHULA VISTA MUNICIPAL CODE SECTIONS 1.04.010,
2.66.310 AND 2.66.330 DELEGATING AUTHORITY TO PARK
RANGER TO ISSUE INFRACTION CITATIONS AND
GENERAL UPDATES TO CHAPTER 2.66

WHEREAS, City staff is concerned about maintaining public park property and the quality of life for all City residents in City parks;

WHEREAS, from time-to-time irresponsible individuals commit violations of City law in City parks including drinking alcohol in parks, urinating on public property, damaging city fields or play structures, performing unauthorized use, or not honoring reservations for fields or facilities;

WHEREAS, City of Chula Vista park rangers will confront individuals who are violating city laws in city parks without repercussion because they do not currently have the authority to issue citations for violations thereof;

WHEREAS, the park rangers will have to wait until the Chula Vista Police Department responds to the city park in question and usually by that time the offending party has fled;

WHEREAS, currently the position of City of Chula Vista park ranger is not authorized to issue infraction citations;

WHEREAS, California state law permits cities to authorize and delegate the responsibility of enforcing park rules, regulations and laws to park rangers and authorizes them to issue infraction citations;

WHEREAS, City staff believes that if a park ranger was authorized to issue infraction citations that City parks would be better served by having park rangers preserve the peace and quality of life by ensuring that violations of City and state law are not committed therein;

WHEREAS, City staff also believes it would better serve the community and taxpayer resources by having park rangers enforce city law as opposed to additionally burdening the Chula Vista Police Department; and

WHEREAS, City staff would also like to accomplish a general cleanup of Chapter 2.66 which is included herewith to address operational changes within City organization; and

WHEREAS, at the request of City staff, including the recreation, public works and police departments, the City Council finds it necessary to preserve its parks and public property and does hereby authorize the position of City of Chula Vista park ranger to issue infraction citations for violations of City and state law that occur in City parks; and

WHEREAS, the Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

Section I. That Sections 1.04.010, 2.66.010, .015, .035, .040, .043, .045, .050, .060, .070, .080, .100, .130, .140, .150, .180, .181, .185, .190, .200, .230, .240, .250, .260, .270, .310, .320 and .330 of the Chula Vista Municipal Code are hereby amended to read as follows:

1.04.010 Definitions and rules of construction.

In the construction of this code and of all ordinances of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

“Abatement” means an act or combination of actions designed to correct a nuisance. Abatement includes, but is not limited to, removal, demolition or repair of structures; removal of weeds, rubbish and debris; reconstruction of structures to code; restoration of drainage ways or courses; grading or regrading and filling of illegally graded or developed land; revegetation; vacating of illegal or nonconforming structures; removing barriers improperly blocking off public access; removal of encroaching structures onto public property; and other action which is reasonably related to the correction or mitigation of nuisances under this code or state law.

“City” or “this city” means and shall be construed as if followed by the words “of Chula Vista.”

“City manager” means an officer appointed by the city council as the city manager, and includes those officers and employees he or she designates to perform certain functions. The term “city manager” includes a director, as defined herein, except in those proceedings where an appeal to the city manager is taken from the order of a director.

“Code” or “this code” means the municipal code of the city of Chula Vista, California.

“Code enforcement officer” means a person, other than a police officer, designated by the city manager or a director to enforce violations of the municipal code. A code enforcement officer is authorized to issue notices of violation and administrative citations pursuant to Chapter 1.41 CVMC. A code enforcement officer is authorized to issue misdemeanor citations or to arrest a person without a warrant for a misdemeanor committed in his or her presence which is a violation of state law or an ordinance which the code enforcement officer has a duty to enforce. A code enforcement officer may exercise all powers of arrest pursuant to California Penal Code Section 836.5. A code enforcement officer is not a peace officer within the definition of Penal Code Sections 830 through 832.8.

Computation of Time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a legal holiday and then it is also excluded.

“Council” whenever used in this code means the city council of the city.

“County” or “this county” means the county of San Diego.

“Day” means the period of time between any midnight and the midnight following.

Daytime and Nighttime. “Daytime” means the period of time between sunrise and sunset. “Nighttime” means the period of time between sunset and sunrise.

“Director” means the ~~C~~ehief of ~~P~~police, ~~f~~ire ~~e~~Chief, ~~e~~ity-~~C~~ity ~~E~~ngineer, ~~d~~irector of ~~p~~lanning ~~and~~ ~~b~~uilding ~~D~~evelopment ~~S~~ervices, ~~d~~irector of ~~f~~inance, ~~d~~irector of ~~p~~arks ~~and~~ ~~R~~ecreation, ~~D~~irector of ~~P~~ublic ~~W~~orks, ~~director of community development~~ and the employees designated by them or assigned by job function to perform code enforcement functions and duties. It also includes the county health officer or director of public health for public health and sanitation. The ~~D~~irectors are authorized to issue rules and regulations on behalf of the City where referenced in this Code.

Gender. The masculine gender includes the feminine and neuter.

“In the city” means and includes all territory over which the city now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

Joint Authority. All words giving a “joint authority” to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

“Month” means a calendar month.

“Notice” means a written document which informs a person of the time, date and place for a hearing, the nature of a penalty or corrective action required of that person, and the municipal code section(s) applicable to the proceeding. Service of notice is covered in CVMC 1.40.030.

“Nuisance” is as defined under California Civil Code Section 3480, and includes a condition upon or use of real property within Chula Vista that violates the municipal code or state law. It may also include dilapidation or disrepair of structures; the maintenance of a structure in which illegal drug, gambling or prostitution activity occurs; or a structure on private property which encroaches into public property.

Number. The singular number includes the plural and the plural the singular.

“Oath” means and includes an affirmation.

Officers, Departments, Etc. Officers, departments, boards, commissions and employees referred to in this code shall mean officers, departments, boards, commissions and employees of the Ceity, unless the context clearly indicates otherwise.

Official Time. Whenever certain hours are named in this code, they shall mean Pacific Standard Time or Daylight Saving Time, as may be in current use in the Ceity.

Or, And. “Or” may be read “and,” and “and” may be read “or,” if the sense requires it.

“Owner,” applied to a building or land, means and includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

“Park Ranger” means a person, other than a Police Officer, designated by the City Manager or a Director to enforce violations of the municipal code and whose primary duty is the protection of the park, public property, open space and other property of the City and the preservation of peace therein. A Park Ranger is authorized to issue infraction citations as authorized by Chapter 1.20 CVMC. A park ranger is also authorized to issue infraction citations committed in his or her presence which are violations of state law.

“Person” means and includes any person, firm, association, organization, partnership, business trust, corporation or company.

“Personal property” means and includes every species of property, except real property, as defined in this section.

Preceding and Following. The words “preceding” and “following” mean next before and next after, respectively.

“Process” means and includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

“Property” means and includes real and personal property.

“Real property” means and includes land, improvements and structures on land, tenements and hereditaments.

“Responsible party” means, individually and collectively, the owner(s) of real property upon which a violation of this code or state law exists; or a tenant or occupant in possession, licensee or any other person who has caused, created, or continues to allow a condition to occur or exist upon real property constituting a violation of this code or state law. A “responsible party” can be a natural person or a corporation.

Shall and May. “Shall” is mandatory and “may” is permissive.

Signature or Subscription by Mark. “Signature” or “subscription” includes a mark when the signer or subscriber cannot write, such signer’s or subscriber’s name being written near the mark by a witness who writes his own name near the signer’s or subscriber’s name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

“State” or “this state” shall be construed to mean the state of California.

“Tenant or occupant,” applied to a building or land, includes any person holding a written or an oral lease of, or who occupies the whole or a part of, such building or land, either alone or with others.

Tenses. The present tense includes the past and future tenses, and the future includes the present.

Week. A “week” consists of seven consecutive days.

“Writing” means and includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language, unless it is expressly provided otherwise.

“Year” means a calendar year, except where otherwise provided.

2.66.010 Purpose and intent of provisions.

It is the purpose of the City Council, in establishing rules and regulations governing the use of park and recreational areas in the City, to ensure the public in general, and the inhabitants of this community in particular, full and equal rights to the use and enjoyment of said public facilities without regard to the status or condition of the users of the facilities. It is recognized that society generally and the inhabitants of any community have a right to have publicly owned premises maintained in a sanitary and orderly condition. Further, the City Council recognizes the rights of individuals to speak, write and freely disseminate their views and to make full use of public facilities so long as said rights are exercised in the manner which is not inconsistent with the rights of others and violative of said rights. It is the intent of the City Council, being aware that no rights are absolute, to regulate and prohibit certain activities in public parks and other places of public recreation within the City, in the interest of protecting the enjoyment and safety of the public in the use of the facilities. To further this purpose and intent, the Director of ~~Parks and Recreation~~ and Director of Public Works and the City Council are authorized to both promulgate reasonable rules and regulations and post signage as may be necessary and appropriate to carry out the provisions of this chapter.

2.66.015 Definitions.

Within this chapter, the following definitions apply:

- A. “Alcoholic beverage” means beer, wine, sparkling wine and champagne only.
- B. “Park” or “City Ppark” means the land and easements owned or leased by the City of Chula Vista which, by ordinance, resolution, regulation or agreement, is dedicated to or operated by the City for purposes of sports and public recreation. The term shall include the buildings, parking lots, streets and sidewalks within the territorial boundaries establishing the park.
- C. “The Director ~~of Parks and Recreation~~” means the Director of ~~Parks and Recreation~~ or designee.

D. "Recreation facility" or "recreation center" means a building and the appurtenant land owned, leased or operated by the City of Chula Vista for the purpose of sports and public recreation activities, and includes a parking lot serving the building and any contiguous sidewalks. Although a recreation center or recreation facility may be located within a City park, it is a separate and distinct term for purposes of this chapter.

E. "Recreation area" means a City park, as defined in this section.

F. "Recreation trail" means a path or way located within a City park, or within open space within the City of Chula Vista, that by ordinance, resolution, regulation or agreement is dedicated to or operated by the City of Chula Vista for purposes of recreational hiking and riding.

2.66.035 Glass containers and beer kegs prohibited – Exceptions.

A. It is unlawful to possess a glass container in any City park.

B. It is unlawful to possess a beer keg or any similar single container capable of containing or containing more than one gallon of beer classified as an alcoholic beverage within any City park or recreation center unless the City authorizes such use by permit only.

C. Except where expressly permitted under the terms of a lease, operating agreement or permit issued by the Director of **Parks and** Recreation, it is unlawful to possess a glass container within any recreation center.

2.66.040 Sale or serving of alcoholic beverages in recreation buildings prohibited.

A. Except as authorized in subsection (B) of this section, it is unlawful to sell or serve any alcoholic beverage at any recreation center.

B. Alcoholic beverages may be served, pursuant to a special permit issued by the Director of **Parks and** Recreation, at the following recreation centers: Norman Park Senior Center, Chula Vista Women's Club, Rohr Manor, Salt Creek Recreation Center, Monteville Recreation Center and Veterans Recreation Center.

2.66.043 Alcoholic beverage consumption and possession restrictions on public park properties.

A. It is unlawful to consume or possess an alcoholic beverage within any City park during the hours of closure established by CVMC [2.66.270](#).

B. It is unlawful to consume or possess an alcoholic beverage at any time within any of the City **P**arks or parts thereof or upon any public street, sidewalk, plaza, parking lot or rest room contiguous to or immediately

adjoining the territorial boundary of those parks or parts thereof when posted with signs prohibiting drinking, except where permitted under the terms of a lease, operating agreement or permit issued by the Director of Recreation, Director of Public Works-Operations, the eCity mManager, or their designees. Any signs posted pursuant to this section must be posted under the authority of a Ceity Council resolution upon a finding by the council that the park, or portion thereof, was experiencing problems with the public's consumption of alcohol.

2.66.045 Open alcoholic beverage containers prohibited in park's parking lots or public ways.

It is unlawful to possess or consume an alcoholic beverage within, or have or possess any bottle, can or other receptacle containing an alcoholic beverage which has been opened, the seal broken, or the contents of which have been partially removed, upon any public street, sidewalk, parkway or parking lot within or immediately adjoining a city-City pPark or Rrecreation Ceenter.

Except as authorized by a permit issued by the Director of Recreation and Director of Public Works it is unlawful to sell or serve any alcoholic beverage at Eucalyptus Park, Harborside Park, Lauderback Park, Memorial Park, Rienstra Park, Orange Park, SDG&E Park, Friendship and Orange Parks.

2.66.050 Toilet and rest room use restrictions.

It is unlawful for any male person over eight years of age to enter or use any toilets or rest rooms designated by signage for women or for any female person over eight years of age to enter or use any toilets or rest rooms designated by signage for men in a public park unless they are accompanying a minor child who needs assistance.

2.66.060 Posting of handbills and other papers prohibited.

A. Except as authorized in CVMC 2.66.060(B), it is unlawful to post and/or distribute within any eCity pPark or Rrecreation Ceenter, or to post or affix upon any tree, fence or structure or building located within any Ceity Ppark or recreation-Recreation centerCenter, any handbills, circulars, pamphlets, tracts, dodgers, papers or advertisements.

B. With the permission of the ~~director of parks and recreation~~Director of Recreation and Director of Public Works or their designees, banners and signs can be displayed in association with a permit, special events or rental; announcements may be posted upon community service bulletin boards located within Rrecreation eCenters and City Pparks.

2.66.070 Sale or solicitation for sale of merchandise, food and beverage, or prohibited business prohibited – Exceptions.

Except as authorized by a permit issued by the ~~director of parks and recreation~~ Director of Recreation or Director of Public Works or their designees, it is unlawful to sell or offer for sale any merchandise, article, food, or beverage or any object whatsoever, or to practice, carry on, conduct or solicit for any trade, occupation, business or profession, for profit or free offering within any City Park or Recreation Center.

2.66.075 Vending vehicles – Parking and stopping regulations.

Except pursuant to a permit issued by the ~~director of parks and recreation~~ Director of Recreation, the Director of Public Works or their designees or except for emergency repairs, it is unlawful to stop or park a food vending vehicle or other vehicles within a City Park or parking lot adjoining a Recreation Center or upon a public street immediately adjacent to a City Park for the purpose of, or to sell, give away, display or offer for sale, any food or beverage product from that vehicle. Any vehicle stopped for emergency repairs shall not sell, give away, display or offer for sale any food or beverage product.

2.66.080 Injuring or defacing structures or monuments, or digging or removing vegetation prohibited.

A. Except when authorized by the city manager, ~~or director of parks and recreation~~ Director of Recreation, Director of Public Works or their designees, it is unlawful to dig up vegetation or dig within any City Park or Recreation Center or recreation area.

B. Except when authorized by the ~~City Manager, or~~ Director of Recreation, Director of Public Works or their designees ~~director of parks and recreation~~, it is unlawful to cut, break, injure, deface or disturb any tree, grass shrub, plant or other vegetation, rock, building, fence, bench, table or other structure, apparatus or property within any City Park, Recreation Center or recreation area.

C. Except when authorized by the ~~City Manager, or~~ Director of Recreation, Director of Public Works or their designees ~~or director of parks and recreation~~, it is unlawful to mark or write upon, paint or deface in any manner any tree, grass, rock, building, monument, fence, bench or other structure within a City Park, Recreation Center or recreation area, or to attach a decoration of any sort to any structure in or at any City Park or Recreation Center.

2.66.100 Operating or Parking of vehicles prohibited.

Except when authorized by the City Manager, Director of Recreation, Director of Public Works or their designees, it is unlawful to operate, leave or park any automobile, motorcycle or other self-driven vehicle on any park, recreation trail or plaza property, excepting at such place or places as are provided for and designated as places for the leaving or parking of automobiles, motorcycles or other self-driven vehicles.

2.66.130 Animals prohibited – Exceptions.

A. Except as provided in subsection (B) or (C) of this section, it is unlawful to ride, bring, leave, turn loose or allow any animal to be within any City Park, recreation trail or Recreation Center unless expressly permitted by the City.

B. Except during a dog show or exhibition authorized by the ~~director of parks and recreation~~ Director of Recreation, it is unlawful to bring or allow a dog to be within any City Park, Recreation Center or recreation area, unless the dog is restrained by a chain, line or leash not to exceed six feet and is in the custody and control of some competent person.

C. Subsection (A) of this section shall not apply to dogs or horses which are in special areas of parks or on trails designated and posted by the ~~Director of Public Works~~ Recreation director of parks and recreation for such purposes, provided regulations for the use of the designated area are complied with. Subsection (A) of this section shall not apply to a seeing-eye dog or other service animal assisting a person with a disability.

Yes add reference to petting zoo

2.66.140 Fires prohibited – Exceptions.

It is unlawful to make or kindle any fire except in picnic stoves (associated with picnic shelter rentals), fire-rings or fireplaces ~~provided-permitted~~ for that purpose, except by permission in writing from the Director of Recreation, Director of Public Works, or their designees ~~director of parks and recreation~~. Barbeque devices using propane only are acceptable.

2.66.150 Tampering with equipment, tools or materials prohibited.

Except as authorized by a permit issued by the Director of Recreation, Director of Public Works or their designees, it is unlawful to open or close any valves or switches pertaining to the water, gas or electric service or to move or remove from one location to another or destroy any equipment, tools, implements or materials used by ~~the parks and recreation~~ City departments; provided, however, that this section shall not apply to any employee or contractor of the ~~parks and recreation department~~ Recreation Department or Public Works Department ~~-~~ while in the performance of his duties.

2.66.180 Operation of model airplanes and certain other vehicles prohibited.

Except in an area designated with signage by the ~~director of parks and recreation~~ Director of Public Works ~~Recreation~~ for that purpose, or authorized by permit from the Director of Recreation or their designees it is unlawful to operate any model airplane, model car, go-cart, sky lanterns, fighting kites, drones or similar self-propelled device, toy or model within any City Park or recreation area.

2.66.181 Archery and golf regulated.

Except in an area designated with signage by the Director of Public Works for that purpose, or authorized by permit from the Director of Recreation or their designees ~~Except where authorized by the director of parks and recreation~~ Director of Recreation by permit or posted signage, it is unlawful in any City Park, Recreation Center or recreation area to practice or participate in archery, golf or disc golf, or to possess an implement used for archery or golf except when in direct transit to a designated area.

2.66.185 Amplified noise.

Except when authorized pursuant to a permit issued by the ~~director of parks and recreation~~ Director of Recreation, Director of Public Works, or their designees it is unlawful in any park or recreation center to operate a radio, television, stereo or any similar electronic or mechanical device capable of producing or emitting sound at a volume where the sound is audible at a distance greater than 400-150 feet from the point of emission.

2.66.190 Disturbing of meetings and other gatherings prohibited.

It is unlawful to disturb in any manner any picnic, meeting, services, concert, exercises, exhibition, athletic events, special events or organized class, or to indulge in riotous, boisterous, threatening or indecent conduct or abusive, threatening, profane or indecent language in any public City Park, building Recreation Facility or recreation area.

2.66.200 Discharge of fireworks and firearms prohibited.

It is unlawful to discharge any firearm, ~~firecracker, bomb, torpedo, rocket or other~~ fireworks (fireworks shall mean any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation) ~~fireworks~~ without the written consent of the ~~director of parks and recreation~~ City; provided, however, that as to the discharging of any firearms, this section shall not apply to any authorized peace officer or employee of the ~~parks and recreation department~~ City departments while in the performance of his or her duties.

2.66.210 Bathing, fishing in or polluting certain waters prohibited.

A. It is unlawful to bathe, swim or fish in the waters of any lake, pond, stream, pool, water feature, water fountain, drainage channel or throw into or deposit any dirt, filth or foreign matter in the waters of any lake, pond, pool, or in like manner pollute the same; provided, however, that nothing herein contained shall be construed to prohibit swimming-the intended use in any municipal swimming pool and splash pads in accordance with the rules and regulations provided therefor.

B. It is unlawful to use a sink or water fountain in any public park or recreation building to launder clothing or to bathe or wash any part of the body other than the hands or face, or both.

2.66.230 Shows, lectures, games of amusement, and other exhibitions prohibited.

It is unlawful to set up, maintain or give any exhibition, show, performance, lecture, concert, place or games of amusement (i.e., dunk tanks, game trucks, dog shows, air inflated astro-jumps, pony rides, petting zoos etc.) or concert hall without the written consent a permit issued by the Director of Recreation, and Director of Public Works or their designees ~~of the director of parks and recreation.~~

2.66.240 Games of Organized sport use restricted.

A. Except in areas designated by the Director of Recreation by permit or posted signage, it is unlawful to engage in any organized activity within a City Park or recreation area.

B. Organized shall be defined as: regularly scheduled or regularly recurring; OR involving 25 or more participants; scheduled, publicized, or promoted in advance; conducted or directed by an individual, group of individuals, or an organization; instructional or directional in nature; participants wearing uniforms, vests, or other clothing and/or equipment that clearly designates opposing teams.

C. All groups desiring to make reservations for field use must complete an application for facility use form and pay the required fee(s) at the time of request by the Recreation Department.

D. Any persons without a facility use permit authorizing them to do so will not be permitted to install items into the ground, or to use equipment that may result in damage to the grass or public property, including but not limited to goal or workout equipment. Those persons with a facility use permit and authorization to do so will be required to cease use of said installed or used equipment if evidence of damage exists.

NOTE: The reservations must be made before the desired date. Groups wishing to reserve a ballfield must reserve one for a minimum of two hours. If groups who wish to have a ballfield prepped (dragged and chalked) for an additional required fee(s), seven days' notice must be given.

~~Except in areas designated by the director of parks and recreation by posted signage for that purpose, it is unlawful to play ball or engage in other sports activity within a city park or recreation area.~~ (Ord. 2651 § 1, 1995; Ord. 1179 § 1 Art. 3, 1969; prior code § 21.3.2(22)).

2.66.250 Riding bicycles, motorcycles, scooters, roller blading, roller skating, in-line skating, skateboarding prohibited in certain areas.

A. Prohibited Areas. Except as provided in subsection (B) of this section, it is unlawful to skateboard, roller blade, in-line skate, or roller skate or ride a bicycle, scooter, tricycle, motorized bicycle, motorcycle or motor vehicle on any path, bridle trail, basketball or tennis court, walk or sidewalk in any City Park or recreation area.

B. Lawful Areas. It is lawful to skateboard, roller blade or roller skate or ride a bicycle, scooter or tricycle within a City Park or recreation area on a path or in an area designated by ~~the director of parks and recreation~~ the Director of Recreation by permit or posted signage as appropriate for that purpose.

C. Grinding prohibited. It is prohibited for skateboarders to use their skateboard to grind edges of benches, sidewalks or any other concrete or steel public installations except in explicitly designated skate parks.

2.66.260 Camping and other overnight activities prohibited.

Except when authorized pursuant to a permit issued by the Director of ~~Parks and Recreation~~, Director of Public Works, or their designees it is unlawful to camp, lodge, or sleep for any period of time within a City Park during the hours that the park is closed pursuant to CVMC 2.66.270.

2.66.270 Activities prohibited during certain nighttime hours – Exceptions.

All City parks are open between the hours of 7 a.m. to 10 p.m. generally, with the exception of Rohr Park, Hilltop Park, and Rancho del Rey/Independence Park, are closed between the hours of 10:30 p.m. and 6:00 a.m. Rohr Park is closed between the hours of 10:30 p.m. and 7:00 a.m.; Hilltop Park and Rancho del Rey/Independence Park are closed during the hours of 9:00 p.m. to 7:00 a.m. during the months of April through October, and during the hours of 7:00 p.m. to 7:00 a.m. during the months of November through March. All activities except walking or proceeding along designated sidewalks or pathways through the parks during closing hours are prohibited. The Director of ~~Parks and Recreation~~ or Director of Public Works is authorized to alter the park closing hours stated above when the Director determines it is necessary to preserve public property from damage and/or for the public health, safety or welfare. Specific facilities within City parks, such as tennis courts, playing fields, gazebos and similar installations, can also be closed at

different hours than general park closure hours so long as signs are posted. Such change in hours shall be effective when signs indicating the change are posted, ~~and remain in effect until the City Council meeting or for 30 days, whichever first occurs. The Director shall prepare and submit a report to City Council regarding the reason for the change and recommending appropriate Council or administrative action, which report shall be considered by Council at the next meeting.~~ Any person found inside the park during closure hours can be cited for violating park closure hours.

2.66.310 Group use – Rules and regulations. – Picnic Shelters

A. It is unlawful in a City Park to use a group picnic shelter ~~or other public area~~ designated for group use of 25 or more persons without prior authorization from the ~~City Director of Parks and Recreation or its designees.~~ Group picnic shelters for groups of 25 or more persons shall be designated by signs posted by the City Director of Parks and Recreation for that purpose.

B. It is unlawful for any person or group of persons within a City Park, without a permit issued by the City Director of Parks and Recreation, to fail or refuse to promptly leave a picnic shelter ~~or other public area~~ designated for group use by 25 or more persons following notification by a Park Rranger or other person designated for that purpose by the City Director of Parks and Recreation, or a Police Officer.

C. All groups desiring to make reservations for a group picnic shelters or other public area must complete a park reservation request form, submit a refundable cleaning and security deposit, and pay the required fee(s) at the time of request.

NOTE: The reservations must be made at least two days before the desired date. ~~Groups wishing to reserve a ballfield must reserve one for a minimum of two hours. If groups wish, for an additional required fee(s), to have a ballfield prepped (dragged and chalked), seven days' notice must be given.~~

D. At the conclusion of the group's use, a Park Rranger ~~from the department of parks and recreation~~ will inspect the area to determine if it has been cleaned and to ensure that no damage has occurred. If the area is left in satisfactory condition, the deposit will be refunded. If the area has not been properly cleaned, the department will cause it to be cleaned, with the actual costs being deducted from the deposit. If the costs of cleaning exceed the amount of the deposit, the group or organization will be billed for the balance due with interest added if not paid within 30 days after the billing date.

E. Groups must not exceed the maximum size for their shelter. Any group that exceeds the maximum as determined by a ~~department of parks and recreation~~ Park Ranger will forfeit its cleaning deposit. This occurrence may be grounds for refusal to approve future requests.

F. Groups who cancel a reservation will be charged a required fee(s) for handling. If the reservation is cancelled seven or more days in advance, the use fee and cleaning/damage deposit will be refunded. If the reservation is cancelled less than seven days in advance, only the cleaning/damage deposit will be refunded.

Cancellations must be made by filling out a Request for Refund online during business hours (8:00 a.m. to 5:00 p.m.), Monday through Friday, by calling Parks Reservations 691-5071397-6197 or by coming to the parks and recreation department. Should inclement weather occur on the day of the reservation, the groups may receive a refund of the use fee and cleaning/damage deposit or reschedule their reservation.

G. All groups will confine themselves to their assigned areas, unless they are involved with recreational activities. No picnic tables, benches, grills, stoves or other park equipment will be moved from any other area without express permission from ~~the department of parks and recreation~~ the City. Groups may not change assigned picnic areas. Failure to comply will result in forfeiture of all fees.

H. All group members and caterers must use the parking area assigned on the reservation form. Any vehicle not parked in designated parking spaces will be ticketed.

I. Organizations and groups staging functions in the parks should acquaint themselves with the general park rules and regulations. Actions which are in violation of said rules and regulations may result in cancellation of the outing, forfeiture of deposits, arrest or fine.

J. These group use rules and regulations apply to all City of Chula Vista parks.

K. Any persons without a permit will not be permitted to use courts, install items into the ground, or to use equipment that results in damage to the grass or public property, including but not limited to goal or workout equipment.

2.66.320 Issuance of Park Permits.

Upon application presented at least ~~three~~ fourteen days in advance, the ~~director of parks and recreation~~ Director of Recreation, Director of Public Works or their designees will issue a permit for activities regulated within this chapter, unless the director finds that the event or activity will violate or cause any of the following conditions to occur:

A. Violate law;

- B. Exceed the capacity of the city park or recreation facility for the safe conduct of the event;
- C. Present a clear and present danger to the health, safety or welfare of the public or other park users;
- D. Conflict with the terms or conditions of a valid prior issued permit; or program activities;
- E. Involve the use of machinery or equipment which can damage park or recreation property; including but not limited to, spikes, metal cleats, and/or equipment fitted with projections, is prohibited;
- F. Involve activity, equipment or a number of persons, or a combination thereof, which in the opinion of the ~~director of parks and recreation~~ Director of Recreation, or Director of Public Works, or their designees, is or constitutes a threat to public health and safety; (Ord. 2651 § 1, 1995).

2.66.330 Enforcement.

Violations of this chapter are punishable pursuant to Chapter 1.20 CVMC. A Park Ranger is authorized to enforce the provisions of this Chapter and any other Chula Vista Municipal Code provisions addressing public property and issue infraction citations for violations thereof.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Richard Hopkins
Director of Public Works Director

Glen R. Googins
City Attorney

Kristi McClure
Director of Recreation