

ORDINANCE NO. 2651

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING CHAPTER 2.66 OF THE CHULA
VISTA MUNICIPAL CODE RELATING TO PARK AND FACILITY
RULES

SECTION I: That Chapter 2.66 of the Chula Vista Municipal Code is hereby amended
to read as follows:

Chapter 2.66

PARK AND FACILITY RULES²⁹

Sections:

- 2.66.010 Purpose and intent of provisions.
- 2.66.015 Definitions.
- 2.66.020 Applicability to specific actions.
- 2.66.030 Gambling and gaming prohibited.
- 2.66.035 Glass containers and beer kegs prohibited--exceptions.
- 2.66.040 Sale or serving of alcoholic beverages in recreation buildings prohibited.
- 2.66.043 Alcoholic beverage consumption and possession restrictions on public park properties.
- 2.66.045 Open Alcoholic beverage containers prohibited in parking lots or public ways.
- 2.66.050 Toilet and rest room use restrictions.
- 2.66.060 Posting of handbills and other papers prohibited.
- 2.66.070 Sale or solicitation for sale of merchandise, food and beverage prohibited--exceptions.
- 2.66.075 Vending vehicles--parking and stopping regulations.
- 2.66.080 Injuring or defacing structures or monuments or digging or removing vegetation prohibited.
- 2.66.090 Littering prohibited.
- 2.66.100 Parking of vehicles prohibited.
- 2.66.110 Cleaning or repairing of vehicles prohibited.
- 2.66.120 Vehicle speed limited.
- 2.66.130 Animals prohibited--exceptions.
- 2.66.140 Fires prohibited--exceptions.
- 2.66.150 Tampering with equipment, tools or materials prohibited.
- 2.66.160 Birds and animals-Catching, wounding or killing prohibited.
- 2.66.170 Birds and animals-Poisoning prohibited.
- 2.66.180 Operation of model airplanes and certain other vehicles prohibited.
- 2.66.181 Archery and golf regulated.
- 2.66.185 Amplified Noise.
- 2.66.190 Disturbing of meetings and other gatherings prohibited.
- 2.66.200 Discharge of fireworks and firearms prohibited.
- 2.66.210 Bathing, fishing in or polluting certain waters prohibited.
- 2.66.230 Shows, lectures, games of amusement, and other exhibitions prohibited.
- 2.66.240 Games of organized sport restricted.

- 2.66.250** Riding bicycles, motorcycles, roller blading, roller skating, skateboarding prohibited.
- 2.66.260** Camping and other overnight activities prohibited.
- 2.66.270** Activities prohibited during certain nighttime hours--exceptions.
- 2.66.280** Obstructing vehicular and pedestrian traffic prohibited.
- 2.66.290** Carrying of arms and weapons prohibited--exceptions.
- 2.66.300** Weapons in violation of Section 2.66.290 deemed nuisance confiscation and destruction authority.
- 2.66.310** Group use-rules and regulations.
- 2.66.320** Issuance of park permits.
- 2.66.330** Enforcement.

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 insure 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 City Council is 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 of this Code.

2.66.015 Definitions.

Within Chapter 2.66 of this code, the following definitions apply:

- A. "Alcoholic beverage" means any beverage as defined by Business and Professions Code Section 23004, and includes beer, wine, whiskey, gin or similar beverage containing more than one-half of one percent of alcohol by volume.
- B. "Park" or "City Park" 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 Chapter 2.66.
- 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.

2.66.020 Applicability to specific actions.

It is unlawful for any person either as employer, employee, principal or agent to do any of the acts hereinafter in Chapter 2.66 of this Code specified within the exterior boundary lines of any park or recreation area in the City.

2.66.030 Gambling and gaming prohibited.

Gambling and gaming is prohibited pursuant to the provisions of Penal Code Section 330 and 330A.

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.
- 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 Section 2.66.040(B), 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: Chula Vista Women's Club and Rohr Manor.

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 Section 2.66.270 of this Code.
- B. It is unlawful to consume or possess an alcoholic beverage at any time within any of the City parks 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. Any signs posted pursuant to this Section must be posted under the authority of a city 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 park or recreation center.

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.

2.66.060 Posting of handbills and other papers prohibited.

- A. Except as authorized in Section 2.66.060(B), it is unlawful to post within any City park or recreation center or to post or affix upon any tree, fence or structure or building located within any City park or recreation center any handbills, circulars, pamphlets, tracts, dodgers, papers or advertisements.
- B. With the permission of the Director of Parks and Recreation, announcements may be posted upon community service bulletin boards located within recreation centers.

2.66.070 Sale or solicitation for sale of merchandise, food and beverage prohibited - exceptions.

Except as authorized by a permit issued by the Director of Parks and Recreation, 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, 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 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, 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 Parks and Recreation, it is unlawful to cut, break, injure, deface or disturb any tree, 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 Parks and Recreation, it is unlawful to mark or write upon, paint or deface in any manner any tree, 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.

2.66.090 Littering prohibited.

Littering in a City park, recreation area or recreation center is prohibited pursuant to Penal Code Section 374.4.

2.66.100 Parking of vehicles prohibited.

It is unlawful to 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.

2.66.110 Cleaning or repairing of vehicles prohibited.

It is unlawful to clean, wash or polish, or to make other than emergency repairs upon any automobile, motorcycle or self-driven vehicle within any City park or at any recreation center.

2.66.120 Vehicle speed limited.

It is unlawful to drive an automobile, motorcycle, or other self-propelled vehicle defined in the Vehicle Code within any City park at a speed in excess of fifteen miles per hour.

2.66.130 Animals prohibited - exceptions.

- A. Except as provided in subsection B or C, it is unlawful to ride, bring, leave, turn loose or allow any animal to be within any City park, recreation trail or recreation center.
- B. Except during a dog show or exhibition authorized by the Director of Parks and 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 shall not apply to dogs or horses which are in special areas of parks or on trails designated and posted by the Director of Parks and Recreation for such purposes, provided regulations for the use of the designated area are complied with. Subsection A shall not apply to a seeing-eye dog or other service animal assisting a person with a disability.

2.66.140 Fires prohibited - exceptions.

It is unlawful to make or kindle any fire except in picnic stoves, fire-rings or fireplaces provided for that purpose, except by permission in writing from the Director of Parks and Recreation.

2.66.150 Tampering with equipment, tools or materials prohibited.

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 Department, provided however, that this section shall not apply to any employee or contractor of the Parks and Recreation Department while in the performance of his duties.

2.66.160 Birds and animals-Catching, wounding or killing prohibited.

It is unlawful to wound, kill or catch or to attempt to wound, kill or catch any bird or other animal except on the direction of the city.

2.66.170 Birds and animals-Poisoning prohibited.

It is unlawful to give or offer to any animal or bird, any tobacco, alcohol or other known noxious substances.

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 for that purpose, it is unlawful to operate any model airplane, model car, go-cart or similar self-propelled device, toy or model within any City park or recreation area.

2.66.181 Archery and golf regulated.

Except where authorized by the Director of Parks and Recreation by posted signage, it is unlawful in any City park, recreation center or recreation area to practice or participate in archery or 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, 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 one-hundred feet from the point of emission (Ord. 2172 §2, 1986).

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 park, building 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 without the written consent of the Director of Parks and Recreation; 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 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, pool, 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 in any municipal swimming pool in accordance with the rules and regulations provided therefor.
- B. It is unlawful to use a sink 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, air inflated astro-jump, pony rides, etc.) or concert hall without the written consent of the Director of Parks and Recreation.

2.66.240 Games of organized sport restricted.

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.

2.66.250 Riding bicycles, motorcycles, roller blading, roller skating, skateboarding prohibited.

- A. Except as provided in Section 2.66.250B, it is unlawful to skateboard, roller blade or roller skate or ride a bicycle, tricycle, motorized bicycle, motorcycle or motor vehicle on any path, bridle trail, walk or sidewalk in any City park or recreation area.
- B. It is lawful to skateboard, roller blade or roller skate or ride a bicycle or tricycle within a City park or recreation area on a path designated by the Director of Parks and Recreation by posted signage appropriate for that purpose.

2.66.260 Camping and other overnight activities prohibited.

Except when authorized pursuant to a permit issued by the Director of Parks and Recreation, 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 Section 2.66.270.

2.66.270 Activities prohibited during certain nighttime hours - exceptions.

All City parks, 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 is authorized to alter the park closing hours stated above when the Director determines it is necessary for the public health, safety or welfare. 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 thirty (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.

2.66.280 Obstructing vehicular and pedestrian traffic prohibited.

It is unlawful for any person to willfully obstruct vehicular or pedestrian traffic or circulation within or upon any of the sidewalks or streets of a City park.

2.66.290 Carrying of arms and weapons prohibited - exception.

Except for peace officers defined in Penal Code Section 817, it is unlawful to carry, convey, maintain, or provide any arm or weapon including, but not limited to, any fixed-blade knife, hunting knife, pocket knife, switchblade knife, bayonet, machete, firearm, chain, club, bat, stick, cane, blackjack, slung shots, bullies, sandclubs, sandbags, and metal knuckles or any other object or device whether normally designed for such use or not, which is intended to be used or which can be used in a dangerous or offensive manner to inflict bodily harm upon the person of another or property damage upon the property real and personal or the trees, shrubs or lawn owned by or in the custody of the City, or any other person upon his person, or in a vehicle whether concealed or not within any public park, golf course, or other recreational area in the City, or in or upon any of the walks, lots or avenues of any park or recreational area in the City.

2.66.300 Weapons in violation of Section 2.66.290 deemed nuisance-Confiscation and destruction authority.

The unlawful carrying of weapons as prohibited by Section 2.66.290 of this chapter is a nuisance. Any such weapons taken from the person or vehicles of a person unlawfully carrying the same in such prohibited areas are nuisances and shall be surrendered to the Chief of Police of the City. Said weapons shall be destroyed annually between the first and tenth days of July in each year to the extent that they shall be thereafter wholly and entirely ineffective and useless as weapons for the purpose set forth herein; provided however, said weapons shall be preserved as necessary or proper to serve the ends of justice or returned to the owner upon the certificate or order of a judge of a court of record or of the District Attorney of the County or the City Attorney. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, it shall not be destroyed but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

2.66.310 Group use - rules and regulations.

- A. It is unlawful in a City park to use a group picnic shelter designated for group use of 25 or more persons or to use a ball field without prior authorization from the Director of Parks and Recreation. Group picnic shelters for groups of 25 or more persons shall be designated by signs posted by the Director of Parks and Recreation for that purpose.
- B. It is unlawful for any person or group of persons within a City park who, without a permit issued by the Director of Parks and Recreation, fail or refuse to promptly leave a picnic shelter designated for group use by 25 or more persons or a ball field following notification by a Park Ranger or other person designated for that purpose by the Director of Parks and Recreation, or a police officer.
- C. All groups desiring to make reservations for picnic shelters or ballfields 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), 7 days notice must be given.
- D. At the conclusion of the group's use, a Park Ranger 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 thirty (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 Ranger will forfeit its cleaning deposit. This occurrence may be grounds for refusal to approve future requests.
- E. Groups who cancel a reservation will be charged a Required Fee(s) for handling. If the reservation is cancelled 7 or more days in advance, the use fee and cleaning/damage deposit will be refunded. If the reservation is cancelled less than 7 days in advance, only the cleaning/damage deposit will be refunded. Cancellations must be made during business hours (8:00 a.m. - 5:00 p.m.) Monday through Friday by calling 691-5071 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. 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.

2.66.320 Issuance of park permits.

Upon application presented at least three days in advance, the Director of Parks and Recreation will issue a permit for activities regulated within this Chapter 2.66, 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;


- E. Involves the use of machinery or equipment which can damage park or recreation property;
- F. Involves activity, equipment or a number of persons or a combination thereof which, in the opinion of the Director of Parks and Recreation is or constitutes a threat to public health and safety;

2.66.330 Enforcement.

Violations of this Chapter 2.66 are punishable pursuant to Chapter 1.20 of this Code.


SECTION II: This ordinance shall take effect and be in full force and effect on the thirtieth day from and after its second reading and adoption.

Presented by



Jess Valenzuela
Director of Parks and Recreation

Approved as to form by



Bruce M. Boogaard
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 24th day of October, 1995, by the following vote:

AYES: Councilmembers: Alevy, Moot, Padilla, Horton

NAYS: Councilmembers: None

ABSENT: Councilmembers: Rindone

ABSTAIN: Councilmembers: None



Shirley Horton, Mayor

ATTEST:




Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2651 had its first reading at a regular meeting held on the 17th day of October, 1995 and its second reading and adoption at a regular meeting of said City Council held on the 24th day of October, 1995.

Executed this 24th day of October, 1995.



Beverly A. Authelet, City Clerk