



## **ORDINANCE NO. 356**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF JURUPA COMMUNITY SERVICES DISTRICT ADOPTING RULES AND REGULATIONS FOR THE ADMINISTRATION, OPERATION, AND USE OF PARK FACILITIES IN ACCORDANCE WITH GOVERNMENT CODE SECTION 61060 AND SUPERSEDING ORDINANCE NOS. 318 AND 319**

**WHEREAS**, the Board of Directors of Jurupa Community Services District ("District") has adopted Ordinance No. 252, adopting Rules and Regulations for the use of District skate park facilities pursuant to the authority set forth in California Health and Safety Code Section 115800; and

**WHEREAS**, California Government Code Section 61060 authorizes community services districts owning or operating park facilities to also adopt by ordinance and enforce rules and regulations for the administration, operation and use of park facilities; and

**WHEREAS**, in addition to the Rules and Regulations already adopted for the use of District skate park facilities, this Board of Directors has determined that it is also prudent to adopt by ordinance rules and regulations for the use of park facilities owned by the District in order to serve the public good, reduce the risk of injury and liability, and provide for adequate enforcement of the adopted rules and regulations;

### **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF JURUPA COMMUNITY SERVICES DISTRICT AS FOLLOWS:**

#### **SECTION 1. DEFINITIONS.**

For the purpose of carrying out the intent of this Ordinance, words, phrases and terms used herein shall have their ordinary meaning, unless otherwise indicated as follows:

- A. "Bicycle" shall be defined as a vehicle consisting of a frame mounted on two wheels, one in back of the other, having a saddle for the rider, handlebars for steering, and pedals by which it is propelled.
- B. "County" shall be defined as the County of Riverside, California.
- C. "Director" shall be defined as the Director of Parks and Community Affairs of the Jurupa Community Services District or his or her designee.
- D. "District" shall be defined as the Jurupa Community Services District.
- E. "District Park Facility" or "District Park Facilities" shall be defined as any facility, structure or area designed, constructed and maintained for the pursuit of recreation and leisure activities, which is operated by the District. Such facilities include, but are not limited to: Harada Heritage Park, James C. Huber Park, Providence Ranch Park, McCune Family Park, Deer Creek Park, Cedar Creek Park, Dairyland Park, Riverwalk Park, Eastvale Trail, Orchard Park, Half Moon Park, American Heroes Park, Mountainview Park, Eastvale Community Park and Eastvale Community Center.
- F. "Enforcement Officer" shall mean a County Sheriff's Deputy or other person authorized by the Director to enforce the rules and regulations contained in this Ordinance.
- G. "Roller skates" or "in-line skates," including roller blades, shall be defined as any shoe, boot or other footwear to which one or more wheels are attached.
- H. "Skateboard" shall be defined as any platform of any composition or size to which two or more wheels are attached and which is intended to be ridden or propelled by one or more persons standing or kneeling upon it, including scooters (e.g., razor scooters, etc.).
- I. "Vehicle" or "Motorized Vehicle" shall be defined as a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

#### **SECTION 2. HOURS OF OPERATION.**

District Park Facilities shall be open from 6:00 a.m. until 10:00 p.m. daily or as otherwise posted by the District at the park site. It shall be unlawful for any person to use or remain in such facilities when such facilities are not open, without written consent of the Director.

### **SECTION 3. PROHIBITED CONDUCT.**

Within the limits of any District Park Facilities, it shall be unlawful for any person, organization, firm, or corporation to cause or permit to be done or committed, any of the following:

1. To violate any regulation for any District Park Facility as established by the District;
2. To be present before the posted opening time or after the posted closing time, except when lawfully in attendance at an event approved by the District;
3. To drive or otherwise operate a motorized vehicle or to ride a bicycle upon any surface other than those appropriately signed, maintained, and open to the public for purposes of such travel, except that vehicles may use such temporary parking areas as may be designated by appropriate signs. This provision shall not apply to any vehicle being used for authorized District business, nor to any police or other emergency vehicle performing an authorized mission, nor to a vehicle which is within a District Park Facility pursuant to written permission of the Director. This provision also shall not apply to any wheelchair carrying a physically-incapacitated person;
4. To operate or drive any vehicle at a speed in excess of fifteen (15) miles per hour or in a reckless manner;
5. To throw or place upon, along, or across any driveway or thoroughfare any object capable of causing personal injury or damage to personal property, or to throw any such object at or toward or in the vicinity of any vehicle standing or moving along, upon, or across any such driveway or thoroughfare;
6. To cause, permit, or allow any animal owned or possessed by anyone, or any animal in the custody or control of any person, to be present except:
  - a. Equine animals being led or ridden under reasonable control upon a bridle path or trail authorized and provided for such purpose;
  - b. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;
  - c. Dogs or cats when caged, or when led by a cord or chain not more than six (6) feet long, or when confined by the interior of a vehicle; Dogs which have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements;
  - d. In connection with activities authorized by the County or District and in accordance with all conditions attached to such authorization;
7. To own, or have custody, possession, or control of any animal and to fail to collect, pick up, and remove all fecal matter or debris promptly after it has been deposited by the animal. This provision shall not apply to guide dogs for the blind or disabled persons;
8. To cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, monument, fence, bench, structure, apparatus, or property; or to pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower; or to mark or write upon, paint, or deface in any manner any building, monument, fence, bench, or other structure. This provision shall not apply to any employee or contractor of the District acting within the scope of such employment or contract;
9. To engage in commercial solicitations in any manner or for any purpose therein, or to sell or offer for sale any goods, wares, or merchandise therein. This provision shall not be deemed nor construed to prohibit the doing of any such act by any concessionaire operating pursuant to written authorization granted by the District;
10. To practice, carry on, conduct, or solicit for any trade, occupation, business, or profession; or to sell or offer for sale any merchandise, article, or anything whatsoever. This provision shall not apply to any person acting pursuant to written authorization granted by the District;
11. To make or kindle a fire except in stoves, fire circles, or other facilities specifically provided by the District for such purpose. No fire shall be lit or maintained between the hours of 10:00 p.m. and 6:00 a.m. except by written permission of the District;
12. To cook any meal except in areas authorized and provided by the District for such use;
13. To dispose of dishwater or other waste liquids, or dispose of any garbage, empty container, or other solid waste material other than in receptacles or other facilities provided for such disposal;

14. To discharge a firearm, or play or engage in model airplane flying, driving of golf balls, archery, or any game which endangers the safety of other persons, except at such location as shall be specifically set apart and authorized by the District for such purpose;
15. To act in a riotous, boisterous or threatening manner, or to use abusive, threatening or profane language in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of District Park Facilities or of nearby properties;
16. To conduct any meeting, service, concert, exercise, parade, or exhibition without prior written authorization from the District. This provision shall not be construed to deprive any person of a right protected by state or federal law;
17. To ride any roller skates, in-line skates, skateboard or bicycle, except at or on locations authorized and provided for such purpose;
18. To cause the amplification of sound, except pursuant to written permission of the District;
19. To consume or sell an alcoholic beverage (as the term "alcoholic beverage" is defined by Business and Professions Code Section 23004) unless otherwise permitted by the District for a specific facility or event;
20. To possess any can, bottle or other receptacle containing any alcoholic beverage (as the term "alcoholic beverage" is defined by Business and Professions Code Section 23004), which has been opened, a seal broken, or the contents of which has been entirely or partially removed;
21. To disturb the peace and quiet therein by any undue loud or unusual noise, or by tooting, blowing, or sounding any automobile siren, horn, or signal or any noise-making device (Penal Code Section 415).

#### **SECTION 4. RESERVATIONS.**

- A. The Director shall be responsible for scheduling and controlling the use of District Park Facilities, or portions thereof, for the benefit of and participation by interested public and private persons and groups.
- B. Persons or groups may request the District reserve the use of a District Park Facility or portions thereof. Persons or groups from within the areas which are assessed monetarily for the construction, maintenance, and operation of such facilities shall be given priority over persons or groups from outside the assessed area if a conflict in scheduling arises. Requests for such reservations shall be submitted to the District Parks Department on District forms no less than ten (10) calendar days in advance of the requested reservation, and no less than forty-five (45) calendar days in advance of the requested reservation for a tournament, camp, clinic, or similar event. Requests for Eastvale Community Center reservations are to be no less than thirty (30) calendar days in advance. The Director, or designee, may permit a shorter advance request time for good cause shown. If the District is satisfied that the request will not unreasonably interfere with the use of the District Park Facilities by other persons, and will not disturb the peace of the surrounding neighborhood, then the reservation may be granted upon such conditions as the Director deems necessary.
- C. The Director, or designee, will issue reservation permits as appropriate to document the granting of such reservations. If a reservation request is denied, the Director, or designee, shall specify in writing the grounds for such denial.

#### **SECTION 5. ENFORCEMENT.**

The Director shall have the primary responsibility for enforcement of this Ordinance. The County Sheriff's Department and other law enforcement agencies are given permission to enter the public and restricted parts of all District Park Facilities to maintain public order or to prevent, remedy, or take other appropriate action with regard to violations of the provisions of this Ordinance or of other applicable laws or regulations.

#### **SECTION 6. PENALTY FOR VIOLATION.**

- A. Pursuant to California Government Code Section 61064, any violation of the rules and regulations contained in this Ordinance shall be a misdemeanor, and upon conviction shall be punishable by a fine of not more than \$1,000.00 or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.
- B. Notwithstanding any provisions of this Ordinance to the contrary, the prosecuting attorney, or other authorized enforcement officer, shall have the authority to charge and prosecute any violation of this Ordinance as an infraction in the interest of justice. Any citation issued for violation of the rules and

regulations contained in this Ordinance may be processed as an infraction pursuant to Penal Code Section 17, subdivision (d).

- C. In any action to enforce this Ordinance, and in addition to any penalty imposed for violation of this Ordinance, the District may request recovery of its administrative costs.
- D. In addition to any other penalty for violation of this Ordinance, the Director, District employees, or enforcement officers may require the violator to immediately leave District Park Facilities and to remain out of all District Park Facilities for the remainder of the day on which the violation occurred, or for such longer period as the Director may specify.
- E. In addition to any other penalty for violation of this Ordinance, a violation of any provision of this Ordinance is declared to be a public nuisance and may be abated by the enforcement officer (or other appropriate County or District employee) or may be enjoined by court action filed by the health officer (or other appropriate District employee).

#### **SECTION 7. NOTICE OF PROHIBITIONS.**

The Director shall give public notice of the prohibitions set forth in Section 3 of this Ordinance by posting one (1) or more signs in appropriate places within or near the parking lot for each District Park Facility, and at such other locations within the District Park Facility as the Director may determine.

#### **SECTION 8. SEVERABILITY.**

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Ordinance which can be given effect without the invalid provision or application; and the provisions of this Ordinance are declared to be severable.

#### **SECTION 9. SKATE PARK FACILITIES.**

The Rules and Regulations set forth herein shall be in addition to, and shall not supercede, the Rules and Regulations applicable to the use of the District's skate park facilities, as they may be amended from time to time.

#### **SECTION 10. SUPERSESION OF PREVIOUS ORDINANCES.**

This Ordinance supersedes Ordinance Nos. 318 and 319.

#### **SECTION 11. EFFECTIVE DATE.**

This Ordinance shall become effective thirty (30) days after its adoption by the Board of Directors.

**ADOPTED** this 9th day of July 2012.