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Section 9.08.005 Findings.

A. The City of Riverside desires to amend the Use of Public Parks Chapter of its Municipal Code to provide updates regarding general park use and to provide permit provisions for certain activity in public parks. In developing this Ordinance, the City is mindful of the legal principles relating to regulation of activity and events on public property, and public parks specifically, and the City Council does not intend to suppress or infringe upon any expressive activities protected by the First Amendment of the United States and California Constitutions but instead desires to enact reasonable content-neutral time, place and manner regulations that address the need to coordinate multiple uses of limited park space, assure the preservation of park facilities, prevent dangerous, unlawful, or impermissible activities on park property and assure financial accountability for damages caused by activity on park property; and

B. The City is not directing its regulation at communicative activity, but to all activity in Riverside public parks; and

C. The City Council in enacting this Ordinance does hereby take legislative notice of the various decisions of the United States Supreme Court regarding regulation of activity in public spaces in general, and activity in public parks in particular, including, but not limited to,

Thomas v. Chicago Park District, 534 U.S. 316 (2002); *City of Littleton, Colo. v. Z. J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *Young v. American Mini Theaters, Inc.*, 427 U.S. 50 (1976); *Capital Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 761 (1995); *Central Hudson Gas & Electric Corp. v. Public Service Commission of New York*, 447 U.S. 577 (1980); *Cox v. New Hampshire*, 312 U.S. 569 (1941); decisions of the Ninth Circuit including, but not limited to, *Santa Monica Food Not Bombs. V. City of Santa Monica*, 450 F.3d 1022 (9th Cir. 2006); and decisions of the Sixth Circuit including but not limited to *American-Arab Anti-Discrimination Committee v. City of Dearborn*, 418 F.3d 600 (6th Cir. 2005); and

D. In 2012, the City's public parks were used by approximately 2,900,000 individuals living in Riverside County and throughout the Southern California region. These public parks are heavily used for a variety of purposes including heavy use by families with children. Park usage is limited by the large number of people that use the public parks and by other aspects of the parks, including shape, location, and facilities; and

E. Of note, some of the City parks are adjacent to busy streets and are located in residential or mixed residential and commercial areas. As well, a portion of the City's park space is not available for general, passive use because it is dedicated to special uses such as playgrounds, tennis courts, basketball and volleyball courts, swimming pools, softball, soccer and sports fields, lawn bowling, community centers, horseshoe pits, exercise courses, picnic facilities and barbeque pits, exercise and walking trails, concert areas and skateboard facilities and other areas are dedicated to gardens and lakes and other water features; and

F. Most of the specialized areas of City parks are heavily and constantly used. As well, passive park space is also very heavily utilized by individuals who jog, walk, read and lounge, and by informal groups who stroll, play games, chat and have parties and picnics in the City parks. As well, organized groups, such as schools, companies, churches, and the City itself use the public parks for picnics, festivals, community events, recreation classes, rallies and demonstrations; and

G. In recent years, Fairmount Park has been regularly used by up to seven private groups to distribute free food to the public on a scheduled basis, which attracts crowds of twenty to one hundred individuals and involves significant amounts of paraphernalia and materials used to hold and serve food. The groups distributing food to the public in Fairmount Park concentrate their activities on Thursdays, Fridays, Saturdays and Sundays between 9:00 a.m. and 2:00 p.m. when the use of the park by other members of the public is quite large; and

H. The groups distributing food to the public in Fairmount Park do not cleanup or restore the park to its original conditions after the food distribution but instead leave significant amounts of litter and trash strewn over the park property. In addition, these feedings are frequently accompanied by provision of clothing which is simply piled in the park area and at the end of the event trash and the remnants of this virtual garage sale remains; and

I. The ongoing and repetitive outdoor distribution of food to large numbers of people has significant adverse impacts upon City parks and upon park users. Moreover, private food distributions on public property in the City pose significant public health risks. The health risks of distributing food in City parks arise from a variety of factors including the limited sanitary facilities, the presence of birds and animals, and the lack of facilities for storing food and keeping it at proper temperatures. The health risks attendant to distributing food to the public in City parks are exacerbated by the fact that the vast majority of the food consumers are homeless persons who are particularly vulnerable to health risks because many have chronic health problems, and all have very limited access to medical care and sanitary facilities. The City's Homeless Services staff has therefore suggested alternatives to persons distributing food at Fairmount Park, including the alternative of participating in the "Guest Chef" programs operated by Path of Life Ministries for the two emergency shelter programs in the City or to

connect with other organizations distributing food at church facilities. Only one organization distributing food to the public at Fairmount Park has accepted the alternative to concentrate their food distribution efforts at emergency shelters; and

J. Because the City's public parks are constantly used by large numbers of people for a variety of activities, events in parks must be carefully and reasonably managed. This includes but is in no way, or through no intent, limited to the management of the free food distribution to large numbers of the general public; and

K. The City regulates the use of its public parks to protect the health, safety and public welfare by regulating traffic, noise, aesthetics, and other impacts; and

L. Events in the public parks may require the provision of additional public services including police, fire, transportation and public works and additional maintenance of the facilities that are used; and

M. Moreover, group events in the public parks often use facilities that would otherwise be available to the public; and

N. Managing events and activities in the public parks requires ensuring that these events and activities are compatible in size and type of use with their sites, adequate services are provided for the events, adequate cost recovery for these services is achieved, the events and activities do not interfere with the City's ability to provide services to the entire community, and the impacts on neighbors and others are minimized; and

O. The City desires to provide a coordinated process for managing events and activities in its public parks to ensure the health and safety of event patrons, residents, workers, and other visitors, to prohibit illegal activities from occurring at park events, and to protect the rights of park event permit holders; and

P. The City acknowledges that individuals and groups have the right to engage in expressive activities in the City's public parks and that to allow unregulated access to all visitors could easily reduce rather than enlarge the utility of Riverside public parks as a forum for speech; and

Q. These regulations are designed to establish the least restrictive and reasonable time, place, and manner restrictions of these activities. (Ord. 7244 § 3, 2014)

Section 9.08.006 Authority and purpose.

A. This Chapter is adopted pursuant to the authority granted to the City of Riverside in Article XI, Section 5(a) and Section 7 of the California Constitution, and Section 200 of the Riverside City Charter.

B. The purpose and intent of this Chapter is to protect public health, safety, and general welfare of people and premises in the City, including the quiet enjoyment of City parks by enacting a permitting process for groups of over 50 individuals. (Ord. 7244 § 4, 2014)

Section 9.08.010 Rules and regulations adopted.

The rules and regulations set out in this Chapter are established and adopted for the use of public parks in the City of Riverside. All persons using any public park or any facility thereon in any manner shall obey all applicable rules and regulations herein established or adopted. Any persons desiring to vend or sell or offer for sale any merchandise or article or thing whatsoever must have the written consent of the Park and Recreation Commissioners. As used in this Chapter, "Park and Recreation Director" shall mean the Parks, Recreation and Community Services Director or his/her designee. (Ord. 7244 § 6, 2014; Ord. 6832 § 2, 2005; Ord. 6526 § 2, 2000; Ord. 4888 § 1, 1981; Ord. 4267 § 1, 1976; prior code § 25.1)

Section 9.08.015 Use of White Park.

A. The rules and regulations set out in this section are established and adopted for the use of White Park in the City of Riverside. All persons using White Park or any facility thereon in any manner shall obey all applicable rules and regulations herein established or adopted. Except as otherwise provided in this Section, all rules and regulations set out in Chapter 9.08 shall apply to the use of White Park.

B. White Park is designated as a passive use park for activities that are engaged in by individuals or small groups, usually not dependent on a delineated area designed for specific activities. The facilities at White Park will include the following.

1. A walk-through botanical garden.
2. A small community meeting room which will accommodate up to 50 people which can be used for meetings and seminars.
3. Permanently affixed tables with inlaid chess/checkerboards and adjacent benches.
4. Bandstand for outdoor performances and special events.

C. White Park is not designed for active use such as soccer, football, baseball, softball, basketball, tennis, volleyball, wheelchair football, bicycling, skateboarding, or skating. There are no fields, courts, or large open space areas within White Park.

D. In consideration of the designated passive use of White Park, the following are prohibited from the park;

1. Dogs, except as provided in section 9.08.020.B.
2. Bicycles, skateboards, scooters, roller skates, roller blades, in-line skates, shopping carts, or any other self propelled device, unless specifically used in connection with a physical disability under federal or state law.

E. White Park Hours.

White Park shall be open for specific hours and times for normal use of the park which shall be determined by the Parks and Recreation Director and shall be posted on all entrances to the park.

White Park may also be open for special events sponsored by the Parks and Recreation Department or as reserved by permit for special private events as provided in section 9.08.120.

F. Any person who fails to obey the rules and regulations for use of White Park shall be in violation of the provisions of this section. Each incident shall be a new and separate offense. (Ord. 6592 § 1, 2001)

Section 9.08.020 Dogs permitted; leash requirements; exceptions; conditions.

A. Dogs permitted on-leash. Except as herein provided, no person owning or having charge, care, custody or control of any dog shall permit or allow the same to be in a public park unless such dog is restrained by a leash not more than six feet in length and under the control of a competent person able to restrain such dog.

B. Exceptions. The requirement for a dog to be on-leash while in public park shall not apply to the following:

1. Any dog used by a law enforcement agency.
2. A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Park and Recreation Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.
3. A dog within a posted leash optional area of the park as designated by the City Council, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to maintain proper control over such dog nor shall this subsection be construed as relieving such person from liability for any damages arising out of his or her use of a leash optional area.

C. Rules and regulations for dogs in public parks.

1. It shall be unlawful for any person owning or having charge, care, custody of any dog in a public park not to immediately pick up and properly dispose of the feces of such dog. Proper disposal shall include the placement of such feces in a bag or other container and its removal from the park and disposal in an appropriate depository; provided, however, in designated leash optional areas, such bag or other container may be deposited in a container, if any, designated for such purpose.

2. No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

3. No person may have more than two dogs in a designated leash optional area at any one time.

4. Any dog in a designated leash optional area must be under the voice control of the person having custody of such dog while the dog is in said area.

5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. No person shall place a dog in a designated leash optional area which is not over the age of four months, vaccinated for rabies and wearing a current dog tag, or whose owner has within his or her possession said dog tag.

7. No person shall place a dog that is sick or in heat in a designated leash optional area.

8. No person shall place an aggressive dog, of any breed, in a designated leash optional area even if such dog is on a leash.

9. Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Park and Recreation Director in writing.

11. The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided in this Subsection C, and his or her agreement to protect, indemnify, defend and hold harmless the City and its officers and employees from any claim, injury or damage arising from or in connection with such use. (Ord. 6526 § 2, 2000; Ord. 6396 § 1, 1997; Ord. 6198 § 1, 1995; Ord. 4780 § 2, 1980; Prior code § 25.2)

Section 9.08.030 Animals prohibited; Exceptions.

No person shall cause, permit, or allow any animal, bird, or reptile owned possessed by, or in the custody or control of him or her, to be present in any park except:

A. Equine animals being led or ridden under 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 leash or chain not more than six feet long, or when confined within the interior of a vehicle and under the control of a competent person able to restrain said animal;

D. Dogs which have been specially trained for law enforcement purposes or which are being used by blind or disabled persons to aid and guide them in their movements;

E. Small animals, birds, reptiles, or otherwise are kept on the person of the possessor at all times;

F. In connection with activities for which a Facility Reservation permit has been obtained under this Chapter and in accordance with all conditions attached to such permit. (Ord. 7244 § 7, 2014; Ord. 6526 § 2, 2000; Prior code § 25.2)

Section 9.08.040 Animals protected.

No person shall hunt, frighten, disturb, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, nor to animal control officers, nor to City employees or contractors acting within the scope of their official duties or contract obligations. (Ord. 6526 § 2, 2000; Prior code § 25.4)

Section 9.08.050 Animals; Removal of feces.

Any person causing, permitting, or allowing any animal, bird, or reptile owned or possessed by him, or any animal, bird, or reptile in the custody or control of such person, to be present in any park pursuant to the provisions of Section 9.08.030 shall immediately pick up and properly dispose of the feces in a bag or other container, and its removal from the park and disposal in an appropriate depository. (Ord. 6526 § 2, 2000; Prior code § 25.5)

Section 9.08.060 Bicycle and skateboard riding rules.

No person shall operate any skateboard, bicycle, or any propelled device or other similar article or device in or upon any park, playground, trail, open space area or other area of the City under the control of the Park and Recreation Department in willful or wanton disregard for the safety of persons or property. While elsewhere within a park, such devices shall be carried, pushed, or dismounted when moving from place to place. No person shall operate such device upon the tennis courts within any public park in the City except at or on a place especially authorized and provided for such purpose. If such purpose is authorized, users are required to wear the authorized safety gear such as helmet, wrist guards, elbow pads or said equipment for the authorized use of such activity. (Ord. 6526 § 2, 2000; Prior code § 25.6)

Section 9.08.065 Designated skateboarding area rules.

A. The following regulations shall apply to any facility, park or other area designated by the City by resolution as a skateboarding area:

1. No person shall skate or skateboard at times other than established as the hours of operation. The hours of operation shall be from thirty minutes before sunrise and thirty minutes after sunset, except as otherwise posted by City. No person shall use or remain in such facility in violation of this section without written consent of the City.

2. No person shall use the skateboarding areas for uses other than skateboarding and in-line skating.

3. No person shall use the skateboarding areas unless proper safety equipment including a helmet, elbow pads, and knee pads are worn. All such gear must be functional and protective, properly sized and designed for their intended use at the skateboarding areas.

4. Every person under the age of fourteen must be supervised by an adult.

5. No person shall ride or cause bicycles or scooters to be on the skating surface of the skateboarding areas.

6. No person shall use alcohol or drugs in the skateboarding area.

7. All persons using the skateboarding area must place trash in cans provided by the City or such persons shall be removed from the designated skateboarding areas.

8. No person shall cause graffiti or tagging at or near the skateboarding area.

9. No person shall skate on the curbs, sidewalks, fences, railings and/or driveways of the City owned area surrounding the skateboarding area.

B. Violations and Penalties. Violations of any provisions of Section 9.08.065 is deemed to be an infraction and is punishable as such according to the provisions of this Code and state

law. (Ord. 6586 § 1, 2001)

Section 9.08.070 Camping; Permit required.

No person shall camp, lodge or remain overnight within a park unless there is set aside by the Park Recreation, and Community Services Director certain places for this purpose and a Facility Reservation permit has been obtained from the Park and Recreation, and Community Services Director. (Ord. 7269 § 7, 2014; Ord. 7244 § 8, 2014; Ord. 6526 § 2, 2000; Prior code § 25.7)

Section 9.08.080 Fires prohibited; Exceptions.

No person shall make or kindle a fire nor cook any meal within a park except in stoves or other facilities authorized and specifically provided for such purpose. In barbecue grills only charcoal is to be used. No fire shall be lit or maintained when the parks are closed, except by written permission of the Park and Recreation Director. (Ord. 6526 § 2, 2000; Prior code § 25.8)

Section 9.08.090 Games; Restrictions.

No person shall play or engage in model airplane flying, model rockets, driving of golf balls, archery, or any game of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose. (Ord. 6526 § 2, 2000; Prior code § 25.9)

Section 9.08.100 Liquid waste and refuse, polluting and littering.

A. Liquid Waste and Refuse. No person shall throw any stone or brush or dispose of dishwater or other liquids or dispose of any garbage, empty container, or other solid waste or material within a park, other than in receptacles or other facilities provided for such disposal.

B. Littering. No person shall bring into, leave behind, or dump any material of any kind, whether waste or otherwise, in the park, except refuse, ashes, garbage and other material arising from the normal use and enjoyment of a picnic or other permitted activity provided such material is deposited in receptacles provided for such purposes.

C. Polluting. No material of any kind shall be left or deposited in parks so as to pollute the land, waters or air coursing through or over the parks or otherwise to interfere with proper use and enjoyment of the park. No person shall throw, cast, deposit, damage, lay, place or scatter in any swimming pool, lake, pond or waterway on park property any glass, bottles, nails, cans or other sharp or cutting substances of any kind. No person shall throw, case, lay, drop or discharge into or leave in any waters in any park or any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters. (Ord. 7244 § 9, 2014; Ord. 6526 § 2, 2000; Prior code § 25.10)

Section 9.08.102 Injury to or destruction of park property.

No person in any park shall:

A. Destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any sod, earth or growing thing including, but not limited to, any plant, flower, flower bed, shrub, tree, growth, or any branch, stem, fruit or leaf thereof; or bring into or have in his/her possession in any park any tool or instrument intended to be used for the removal thereof except as approved and allowed by permit;

B. Set fire to any trees, shrubs, plants, flowers, grass, plant growth or living timber, or suffer any fire upon land to extend into park lands;

C. Go upon any lawn, grass plot, planted area, tree, shrub, monument, fountain,

sculpture or structure where access is prohibited by signs or symbols which are posted or otherwise displayed or where access is restricted by fence or other physical barrier;

D. Cut, break or in any way injure, deface, destroy or alter any building, fence, monument, sculpture bridge, or other structure or property contained therein;

E. Operate or drive any motor car, automobile or vehicle of any kind on park property in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure, deface or damage any park property or appurtenance of any kind;

F. Fasten any animal or attach any rope, sign, handbill or other things to any tree or shrub or to any protective device around any tree or shrub growing in any park;

G. Allow any animal to injure or deface any tree, plant, shrub, lawn or grassplot in any manner whatsoever;

H. Fasten any bicycle, motorcycle, moped or other vehicle to or leave the same standing so as to injure any tree, shrub, lawn or grass plot; or

I. Deface, destroy, cover over or otherwise make unreadable any warning or prohibitory sign or symbol on park property. (Ord. 7244 § 10, 2014)

Section 9.08.104 Alcoholic beverages.

No alcoholic beverage shall be sold, brought within, given away, delivered or consumed on park property except with a Facility Reservation permit issued by the Park and Recreation Director pursuant to this Chapter. (Ord. 7244 § 11, 2014)

Section 9.08.110 Park hours and closure.

A. Hours of Operation. All parks owned by the City of Riverside or to be hereafter owned by the City of Riverside, shall be closed from thirty minutes after sunset of one day and thirty minutes before sunrise of the next day except for those uses noted in Section 9.08.110(C.) or 9.08.120.

B. Closed Parks. Subject to the exceptions as indicated in Subsection C, it shall be unlawful for any person and/or vehicle to be present in or use any closed park as indicated in Subsection A.

C. Exceptions. The park hours listed above shall not apply to persons:

1. Attending events sponsored by the City Park and Recreation Department or the events or activities conducted pursuant to a written permit issued by the Park and Recreation Director;

2. Engaged in City business;

3. Engaged in an authorized City program or activity; or

4. Engaged in an activity at a City park or community center for which a City Facility Reservation permit authorizing use during non-daylight hours has been obtained from the Parks and Recreation Department.

D. Emergency Park Closure. Whenever a danger to the public health or safety is created in any public park by such causes as flood, storm, fire, earthquake, explosion, accident or other disaster, or by riot or unlawful assembly, the Park and Recreation Director or designee may close the area where the danger exists for the duration thereof to any and all person not authorized to enter or remain within such closed area. No unauthorized person shall willfully and knowingly enter an area closed pursuant to this section nor shall willfully remain within such area after receiving notice to evacuate or leave the area. (Ord. 7244 § 12, 2014; Ord. 6526 § 2, 2000; Prior code § 25.11)

Section 9.08.120 Facility Reservation Application and Permit.

A. Reservations for activities in parks and park facilities. The Park and Recreation Director or designee shall be responsible for scheduling and controlling the use of parks and

park facilities, or portions thereof, for the benefit and participation by interested public and private persons and groups. Any person 18 years or older desiring to reserve any football field, soccer field, ballfield, tennis court, swimming pool, picnic facility, open space area or other park facility, shall apply for a permit. Such application shall be in writing, giving the name of the facility, the proposed use, the date of its proposed use, and the person to whom the permit is to be granted. The person or group to whom the permit is to be granted shall abide by the policies and procedures of that facility. Any person not having a Facility Reservation Permit for the use of a recreational facility shall surrender or turn over possession of said recreational facility to an individual or group in possession of a Facility Reservation Permit for the use issued by the Park and Recreation Director of said facility. It shall be unlawful for any person not having a permit issued by the Parks and Recreation Director to refuse or fail to surrender the use of any recreational facility, regardless of whether the facility is reserved for use.

1. Activity Requiring Facility Reservation Application. The following activities on park property shall require a Facility Reservation Application.

- a. An event, that is held on a regular/re-occurring basis (i.e. weekly, bi-weekly or monthly) involving more than fifty (50) individuals per day.
- b. The commercial sale of any good or service merchandise or article or thing;
- c. The sale or service of alcohol;
- d. Advertising or commercial activities;
- e. Activities involving use of more than one park;
- f. Creation or emission of any amplified sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment of another person;
- g. Stationing or erecting any building, bandstand, stage, tower, tent, canopy, scaffold, sound stage, platform, rostrum or other structure;
- h. Use of any electrical or electronic device or equipment requiring outdoor auxiliary power;
- i. Bringing, landing or causing to ascend or descend or alight within the Park District, any airplane, helicopter, flying machine, balloon, parachute or other apparatus for aviation;
- j. Use of mechanical rides (which may be permitted only on hard surfaces);
- k. Conducting any exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission;
- l. Exhibiting or displaying any motion picture, television program, light or laser light display, or similar event;
- m. Operating a vehicle, except upon a surface maintained and open to the public for purposes of vehicular travel or designated as temporary parking areas publicly;
- n. Displaying, posting or distributing any placard, handbill, pamphlet, circular, book or other writing containing commercial advertising on park property; or
- o. Bring onto park property a tame, non-domestic supervised and controlled or restrained animal for limited non-commercial or promotional purposes except for the specific animals under the specific conditions provided for in Section 9.08.030 of this Chapter.

B. Exemptions From Facility Reservation Permit. A Facility Reservation Permit shall not be required under this Chapter for the below-listed activities:

1. Activities conducted by a government agency within the scope of its authority.
2. Funeral processions by a licensed mortuary.

3. An exempted activity is required to comply with the general regulations governing public health and safety.

C. Procedures for review.

1. Review and Appeal. An applicant for a Facility Reservation Permit has the right to appeal the following:

- a. The denial of a permit;
- b. A permit condition;
- c. The denial of a waiver of a certificate of insurance;
- d. A determination that an applicant's insurance policy does not comply with the requirements specified in this Chapter;
- e. The requirement or amount of a cleanup deposit specified in this Chapter; or
- f. The retention of an applicant's cleanup deposit (in full or in part) because of assessed damages or a fine pursuant to this Chapter.

Within five (5) working days of the service of notice of determination on any of the above listed items, an applicant may file a written appeal from such determination with the City Manager. The City Manager shall have five (5) working days from the date on which the appeal was received in which to serve upon the applicant a notice that they have affirmed, modified or reversed the decision. Such notice shall be deeded served upon the applicant when it is personally delivered or when is it sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit. If such notice is not served upon the applicant within five (5) working days of the date upon which the appeal was filed, then the decision of the Park and Recreation Director shall be deemed reversed.

D. Form of Appeal. Any appeal filed pursuant to this Chapter shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the Park and Recreation Department and any other papers that are material to the determination.

E. Other Provisions of Law. The procedures or requirements of this Chapter shall not affect or supersede the provisions of law or the issuance of fireworks, structural, electrical or other permits by City departments prescribed elsewhere in this Code, when such permits are otherwise required because of a particular condition or requirement of the event on park property.

F. Reservation Procedure. Groups desiring to use City parks, park facilities, or portions thereof, may request the Park and Recreation Director or his designee to reserve the same for such use. Persons or groups from within the City shall be given priority over persons or groups from outside the City if a conflict in scheduling arises. Requests for such use shall be submitted in writing to the City on the Facility Reservation Application approved by the Park and Recreation Director not less than 10 working days in advance and not more than 18 months of the intended use. The Park and Recreation Director may permit a shorter or longer advance request time for good cause shown. The Facility Reservation Application is available at the Park and Recreation Department Office. Upon the written approval by the Park and Recreation Director of his designee, the applicant must pay such fees as approved by ordinance or resolution of the City, not less than 10 working days in advance of the intended use. If the Park and Recreation Director is not satisfied as to the reasonableness of the proposed activity in relation to the use of the park by other persons, or as the effect such use might have upon the peace of the neighborhood, or if the Park and Recreation Director is unable to agree with the applicant as to the conditions to be imposed, the request for a reservation shall be processed as a Special Event Permit.

G. Permit Conditions. The Park and Recreation Director may condition the issuance of

a park event permit by imposing reasonable requirements which are necessary to protect the safety of persons and property, and to provide for adequate control of traffic. These may include conditions concerning:

1. Alteration of the date, time, route or location of the event proposed on the application;
2. Requirements for the area of assembly and disbanding of events;
3. Provision of first aid, sanitary or emergency facilities;
4. Requirements for event monitors or other method for providing notice of permit conditions to event participants;
5. Restrictions on the number or type of vehicles or animals at the event;
6. Restrictions on the number and type of structures at the event and inspection and approval of the structures by fire safety by the Riverside Fire Department;
7. Compliance with animal protection ordinances and laws;
8. Requirements for use of garbage containers, cleanup and restoration of park property;
9. Restrictions on use of amplified sound;
10. Compliance with any relevant ordinance or law in obtaining any other legally required permit or license in addition to a park event permit; and
11. Security guards and/or plan.
12. Compliance with County Health requirements and regulations.

H. Insurance. The Park and Recreation Director may also require the applicant to provide such additional liability insurance, water, sanitary facilities and refuse receptacles as the Park and Recreation Director determines to be necessary for the protection of public health, safety, and welfare in connection with the intended use.

I. Fees and Deposits. Fees and deposits required in respect to reservation permits may include, without limitation, such amounts as may be determined by ordinance or resolution of the City, to be necessary to compensate the City, for the administrative costs associated with the permit, as security for repair of damage to the park or to park facilities, for costs of cleanup, and for extra personnel to regulate conduct and traffic.

J. Clean-up and Repair Expenses. The Facility Reservation application form shall provide that the applicant shall reimburse the City for all unusual or extraordinary cleanup and repair expenses and for services provided by the City arising out of the activity authorized by the permit.

K. Written Denials. With the exception of Facility Reservations for field allocation (i.e., baseball, softball, soccer), if no written denial or conditional approval is issued within thirty (30) working days of the date on which a permit application is fully completed, executed and filed with the City, the application shall be deemed to have been granted a conditional approval pursuant to Subsection B above. Provided, however, the Park and Recreation Director may extend the period of review for an additional ten (10) working days by issuance of a written notice of extension. If, prior to the expiration of the extended review period, no written denial is issued, the application for permit shall be deemed to have been granted a conditional approval pursuant to Subsection B above.

For Facility Reservations for field allocation, the Park and Recreation Director or his/her designee shall have information regarding the field allocation application and process at the Park and Recreation Department Office.

1. Notice of Extended Review or Denial or Issuance of Permit. Written notice of denial or notice of extension shall be served on the applicant by personal delivery, or by deposit in United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.

2. Contents of Notice; Grounds for Denial. Notice of denial of an application for a park

event permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the Park and Recreation Director, or his/her designee, for measures by which the applicant may cure and defects in the application for a park event permit or otherwise procure a park event permit. Where an application or permit has been denied because a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonable permit multiple occupancy of the particular area, the Park and Recreation Director shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place. The Park and Recreation Director may deny an application for a park event permit if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. The Park and Recreation Director may also deny an application for permit on any of the following grounds:

- a. The application for permit (including any required attachments and submissions) is not fully completed and executed;
- b. The applicant has not tendered the required application fee with the application or has not tendered any required user fee, indemnification agreement, insurance certificate, or cleanup deposit within the times required under this Chapter;
- c. The application for permit contains a material falsehood or misrepresentation;
- d. The applicant is legally incompetent to contract or to sue and be sued;
- e. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged park property and has not paid in full for such damage, or has other outstanding and unpaid debts to the Park and Recreation Department;
- f. A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;
- g. The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place;
- h. The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, or City employees or the public;
- i. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City concerning the sale or offering for sale of any goods or services; or
- j. The use or activity intended by the applicant is prohibited by law, including but not limited to the Riverside Municipal Code and the rules and regulations of the Park and Recreation Department.

L. Amendment or Revision of Applications. Any amendment or revision of an application for permit shall for purposes of determining the priority of the application for permit, relate back to the original filing thereof. However, the time in which the Park and Recreation Director shall grant or deny the application for permit and serve notice of such granting or denial shall be computed from the date of the amendment or revision. (Ord. 7244 § 13, 2014; Ord. 6526 § 2, 2000; Ord. 3403 § 1, 1966; prior code § 25.12)

Section 9.08.128 Applicability.

The provisions of this Chapter shall apply to completed Facility Reservation applications for Facility Reservation Permits submitted on or after the effective date of this Ordinance. (Ord.

7244 § 14, 2014)

Section 9.08.130 Restroom use.

No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex, and said person shall not be allowed to go within twenty feet of such restroom, except City employees or contractors may enter upon such premises at proper hours for the purpose of cleaning, repairing, monitoring, and securing. No person shall be in the same stall with another, except children six years of age and younger or any person in need of assistance who are accompanied into such facility by an adult. No person shall cut or deface the walls of any restroom or structure within the public parks or shall cut or write thereon. (Ord. 6526 § 2, 2000)

Section 9.08.140 Smoking prohibited; Exceptions.

It is unlawful for any person to smoke or to dispose of any lighted match or cigarette, cigar ashes or any flaming or glowing substance in any area of any park or open space managed by the Park and Recreation Department and specifically designated by sign as a prohibited smoking area by the Park and Recreation Department. The Park and Recreation Director is hereby authorized to designate the permissive and prohibited smoking areas by appropriate signs. (Ord 6526 § 2, 2000; Ord. 4628 § 1, 1978)

Section 9.08.150 Vehicle maintenance prohibited.

It is prohibited for any person, firm, or corporation to repair, lubricate, paint, prepare for painting, add to, alter or overhaul any vehicle within any park. The term add to, as used in this section, shall include within its meaning, the installation of any accessory to a vehicle. (Ord. 6526 § 2, 2000; Ord. 5228 § 1, 1984)

Section 9.08.160 Vehicles prohibited on surfaces other than roads for public use.

No person shall stop, park, ride or drive any vehicle, horse, motor vehicle, or motorcycle upon any path, trail, bridle path, or in any other area, unless it is posted or marked for parking or designated for use of travel, within a park, playground or recreation area owned or controlled by the City.

No person shall drive or otherwise operate a vehicle, as defined in California Vehicle Code Section 670, in a park or upon any surface other than those maintained and opened to the public for purpose of vehicular travel, except that vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time authorized by the Park and Recreation Director. This provision does not apply to the following:

1. Any vehicle being used for authorized City business;
2. Any police or other emergency vehicle performing an authorized mission;
3. Any vehicle which is within a park pursuant to written permission of the Park and Recreation Director. (Ord 6526 § 2, 2000; Ord. 5929 § 1, 1991)

Section 9.08.165 Parking of recreational vehicles in City parks.

No person, group or entity shall park a recreational vehicle as defined in Section 10.04.132 within a park or recreation area owned or controlled by the City without first having obtained a permit from the Parks and Recreation Director pursuant to Section 9.08.120 or otherwise obtained the permission of the Parks and Recreation Director. (Ord 7165 § 1, 2012)

Section 9.08.170 Water prohibitions.

No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other

device, on or in any pond, lake, stream, or water within or into a park, except at such place or places authorized and provided by the City for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a fountain, pond, lake, stream, or reservoir within a park; nor shall any person throw any stone, earth, or other article into any stream, pond, or lake in any park in the City, and no person shall dislodge or remove any earth or stone from any impounding dam in any such park. (Ord 6526 § 2, 2000)

Section 9.08.180 Severability of parts of code.

It is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentences, paragraph or section of this code shall be declared unconstitutional by the valid judgment of decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Ord 6526 § 2, 2000)