

STAFF REPORT

DATE: September 18, 2024
TO: Recreation and Parks Commission
FROM: Katie Yancey, Economic Development Director
SUBJECT: Proposed Chapter 27 Municipal Code Updates

Recommendation

Informational

- Receive an update on the proposed Municipal Codes updates to align Chapter 27: Parks and Open Space Areas with Chapter 40: Zoning, the Downtown Specific Plan and the Downtown Outdoor Dining Program.

Background and Analysis

On December 13, 2022, the City Council adopted Resolution 22-195 to repeal the Core Area Specific Plan and to adopt the Downtown Specific Plan (“Specific Plan”). The Specific Plan articulates the community visions through 2040 for the Downtown area. The City Council found that the Specific Plan is compliant with the Davis General Plan’s direction for the Downtown and includes provides goals, policies and implementation actions achieve its vision. Since the Specific Plan was adopted via a resolution instead of by ordinance, contents of the Specific Plan have been incorporated into the City’s Municipal Code to make them enforceable.

Following the Specific Plan’s adoption, staff amended Chapter 40 to incorporate the Specific Plan’s includes public space standards. Section 40.14.100 of the Municipal Code (i.e., Chapter 40, Section 14, subsection 100) regulates civic spaces, which are simply defined in the section as land that is improved for civic gathering purposes. The types of civic spaces described in Zoning Chapter include: pocket park, plaza, playground, passage, community garden, and green. Attachment 1 is a Table 40.14.100 “Overview of Civic Space Types.”

This information item is an update on certain proposed implementation actions of the Specific Plan’s vision as it relates to civic spaces and outdoor dining. Staff is proposing to include minor additions to the definitions provided in Chapter 27 of the Municipal Code to make it the Parks and Open Space Chapter consistent with the content in Chapter 40. This includes adding a definition for a civic space and for a parklet, a type of pocket park. Staff is also proposing to add minor clarifications to Chapter 27 to align with the Downtown Outdoor Dining Program that was launch on August 15th. The proposed redlines are provided in Attachment 2.

New Definitions

Staff are proposing the following two new definitions:

- “Civic Spaces” are land that is improved for civic gathering purposes and are located solely in the district designated as the Downtown and traditional neighborhood overlay districts. These spaces are publicly-owned and used by the public and non-profits for community events or for outdoor dining by restaurants or bars that are authorized under the City’s Downtown Outdoor Dining Program. They typically include characteristics of a public realm throughfare and open space areas. They are designated as a both a park and open space by the City in in the district designated as the Downtown and traditional neighborhood overlay districts.
- A “Parklet” is a type of pocket park if it is publicly accessible. It is sidewalk extension that provides more space and amenities for people using the street. Usually, parklets are installed on parking lanes and use several parking spaces. a small seating area, sidewalk extension, or green space created as a public amenity intended for people to stop, to sit, and to rest or dine. Parklets located in the district designated as the Downtown and traditional neighborhood overlay districts area are civic space type. They can also be constructed for private exclusive use.

Outdoor Dining

Outdoor dining and/or commercial uses in support of civic activity are listed as the typical uses for the following civic space types: pocket park, plaza and passage. Each of these civic space types include in their descriptions the need to incorporate public throughfare components in their design. The public realm throughfares includes streets, sidewalks, plazas, pocket parks, alleys, and mid-block passages. These are spaces that any individual should be able to visit and enjoy and move freely and comfortably about.

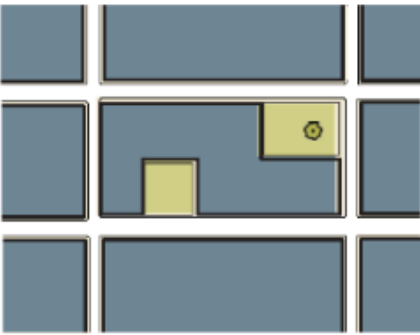
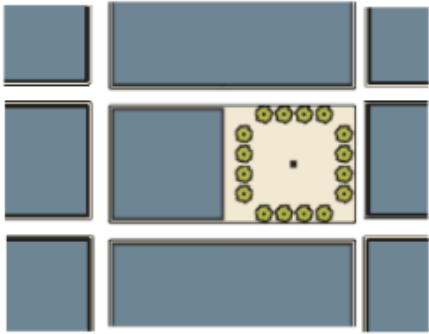
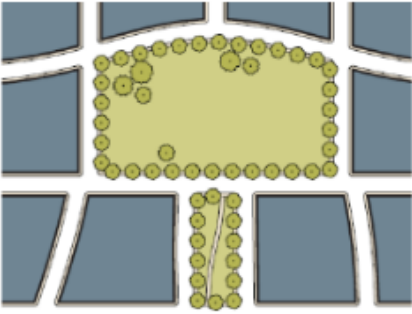
In order to support the designated uses and design components of the pocket park, plaza and passage civic space types, staff is also proposing to add minor clarifications to Chapter 27 to align with the Downtown Outdoor Dining Program. This program allows local restaurants to either request to construct an expanded service area in specific parts of the public realm or to utilize existing public civic spaces for expanded service. The program is geographically limited to the streets, sidewalks, plazas, private parklets, a specific type of pocket park, and passages in the district designated as the Downtown and traditional neighborhood overlay districts. Use of these spaces would be subject to a revocable license agreement that would be approved by the City Manager.

Attachments

1. Table 40.14.100- Overview of Civic Spaces
2. Chapter 27 Redlines

Table 40.14.100: Overview of Civic Space Types

		Key: YES Allowed		NO Not Allowed	
Zones		N-M	N-L	N-M	N-L
		MS-M	MS-L	MS-M	MS-L
Civic Space Type		Pocket Park/Plaza		Playground	
Illustration					
		Passage			
Description		<p>40.14.100.A: Pocket Park/Plaza. A small-scale space, serving the immediate neighborhood, available for informal activities in close proximity to neighborhood residences, and civic purposes, intended as intimate spaces for seating or dining.</p>		<p>40.14.100.B: Playground. A small-scale space designed and equipped for the recreation of children. These spaces serve as quiet, safe places protected from the street and typically in locations where children do not have to cross any major streets. An open shelter, play structures, or interactive art and fountains may be included with landscaping between. Playgrounds may be included within all other civic space types.</p>	
				<p>40.14.100.C: Passage. A pedestrian pathway that extends from the public sidewalk into a civic space and/or across the block to another public sidewalk. The pathway is lined by nonresidential shopfronts and/or residential ground floors and pedestrian entries.</p>	

Zones			
<p>Civic Space Type Illustration</p>	<p>Community Garden</p> 	<p>Plaza</p> 	<p>Green</p> 
<p>Description</p>	<p>40.14.100.D: Community Garden. A small-scale space designed as a grouping of garden plots available to nearby residents for small-scale cultivation. Community gardens may be fenced and may include a small accessory structure for storage. Community gardens may be included within all other civic space types.</p>	<p>40.14.100.E: Plaza. A community-wide focal point primarily for civic purposes and commercial activities. Plazas are typically hardscaped with planting as accents. Commercial activities are subordinate to civic activity.</p>	<p>40.14.100.F: Green. A large space available for unstructured and limited amounts of structured recreation.</p>

City of Davis, CA

§ 27.01.010

PARKS AND OPEN SPACE AREAS

§ 27.01.020

ARTICLE 27.01
IN GENERAL

§ 27.01.010. Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings respectively ascribed to them by this section:

City means the City of Davis.

Civic Spaces are land that is improved for civic gathering purposes and are located solely in the district designated as the Downtown and traditional neighborhood overlay districts. These spaces are publicly-owned and used by the public and non-profits for community events or for outdoor dining by restaurants or bars that are authorized under the City’s Downtown Outdoor Dining Program. They typically include characteristics of a public realm throughfare and open space areas. They are designated as a both a park and open space by the City in in the district designated as the Downtown and traditional neighborhood overlay districts.

Director refers to the director of community services, or designee.

Open space area means a natural, open space area owned, used or maintained by the city, and devoted to habitat, agriculture or passive recreation and not designated a park by the city.

Park means a park, reservation, playground, golf course, swimming pool, recreation center, greenbelts, greenways, or any other area in the city, owned or used by the city and devoted to active or passive recreation.

Parklet- A parklet is a type of pocket park if it is publicly accessible. It is sidewalk extension that provides more space and amenities for people using the street. Usually, parklets are installed on parking lanes and use several parking spaces. a small seating area, sidewalk extension, or green space created as a public amenity intended for people to stop, to sit, and to rest or dine. Parklets located in the district designated as the Downtown and traditional neighborhood overlay districts area are civic space type. They can also be constructed for private exclusive use.

Person means any person, firm, partnership, association, corporation, company, or organization of any kind.

Posted agricultural buffer area means an area adjacent to actively farmed agricultural fields designated to protect normal and lawful agricultural practices from impacts of adjacent land uses and posted for that purpose. Public access may or may not be occasionally allowed in posted agricultural buffer areas by special permit (see Section 27.03.190).

Use means the presence by any person at or upon any park or open space area for any reason whatsoever, regardless of the length or brevity of any such presence.

Vehicle means any wheeled conveyance, whether motor-powered, animal-drawn, self-propelled, or pushed. (Ord. 1011 § 2; Ord. 1877 § 1; Ord. 2390 § 3, 2012)

§ 27.01.020. Purpose and authority.

The purpose of this chapter is to establish regulations governing the management of parks and natural open space areas. The director shall be responsible for implementing and interpreting these regulations and issuing any special permits or permission required under this chapter. The director shall have the authority to close or limit access to certain parks and/or open space areas, or any portion thereof, for protection or other management purposes.

(Ord. 1877 § 1)

ARTICLE 27.02

PARKS**§ 27.02.010. Park property, buildings, trees, animals.**

Except for authorized city maintenance, construction, or pest control activities, no person using a park shall:

- (a) Willfully deface, disfigure, injure, or remove any building, structure, equipment, facility, or park property, and/or appurtenances either real or personal;
- (b) Hunt, molest, kill, tease or throw objects at any living creature.
(Ord. 1011 § 2; Ord. 1877 § 1)

§ 27.02.020. Sanitation.

No person using a park shall:

- (a) Place, by any means, any substance which will or may result in the pollution of waters within park areas;
- (b) Dump any refuse or trash, but shall place it in the proper receptacles where such are provided. Where receptacles are not provided, waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
(Ord. 1011 § 2; Ord. 1877 § 1)

§ 27.02.030. Parks—Driving or parking motor vehicles upon or across.

No person shall park, permit the parking of, drive or permit to be driven, any motor vehicle, including any motorcycle or any motor-driven bicycle or scooter, upon or across any park owned and maintained by the city unless a permit has been obtained as hereinafter provided and subject to the terms and conditions set forth in such permit. No vehicle shall be driven on or across a park or greenway at a speed in excess of ten miles per hour, unless such park or greenway is otherwise posted. This prohibition shall not be applicable to emergency vehicles.

The director shall issue permits to drive a vehicle across or upon such parks upon finding, based on such application as the director may from time to time direct, one of the following:

- (a) That such person is an employee of the city and uses his or her personal vehicle in the course of performing official duties arising from such employment;
- (b) The vehicle shall be used only for the purpose of transporting a person to a facility within the subject park or greenway, which person is, because of physical disability, unable to get to and from such a facility without vehicular assistance;
- (c) That such person is transporting equipment or supplies for a program or maintenance within the park or greenway, which equipment or supplies cannot be reasonably carried to the area where the activity is to be conducted.

Any permit issued according to this section shall state thereon any and all conditions as to when it may be used, its term of duration, the purpose for which it is issued, and such other conditions as the director may deem reasonably necessary to protect the person and property of others using the park. The permit must indicate parking if it is approved. It is unlawful for any person to park or drive a vehicle in violation of such conditions. The permit must be prominently displayed on the vehicle so that its conditions can be easily observed without entering the vehicle.

(Ord. 1011 § 2; Ord. 1877 § 1)

§ 27.02.040. Traffic, parking, bicycles.

No person using a park shall:

- (a) Fail to comply with all applicable provisions of the Vehicle Code of the state in regard to equipment and operation of vehicles;
- (b) Leave a bicycle, including an electric bicycle, unattended in a place other than a bicycle rack when such is provided and there is a space available;
- (c) Lock or secure a bicycle, including an electric bicycle, to a fence, pole, tree or other structure not intended for bicycle parking.

(Ord. 1011 § 2; Ord. 1877 § 1; Ord. 2529 § 3, 2018)

§ 27.02.050. Playing or practicing activities area.

No person shall play or practice golf, Frisbee, baseball, archery, skateboard, roller hockey, soccer, or football in areas designated for other purposes (tennis courts, picnic areas, swimming pools). Archery is not permitted in any park. Golf is only to be practiced at the golf course.

(Ord. 1011 § 2; Ord. 1877 § 1)

§ 27.02.060. Skateboarding prohibited at the senior center.

No person shall skateboard on the property known as the city senior center.

The city senior center is that property generally described as the building and surrounding property and parking lots located at the corner of A Street and Seventh Street.

This section shall become operative upon the posting of signs at the senior center notifying the public of this skateboarding prohibition.

(Ord. 1608 § 1; Ord. 1877 § 1)

§ 27.02.070. Skateboarding prohibited at children's playground.

No person shall ride, use, or otherwise operate a skateboard on the public property known as the children's playground at Central Park, located at Fifth Street and B Street.

This section shall become operative upon the posting of signs at the children's playground notifying the public of this skateboarding prohibition.

(Ord. 1693 § 1; Ord. 1877 § 1)

§ 27.02.080. Skateboarding prohibited at Central Park.

No persons shall ride, use, or otherwise operate a skateboard on the public property known as the Central

Park, bordered on the north by Fifth Street, the east by C Street, the south by Third Street and the west by B Street.

This section shall become operative upon the posting of signs at Central Park notifying the public of this skateboarding prohibition.

(Ord. 1730 § 1; Ord. 1877 § 1)

§ 27.02.090. Skateboard safety gear.

No person shall use the skateboard facility at Community Park without wearing a helmet, elbow pads and knee pads. In-line skaters must also wear wrist braces.

Signs shall be posted at the facility and shall state:

All persons using this skateboard facility must wear a helmet, elbow pads and knee pads. In-line skaters must also wear wrist braces. Violators of these rules will be cited. (Davis Municipal Code Section 27.02.090).

(Ord. 1630 § 1; Ord. 1877 § 1)

§ 27.02.100. Model crafts, rockets, balloons.

No person shall fly model airplanes or operate model boats or model automobiles or model crafts of any kind or description on park facilities except in areas set aside for those specific activities or by authorized permit.

(Ord. 1011 § 2; Ord. 1877 § 1)

§ 27.02.110. Recreation swimming.

No person in a park shall swim, bathe, wade in, or pollute the water of any lake or stream, except that wading and swimming shall be permitted in pools or other bodies of water provided for these purposes.

(Ord. 1011 § 2; Ord. 1877 § 1)

§ 27.02.120. Picnic areas and use.

No person using a park shall:

- (a) Picnic, lunch, or loiter in a place which interferes with the use of active recreation areas or emergency vehicle access. The director and city park maintenance or recreation personnel shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end. Individual fire-places or tables and benches shall be used on the basis of first-come, first-serve unless reserved by permit.
- (b) Leave a picnic area before his or her fire is completely extinguished and before all trash and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(Ord. 1011 § 2; Ord. 1877 § 1)

§ 27.02.130. Behavior in parks.

- (a) No person using a park shall have brought or have in his or her possession, or set off or otherwise

cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks, explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto unless allowed by permit. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

- (b) No person using a park shall enter an area posted as "Closed to the Public," nor shall any person use any area in violation of posted notices.
- (c) No person using a park shall make or kindle a fire for any purpose unless such a fire is made or kindled in a fire pit and a permit has been obtained therefore, as specified in subsection (d). For the purpose of this subsection, "make or kindle a fire" shall not include the ordinary use of commercial charcoal in a barbecue for the purpose of cooking food or the permitted use, under the Downtown Outdoor Dining Program, of propane heaters or fire top tables-
- (d) Fire pits.
 - (1) Definition of "Fire Pit." For purposes of this subsection, "fire pit" means a circular, fixed structure with a shallow hole in the center where fires may be made or kindled, typically surrounded by a circular formation of benches.
 - (2) Permit Required. No person shall make or kindle a fire for any purpose in a fire pit unless a fire pit permit has first been obtained.
 - (3) Permit Application. The fire pit permit application shall be submitted to the city police department, and the permit shall be obtained prior to the desired use of a fire pit. A fire pit permit applicant shall also be responsible for obtaining, if required, any other required city permit, including a noise permit or an open container permit. The cost of such fire pit permit shall be established in accordance with the city master fee schedule.
 - (4) Use By an Adult. No person under the age of eighteen may obtain a fire pit permit or make or kindle a fire in a fire pit.
 - (5) Regulations. The director of the city community services department shall establish, and modify as needed, regulations regarding the use of fire pits. Such regulations shall include, but not be limited to, the appropriate materials to burn in the fire pit, the extinguishment of fires, containment of the fire to the fire pit, and a requirement for adult supervision.
 - (6) Signs. The city community services department shall post appropriate signs at or near each fire pit advising the public of the requirement that a permit be obtained prior to the use of a fire pit, the regulations developed by the director of the city community services department, and the potential penalty for a violation.
 - (7) Violation. Notwithstanding Section 27.02.200, a violation of subsection (d) of this section or the regulations developed by the director of the city community services department shall constitute a misdemeanor.

(Ord. 1011 § 2; Ord. 1877 § 1; Ord. 2252 § 2, 2006; Ord. 2390 § 3, 2012)

§ 27.02.140. Dogs and animals.

No person shall:

- (a) Permit or allow a dog in such person's charge to enter upon or remain within any park area reserved for children or to enter any sandbox or play apparatus area;

- (b) Fail to promptly remove from any park to an appropriate receptacle fecal matter deposited thereon by a dog in said person's charge;
 - (c) Bring in, or cause or permit to be brought into any park, any animal other than a dog unless by permit issued and displayed upon request pursuant to Section 27.02.180 of this Code.
- (Ord. 1011 § 2; Ord. 1056 § 3; Ord. 1877 § 1)

§ 27.02.150. Merchandising, advertising and signs.

No person using a park shall:

- (a) Sell, or offer for sale, any merchandise, any food or beverages, article or thing, or hire, whatsoever, without a permit;
 - (b) Announce, advertise, or call the public attention in any way to any article or service for sale or hire, without a permit;
 - (c) Paste, tack, or post any sign, advertisement, or inscription in any park without a permit.
- (Ord. 1011 § 2; Ord. 1877 § 1)

§ 27.02.160. Camping.

No person shall camp in any park, except in areas as established by the city. Camping is defined as erecting a tent or shelter, or arranging bedding, or both, for the purpose of, or in such a way as will permit remaining overnight.

This section shall be applicable to camper-type trucks, camp-trailers, and other similar conveyances.

(Ord. 1011 § 2; Ord. 1877 § 1)

§ 27.02.170. Closing sections of park.

Any section or part of the park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary.

(Ord. 1011 § 2; Ord. 1877 § 1)

§ 27.02.180. Permit for use; application; standards; liability; revocation.

A permit shall be obtained from the director for exclusive use, or as otherwise required by this article, of any park facility or area.

- (a) Application. A person seeking issuance of a permit hereunder shall file an application with the director.
- (b) Standards for issuance. The director shall issue a permit hereunder when he or she finds:
 - (1) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and other recreation;
 - (2) That the proposed activity or use is not anticipated to incite violence, crime, or disorderly conduct;
 - (3) That the proposed activity will not entail unusual or extraordinary expense or police operation by the city.

- (c) **Appeal.** If an application for a permit is denied, the director shall, within seven days of receipt of the application, advise the applicant in writing of the grounds for denial. The applicant shall have the right to appeal in writing within five days thereafter to the city council under the standards set forth in subsection (b) of this section.
- (d) **Effect of permit.** A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.
- (e) **Liability of permittee.** The person or persons to whom a permit is issued shall be liable for any loss, damage, or injury sustained by any person by reason of the negligence or intentional acts of the person or persons to whom such permit shall have been issued. All persons to whom a use permit has been granted must agree in writing to hold the city harmless and indemnify the city from any and all liability for injury to persons or property occurring as a result of the activity sponsored by permittee and said persons shall be liable to the city for any and all damage to parks, facilities and buildings owned by the city, which results from the activity of permittee or is caused by any participant in said activity.
- (f) **Revocation.** The director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.
(Ord. 1011 § 2; Ord. 1877 § 1)

§ 27.02.190. Enforcement.

- (a) The director or authorized employee of the city shall, in connection with their other duties, diligently enforce the provisions of this chapter.
- (b) The director and his or her duly authorized employees and representatives shall have the authority to eject from park and recreation areas any person acting in violation of these rules and regulations and to confiscate any property being used in a way so as to endanger persons or property.
(Ord. 1011 § 2; Ord. 1877 § 1)

§ 27.02.200. Infraction.

Any person who violates any provision of this article shall be deemed guilty of an infraction, and, upon conviction thereof, shall be punished by a fine not exceeding the maximum prescribed by law.
(Ord. 1011 § 2; Ord. 1877 § 1)

ARTICLE 27.03
OPEN SPACE AREAS

§ 27.03.010. Glass containers.

No person shall bring glass containers on to a city open space area.
(Ord. 1877 § 1)

§ 27.03.020. Alcohol.

No person shall possess or consume alcoholic beverages on a city open space area. The only expectation is if it is permitted under the Downtown Outdoor Dining Program in a civic space. (Ord. 1877 § 1)

§ 27.03.030. Boating.

Boating is prohibited on city open space areas unless authorized by special permit by the director. The director shall have authority to impose regulations, to safeguard public safety and to maintain the integrity of the resources on the site. Motorized boats shall not be permitted other than for maintenance or research purposes.
(Ord. 1877 § 1)

§ 27.03.040. Dumping/littering.

No person shall:

- (a) Place, by any means, any substance which will or may result in the pollution of waters within city open space areas;
- (b) Dump any refuse or trash. Any trash brought by visitors to the site shall be placed in the proper receptacles where such are provided. Where receptacles are not provided, waste shall be carried away from the site by the person responsible for its presence, and properly disposed of elsewhere.

(Ord. 1877 § 1)

§ 27.03.050. Swimming/wading.

No person shall swim, bathe, wade in or pollute the waters of a city open space area.
(Ord. 1877 § 1)

§ 27.03.060. Fishing.

Fishing is prohibited within the boundaries of a city open space area, unless specifically authorized by the director by a special permit.
(Ord. 1877 § 1)

§ 27.03.070. Hunting.

Hunting is prohibited within the boundaries, or into the boundaries of any city open space area.
(Ord. 1877 § 1)

§ 27.03.080. Firearms.

Possession of firearms is prohibited on any city open space area, except for law enforcement personnel.

(Ord. 1877 § 1)

§ 27.03.090. Camping.

No person shall camp in any city open space area, except in areas established by the city and/or if granted a special permit by the director. Camping is defined as erecting a tent or shelter, or arranging bedding, or both, for the purpose of, or in such a way as will permit, remaining overnight.

This section shall be applicable to camper-style trucks, camp-trailers, or other similar vehicles.

(Ord. 1877 § 1)

§ 27.03.100. Fires, smoking and fireworks.

No person using a city open space area shall make or kindle a fire for any purpose except at places provided for such purpose, and/or if granted a special permit by the director, to do so.

Smoking is prohibited in any city open space area. Fireworks are prohibited in any city open space areas.

(Ord. 1877 § 1)

§ 27.03.110. Field sports.

No person shall play or practice golf, Frisbee, baseball, archery, skateboard, soccer or football in open space areas designated for other purposes (including passive recreation, nature observation, walking trails and wildlife habitat). Archery is not permitted in any city open space area.

(Ord. 1877 § 1)

§ 27.03.120. Motor vehicles and parking.

Except in the case of city owned vehicles, or authorized city employees using their private vehicles, no person shall park, permit the parking of, drive or permit to be driven, any motor vehicle, including any motorcycle, dirt bike or any motor-driven bike or scooter, upon or across any open space area owned or maintained by the city unless specifically authorized by special permit. This prohibition shall not be applicable to emergency vehicles. Parking shall be in designated locations or by special permit only.

(Ord. 1877 § 1)

§ 27.03.130. Protection of plant material.

Except for authorized city maintenance, construction, pest control activities, research, and flood control maintenance, no person using an open space area shall willfully deface, disfigure, injure or remove any plant material on, or from, that property. Removal of plant materials is strictly prohibited without a special permit granted by the director.

(Ord. 1877 § 1)

§ 27.03.140. Protection of wildlife.

Except for authorized city maintenance, construction or pest control activities, no person using an open space area shall hunt, harm, molest, kill or harass any wildlife found on that property.

(Ord. 1877 § 1)

§ 27.03.150. Protection of city facilities, improvements and natural features.

No person, except for authorized city personnel or tenants shall willfully deface, damage, remove, or

modify any city open space area, facility, improvement or natural feature including, but not limited to, buildings, signs, exhibits, irrigation systems, benches, bridges, trails, gates, fences and landforms, natural or manmade.

(Ord. 1877 § 1)

§ 27.03.160. Trails (walking/bikes).

Persons visiting open space areas shall stay on designated trails only, unless specific permission is granted by the director. Bicycles are not permitted in open space areas except in areas specifically designated for bicycles.

(Ord. 1877 § 1)

§ 27.03.170. Domestic animals.

All domestic animals, including dogs, horses and farm animals are prohibited from open space areas, unless specifically permitted by special permit issued by the director or posted to allow specific animals.

(Ord. 1877 § 1)

§ 27.03.180. Property boundaries.

All persons using city open space areas shall stay within the boundaries of the city open space areas. Trespassing on adjacent private properties is prohibited. If a person is informed that he or she is on private property, he or she shall leave the private property immediately.

(Ord. 1877 § 1)

§ 27.03.190. Agricultural spraying.

No person shall enter upon a posted agricultural buffer area without a special permit. If notified that agricultural spraying is taking place on adjacent fields, all persons shall vacate the affected area immediately when notified to do so.

(Ord. 1877 § 1)

§ 27.03.200. Special open space areas/liability.

The director shall have authority to grant access to certain open space areas by permission only. For the purpose of Sections 23.03.200 and 23.03.210 and their subsections, the City Manager shall also have the authority to issue permission pursuant to the Downtown Outdoor Dining Program for use of civic spaces in the district designated as the Downtown and traditional neighborhood overlay districts. In addition to the regulations specified in Section 27.03.210 and other relevant city ordinances, the director may impose additional regulations or restrictions on the use of specially designated open space areas. These restrictions may include the execution of a liability release form for all persons or organizations prior to granting them permission to use the site.

All persons or organizations granted permission and whether required to execute a liability release form or not shall be liable for any loss, damage or injury sustained from their use or activities on that site or from unlawful trespassing on adjacent private property. Those signing a liability release must agree to hold the city and adjacent landowners and tenants harmless against any and all claims arising from a visitor's or organization's use of the site or by the lawful conduct of the city or an adjacent landowner or their tenants. All persons shall be liable to the city for any and all damage to open space areas, facilities, vegetation and wildlife owned or managed by the city.

(Ord. 1877 § 1)

§ 27.03.210. Permit for use; application; standards; liability; revocation.

A permit shall be obtained from the director or the City Manager -for exclusive use, or as otherwise required by this article, of any open space area.

- (a) Application. A person seeking issuance of a permit hereunder shall file an application with the director or City Manager.
- (b) Standards for issuance. The director or City Manager shall not issue a permit hereunder unless he or she finds all of the following:
 - (1) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and other recreation;
 - (2) That the proposed activity or use is not anticipated to incite violence, crime, or disorderly conduct;
 - (3) That the proposed activity will not entail unusual or extraordinary expense or police operation by the city;
 - (4) The proposed activity will be adequately supervised to insure the health and safety of participants and minimal risk of damage to public property and resources;
 - (5) The proposed activity is associated with an identified city program or policy and contributes to the objectives outlined for the program or policy.
- (c) Appeal. If an application for a permit is denied, the director shall, within seven days of receipt of the application, advise the applicant in writing of the grounds for denial. The applicant shall have the right to appeal in writing within five days thereafter to the city council under the standards set forth in subsection (b) of this section.
- (d) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.
- (e) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage, or injury sustained by any person by reason of the negligence or intentional acts of the person or persons to whom such permit shall have been issued. All persons to whom a use permit has been granted must agree in writing to hold the city harmless and indemnify the city from any and all liability for injury to persons or property occurring as a result of the activity sponsored by permittee and said persons shall be liable to the city for any and all damage to parks, facilities and buildings owned by the city, which results from the activity of permittee or is caused by any participant in said activity.
- (f) Revocation. The director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

(Ord. 1877 § 1)

§ 27.03.220. Enforcement.

- (a) The director or authorized employees of the city shall, in connection with their other duties, diligently enforce the provisions of this chapter.
- (b) The director and his or her duly authorized employees and representatives shall have the authority to eject from open space or recreation areas any person acting in violation of these rules and regulations

and to confiscate any property being used in a way so as to endanger persons or property.
(Ord. 1877 § 1)

§ 27.03.230. Violation/penalty.

Any person who violates any provision of this article shall be deemed guilty of an infraction and upon conviction thereof shall be punished by a fine not exceeding the maximum penalty prescribed by law.
(Ord. 1877 § 1)