

ORDINANCE NUMBER 2 (REVISED)

**AN ORDINANCE OF THE HESPERIA RECREATION AND PARK DISTRICT
BOARD OF DIRECTORS ESTABLISHING RULES AND REGULATIONS
GOVERNING USE OF PARKS, RECREATION AREAS AND FACILITIES**

Section 1 Findings: The Board of Directors of the Hesperia Recreation and Park District ("District") finds as follows:

- A. These rules and regulations are necessary for the administration, government and protection of its property, improvements and facilities.
- B. The intent of public leisure services is to provide opportunities for satisfying leisure needs for all segments of the population.
- C. Rules and regulations are necessary to preserve such opportunities.

Section 2 Applicability

- A. The rules and regulations set out here apply to all persons using any park or recreation facility owned, managed or controlled by the District, hereafter "District facilities."
- B. Persons entering District facilities may remain as long as they abide by the rules and regulations, applicable laws and codes of the State, County and local agencies. Persons using District facilities or programs are to abide by these rules and regulations, applicable laws, ordinances and codes of the State, County and City, and lawful instruction of authorized employees of the District. Failure to leave the premises when requested to do so by an authorized employee of the District, for violation of these regulations, will be a further violation of regulations and of Penal Code Section 602, as applicable.

Section 3 Use of District Parks; Violations

- A. Hours of use. Except for District employees and contractors in the performance of their duties, it is unlawful for any person to be or remain in any District park between the hours of dusk to dawn or at such time as the park has been closed. For special events approved for extended hours, it is unlawful for any person to remain in that area of the park approved for the special event longer than one half hour after the activity concludes.
- B. No one is to camp, lodge or remain overnight in or on District facilities unless he or she is in a place designed for this purpose and written permission or permit has been granted in advance to that person or group to do so.

Section 4 Use of Public Restrooms; Violations

- A. It is a violation of these rules and regulations for any person to urinate or

defecate in or on District facilities except in a proper receptacle in a rest room or bathroom facility or structure.

- B. It is a violation of these rules for a person to cut, deface or make any writing or marking on the walls of any toilet facility or structure within any District facilities.

Section 5 Consumption of Alcohol; Violations

No person possessing an open container containing an alcoholic beverage shall consume such alcoholic beverage within a District facility except as follows:

- A. **Conditions for Alcohol Permit:**
 - 1. **No alcohol conditions:**
 - a. No alcohol during hours when District facilities are open to the general public.
 - b. No alcohol in hallways, restrooms, food service or dining areas, common work area, lobbies, hearing or conference rooms, public assembly areas, classrooms, activity rooms and outside park areas at any time.
 - c. No alcohol in public schools, theatres, auditoriums, gyms and other buildings which are used by the District and are open for general public use.
 - d. No alcohol in public transportation under the authority of the District.
 - e. No alcohol at children's or teen events or activities when the emphasis of the event is for children under the age of 21 years old.
 - 2. **Alcohol may be permitted only under all of the following conditions:**
 - a. With the General Manager's written approval by permit obtained at least thirty (30) days in advance of any event and satisfaction of any terms and conditions of such approval.
 - b. With such approval during hours when the Hesperia Recreation and Park District indoor facilities are open for special events and not for general business.
 - c. With such approval during private rentals.
 - d. Alcohol is only permitted in the main rooms and not in the halls, lobbies, kitchen, restrooms or any other rooms.
 - e. That all State, County, Local and District policies, procedures, codes, rules and laws that apply are followed and obeyed.
 - 3. **Terms and Conditions:**
 - a. Approved security/law enforcement officers must be provided and paid for by the renter.

- b. The required deposit must be paid during the permit procedure that must be completed thirty (30) days in advance of any event.
 - c. A certificate of insurance must be provided which meets the District's insurance requirement at least two (2) weeks in advance of any event.
4. Selling alcohol is not permitted except:
- a. With the General Manager's prior written approval during the permit procedure.
 - b. Selling and consuming alcohol is permitted only in areas approved and designated.
 - c. A State alcohol license is required and local police permission.
 - d. That all State, County, Local and District policies, procedures, codes, rules and laws that apply are followed and obeyed and terms and conditions under A3 are met.

Section 6 Littering in Parks

- A. No person shall throw or deposit litter in any District facility except in public receptacles and in such a manner that the litter will remain in the receptacle. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. "Litter" includes discarded advertisements or notices.
- B. District parks are not intended as traditional or limited public forums. No person shall display, deposit, offer, distribute or place on or in any vehicle any commercial or noncommercial advertisements or notices.

Section 7 Posting Notices Prohibited; Unofficial Advertisements

No person shall post or affix any notice, poster or other paper or device to any District facility, including but not limited to lampposts, tree, poles, fences or other improvements. Such notices may be posted on appropriate bulletin boards provided by the District.

Section 8 Indoor and Outdoor Smoking Violations

Smoking includes smoking, using, carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any lighted smoking equipment or the lighting or emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind including the use of electronic smoking devices that creates an aerosol or vapor in any manner or any form. Smoking is prohibited in all District facilities, vehicles and within 20 feet of public building doorways and on the premises of any play areas or within 50 feet of such premises.

Section 9 Violation of the Protection of District Property and Resources

A. Natural Resources and District Property:

1. No person may remove any wood, turf, grass, soil, rock, sand or gravel from any park except a duly authorized District employee in the performance of his or her duties.
2. No person shall remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom, flower, wild animal of any kind or any other natural or wildlife resource except a duly authorized District employee in the performance of his or her duty.
3. No person shall frighten, chase, set snare for catch, injure or destroy any wild quadrupeds or birds; or destroy, remove or disturb any of the young or eggs of same, or to injure or maltreat any domestic or wild animals.

B. Protection of Property:

1. No person is to cut, break, deface, mark, graffiti or disturb any rock, building, monument, sign, fence, structure, apparatus, equipment or property except a duly authorized District employee in the performance of his or her duties.
2. No person shall throw rocks or trash in unauthorized places.
3. No person is allowed to bathe or wade or otherwise pollute the waters of any pond, stream, lake, fountains or pool unless wading or bathing are allowed in the designated streams or pools or portions thereof.

Section 10 Tennis/Pickleball Court Rules

A. Court rules:

1. Wear tennis shoes; no hard or black sole shoes.
2. Do not hang or sit on nets.
3. Maximum time use while others are waiting is posted at each court area.
4. No private lessons allowed.
5. District recreation programs have priority.
6. Courts are not to be used for any activity except tennis/Pickleball play.
7. No skateboards or other wheeled vehicles allowed inside fenced court areas.
8. One (1) person cannot hold a court while others are waiting to play.
9. Courts open at sunrise and curfew is 10:00 p.m. daily or as posted.

Section 11 Disrupting the Public Peace

- A. No person shall engage in boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior**

tending to a breach of the peace and interfering with the enjoyment of other persons on the premises.

- B. No person shall appear unclothed or in such attire, costume or clothing as to expose to public view the female breast or any part of the male or female pubic or anal region or genitalia, except in the normal and customary use of authorized dressing rooms, restrooms or locker room areas.

Section 12 Duplicating Keys Prohibited

No person, to include volunteers, current or past employees, or those who come to possess District keys, shall duplicate keys used by the District for padlocks, door locks or locks of any type unless authorized by the General Manager or his or her designee.

Section 13 Animals

- A. Dogs must be on a leash not to exceed six (6) feet and have current license tags. Owners are responsible for muzzling dogs as necessary.
- B. No animals other than dogs, horses, burros, donkeys or ponies are permitted in District facilities. No cats, snakes, birds or reptiles without prior written consent of the General Manager.
- C. Animal owners are responsible for the clean up of droppings created by their animal.
- D. No person is allowed to ride or have a horse, burro, pony or donkey in any park except in equestrian areas designated for them.
- E. No person shall permit cattle, sheep, goats, horses or other livestock or animal to graze on the park premises.
- F. Animals must be on a leash or lead, with the exception of service animals as defined by the Americans with Disabilities (ADA).
- G. No animals may be left in cars or other vehicles.

Section 14 Amplified Music Prohibited

- A. Patrons are prohibited from causing the amplification of sound at a level that disturbs public peace except pursuant to an exclusive use permit issued under the following conditions:
 - 1. The location of any bandstand and the position of each loudspeaker shall be specified by the General Manager or his or her designee so as to allow the least amount of amplified sound to be audible in any adjacent residential neighborhoods.
 - 2. Amplified sound shall not exceed a decibel level determined by the General Manager.

Section 15 Group Picnic/Park Use Permit Required

- A. Groups, clubs, organizations, families and others with fifty (50) or more people or those with over twenty (20) people conducting a sporting

contest are required to obtain a park use permit prior to an event in the times and manner specified by the District for such permits.

- B. Groups may use only those facilities designated for group picnic or day use. It is not permitted for any person to use or attempt to use or interfere with the use of any table, space or facility which at the time is reserved for any other person or group which has received a permit for such use.

Section 16 Motor Vehicles Restricted to Parking Areas; Off Road Vehicles

- A. Registered and licensed motor vehicles are permitted in designated parking areas only. No motor vehicles of any type are allowed within the confines of any park area except in designated areas and parking lots, except for Park District employees performing their duties and other vehicles permitted to do so due to repair or maintenance of facilities, as well as, loading and unloading of supplies and equipment by District employees, in the discharge of their duties. As used here, "motor vehicles" means cars, motorized bikes, motorcycles, scooters and ATV's.
- B. Vehicles are to only utilize camping areas and other overnight facilities if they have a permit and abide by the camping rules and regulations.
- C. No off-road vehicles are allowed within the confines of any District facilities except on a trailer, walked in or parked without the motor on.
- D. Motor vehicles are required to comply with California Vehicle Code (CVC) Section 22500 and those subsections specific to handicap and emergency lane parking areas.

Section 17 Activities Not Permitted

Any activity which the park or facility is not designed for is prohibited. Activities which are not permitted in parks or public areas not designated for such use include:

- A. Bicycle riding
- B. Skates
- C. Skateboards
- D. Golf
- E. Tackle football
- F. Model airplanes, rockets, drones
- G. Additional activities or uses posted as prohibited or restricted to certain areas

Section 18 No Open Fires or Fireworks Permitted

- A. No open fires are allowed in District facilities except in a stove, barbecue or designated ring at Hesperia Lake. Charcoal is not allowed. These open fires must be within the confines of the fire rings with no wood hanging outside the fire rings.
- B. No one is allowed to bring or discharge fireworks into a park except for pyrotechnical shows that are discharged by a certified person and are

approved by the District and the City Fire Department.

Section 19 No Collecting Admission or Selling Items

- A. No one shall collect admission or sell items at any park without the prior written approval of and a permit from the District.
- B. No one shall solicit, vend or charge fees for any service of any kind without the prior written approval of and a permit from the District and in accordance with local licensing requirements.

Section 20 Provision or Service of Food in District Facilities

Individuals and families may bring picnics into District facilities. However, any individual, business or group or organization of any type who serves or provides food to its members or the general public must follow, abide and be permitted by any State, County and Local codes, ordinances and regulations which apply prior to the time of obtain any required District permit for use.

Section 21 Reward for Assistance in Enforcement

The Hesperia Recreation and Park District may pay up to \$200.00 as a reward to any individual who assists the District in the successful citation or arrest, prosecution and conviction of any person or group violating any part of this ordinance. No reward payment shall be made to an employee of the District, City, County, State or Federal government that is responsible for enforcement or prosecution of violators of this Ordinance or to any persons involved in violation of this Ordinance.

Section 22 Authorized Enforcement

- A. District employees on duty are the representatives of the District and are responsible for assisting the local law enforcement agencies in the enforcement of ordinances, rules, policies and regulations. Facility and park users must comply with all requests of District employees, or officials.
- B. In order to protect property, improvements, facilities, or parks and recreation programs under its management or belonging to the District and to preserve the peace within such parks, the District Board confers, on uniformed park employees who are designated, the authority to issue citations for misdemeanors and infraction violations of State law, City or County ordinances, or District regulations or ordinances, when the violation is committed within a District park and in the presence of the employees issuing the citation. Such citations shall be issued in accordance with the provisions of Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.
- C. Authorized District employees also may enforce these rules and regulations by utilizing administrative citations adopted pursuant to Govt. Code Section 53069.4 and the applicable District Ordinance.

Section 23 Violations - Penalty

- A. The first violation of any rule or regulation set out here or otherwise adopted by the District is an infraction punishable by a fine set out in the resolution adopting the Hesperia Recreation and Park District's Administrative Fine Schedule. All fines are subject to an additional 28% administration fee.
- B. Further violation of any rule, regulation or ordinance adopted is a misdemeanor punishable by a fine according to the attached Hesperia Recreation and Park District's Ordinance Number 2 Administrative Fine Schedule.
- C. In addition to any administrative or criminal citation, those violating these rules may be expelled from District facilities and repeat violators may be barred from reentry for a period of time.

Section 24 Effective Date of Revised Ordinance

On its effective date, this Ordinance supersedes all the provisions of previous Ordinance No. 2. Notwithstanding, this Ordinance does not affect the validity of actions taken under previous Ordinance No. 2.

Section 25 Effective Date

This Ordinance shall take effect and be in force 30 days after the date of its adoption.

Section 26 Posting

The General Manager shall post this Ordinance within 15 days of its adoption and shall certify the posting of this Ordinance as required by law.

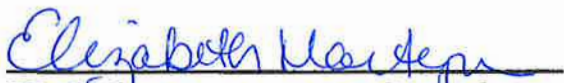
PASSED, APPROVED AND ADOPTED this 14th day of April, 2021, at a regular meeting of the Board of Directors by the following vote:

AYES: Aguilar, Irish, Gregg, Roberts, Gonzalez
NOES: None
ABSENT: None
ABSTAIN: None

Attest:


Miranda Wyzlic, Sec/Clerk to the Board

Approved as to Form:


Elizabeth Martyn, General Counsel