

CHAPTER 12.12
PARKS AND RECREATION FACILITY USE

§ 12.12.010. Purpose.

The purpose of this chapter is to promote the safety, comfort and convenience of the public use and enjoyment of any park, parkway, playground or recreation center and the use and enjoyment of any building, structure, equipment or apparatus thereon.
(Prior code § 2-60)

§ 12.12.020. Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section:

"Alcoholic beverages" means spirits, liquor, beer, wine and other liquid which contains one-half of one percent or more alcohol by volume.

"Amplified music, sound or speech" means music, sound or speech projected and transmitted by electronic equipment including amplifiers; the total output shall not exceed that shown in Tables I and II, Article 20, Section 20-301 of the Zoning Ordinance No. 537.

"Camping" means the occupation of any campers, trailers or other vehicles equipped for human habitation, or the erection of any tent, or other shelter, or the arrangement of sleeping bags or bedding for the purpose of, or which will permit, remaining overnight.

"Children's playground area" includes areas containing the playground apparatus or tot lots.

"City manager" means the city manager, assistant city manager, or designee.

"Dawn" means the time each day when the sun's upper edge first appears above the horizon. Official times may be determined from any reputable published source, including government or meteorological agencies.

"Director" means the department head of the city's parks and recreation department or designee.

"Dusk" means the time each day when the sun's upper edge disappears below the horizon. Official times may be determined from any reputable published source, including government or meteorological agencies.

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"Parks" includes all parks, parkways, greenbelts, and any other property owner by the city, including structures thereon, and used, operated or maintained for recreational purposes, whether passive or active. "Owned" includes any property interest under which the department of parks and recreation operates, maintains or controls the property. The term shall include any property owned and maintained as open space, including undeveloped sites for future parks.

"Picnic area" means the special area set aside with tables for the purpose of picnicking.

"Picnicking" means the consumption of food and beverage.

"Trash" means garbage, refuse, litter, paper, vegetable matter and rubbish.

"Vehicle" includes gasoline, electric or other fuel powered devices by which any person or object may be propelled, moved or drawn including go-carts, dirt bikes, minibikes, model cars, boats and

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planes.

(Prior code § 2-61)

§ 12.12.030. Compliance required.

It is unlawful and a misdemeanor for any person to enter or remain in any park or building unless they comply with all regulations set forth in this chapter applicable to such park or building.

(Prior code § 2-62; Ord. 1166 § 1, 2000)

§ 12.12.040. Department jurisdiction.

All public parks, recreational areas, recreational buildings, swimming pools, and landscaped areas around public buildings shall be under the jurisdiction of the parks and recreation department.
(Prior code § 2-63)

§ 12.12.050. Director—Duties—Jurisdiction.

It shall be the duty of the director of parks and recreation to administer the areas under his or her jurisdiction in accordance with the provisions of this chapter and such other rules and regulations related to such areas which are now in effect or might be adopted by the city council.
(Prior code § 2-64)

§ 12.12.060. Director—Deputies.

When authorized, any deputy of the director of parks and recreation may perform the duties of the director of parks and recreation in his or her name.
(Prior code § 2-65)

§ 12.12.070. Park and/or facility permit—Required.

The city parks and/or facilities shall be made available for the exclusive use of persons and groups subject to the issuance of a permit by the director of parks and recreation. No exclusive use of any park and/or facility for preadvertised assemblies or groups may be made without the issuance of a permit therefor. All applications for exclusive use must be signed or cosigned by an adult, which adult shall agree to be responsible for the exclusive use. A permit shall be issued unless:

- A. The city has scheduled a city-sponsored event at the same time and place as the activity proposed in the application;
- B. The requested time and place has been preempted by a previously issued permit;
- C. The conduct of such activity will substantially interrupt the safe and orderly movement of other traffic;
- D. The concentration of person, animals and vehicles will unduly interfere with proper fire and police protection of, or ambulance service to areas where the activity will take place or areas contiguous to such area;
- E. The conduct of such activity will unduly interfere with the movement of firefighting equipment en route to a fire, or the movement of other emergency equipment;
- F. The conduct of such activity is reasonably likely to cause injury to persons or property; or
- G. Such activity is to be held for the sole purpose of advertising the goods, wares or merchandise of a particular business establishment or vendor.

(Prior code § 2-66; Ord. 775 § 1, 1987)

§ 12.12.080. Permit—Application.

Any person applying for a permit under this chapter shall file an application with the director of

parks and recreation not less than twenty-one days nor more than one year prior to the proposed use of the park and/or building. The director, on a showing of good cause, shall have the authority to consider the application under this chapter which is filed less than twenty-one days before the date such proposed activity is to be conducted.
(Prior code § 2-67; Ord. 837 § 1, 1989)

§ 12.12.090. Permit—Contents.

The application shall contain the following:

- A. Name of applicant, the sponsoring organization and the name of the person in charge of the proposed activity;
- B. The addresses and telephone numbers of those named in subsection A of this section;
- C. The park and/or facility being applied for;
- D. The starting time of the proposed activity;
- E. The finishing time of the proposed activity;
- F. The number of persons expected;
- G. Additional facilities requested, such as personnel, tables, chairs, etc.;
- H. The nature of the proposed activity or activities, including equipment and vehicles, to be brought onto the park and nature and duration of the use of any amplified sound, whether speech or music;
- I. The form of application shall be provided or prescribed by the parks and recreation department.

(Prior code § 2-68)

§ 12.12.100. General use regulations.

The following acts or activities are prohibited:

- A. Bringing any domesticated animal or pet into the swimming pool, golf course or children's playground area;
- B. Littering, soiling or defacing restrooms, facilities or buildings;
- C. Climbing any trees or walking, standing or sitting on any monuments, fountains, railings, fences or upon any other property not designed or customarily used for such purposes;
- D. Making or kindling a fire for any purpose, except at places provided for such purpose, unless prior special permission is obtained from the director of parks and recreation in writing;

~~E. Remaining, staying or loitering on any public park between the hours of eleven p.m. and six~~

~~E. Being at any park between dusk to dawn of the following day, or as may otherwise be designated by minute order or resolution of the city council; a.m. of the following day, or as may otherwise be designated by minute, order or resolution of the city council;~~

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- F. Any section or part of a park or facility may be declared closed to the public by the director at any time and for intervals of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director may reasonably find necessary;
- G. No person shall play or practice golf or use any golf clubs in any area of a city-owned park;
- H. Playing or betting at or against any game which is played, conducted, dealt or carried on for money, chips, shell, credit or any other representative of value or maintaining or exhibiting any gambling table or other instrument of gambling or gaming or playing any game prohibited by any other ordinance of the city;
- I. No person shall engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace;
- J. Discharging, carrying or possessing firearms of any description or air rifles, spring guns, bows and arrows, slings or any other forms of weapons potentially dangerous to wildlife, park facilities or human safety. Shooting into park areas from beyond the park boundaries is prohibited;
- K. Killing, chasing, wounding, harassing or capturing wild or domestic birds or animals in a park;
- L. Using any park or facility for fundraising for personal profit of any kind without requesting permission and permit from the director of parks and recreation;
- M. Disposing of trash or garbage not accumulated within park areas; disposing of trash and garbage in other than receptacles provided for this purpose;
- N. Hitching, fastening or riding any horse or animal except at a place specially designated for such purposes;
- O. Dumping, depositing or leaving any bottles, broken glass, ashes, paper, boxes, cans, refuse or trash on the park or facility grounds thereof. Such items shall be placed in the proper receptacles where these are provided;
- P. Consumption of alcoholic beverages is prohibited in all city parks except as follows:
 - 1. Marion Elliot Park, Woodward Park, and Library Park. Consumption of alcohol is allowed following the City's approval of a Park and/or Facility Permit obtained according to the requirements of Sections 12.12.070, 12.12.080, and 12.12.090 of this Chapter, and the City's approval of a Permit obtained according to the requirements of Section 9.12.030 of this Code.
 - 2. Northgate Community Park. Consumption of alcohol is allowed following the City's approval of a Park and/or Facility Permit obtained according to the requirements of Sections 12.12.070, 12.12.080, and 12.12.090 of this Chapter, and the City's approval of a Permit obtained according to the requirements of Section 9.12.030 of this Code.
 - a. Notwithstanding the above, beer may be consumed in the softball complex, provided the beer is purchased from the authorized concessionaire and it is dispensed in paper cups

- b. No ice chests, cans, bottles, glasses, cups, or any other container capable of containing alcoholic beverages are permitted in the softball complex unless they are dispensed by the authorized concessionaire except as set forth below:
 - i. Plastic or metal containers of five gallon capacity or less which contain water or water and ice are permitted;
 - ii. Empty paper or plastic cups for drinking water only are permitted;
 - iii. Bottles or other containers containing food or liquid to feed infants are permitted;
- c. All containers, equipment, paper bags, boxes or other receptacles shall be subject to inspection by a person authorized by the director of parks and recreation to assure compliance with this section.
- 3. Big League Dreams Softball Complex. Consumption of alcoholic beverages is permitted at the Big League Dreams Softball Complex at a location west of Airport Way and north of Highway 120, provided the alcohol beverage is purchased from the authorized operator of the Big League Dreams Softball Complex or said consumption is with permission of said authorized operator.
- Q. Operation of gasoline or other fuel powered vehicles (excepting authorized and city-operated equipment) in any park, except persons with special permission for delivery of supplies or equipment. All vehicles after delivery of supplies or equipment shall then be removed and parked in proper parking areas;
- R.
 - 1. No person within any park shall use, attempt to use or interfere with the use of any table, space or facility within the park which at the time is reserved for any other person or group which has received a permit from the parks and recreation department,
 - 2. Unless the actual use of the table or facility referred to in such permit is commenced within one hour after the period covered by such permit begins, such permit shall thereupon be void and all rights under such permit be cancelled;
- S. No person other than a duly authorized city employee in the performance of his or her duty or persons participating in a city-sponsored activity shall dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower or any portion thereof growing in any park or city-owned property.

(Prior code § 2-69; Ord. 927 § 1, 1991; Ord. 1106 § 2, 1999; Ord. 1232 § 1, 2003)

§ 12.12.110. Drug-free zones designated.

All public parks in the city are designated as drug-free zones pursuant to Health and Safety Code Section 11380.5.

(Ord. 1014 § 1, 1995)

§ 12.12.115. Protective equipment required while using a city skate park or BMX facility.

No person shall use a city skate park or the BMX facility located in Spreckels Recreation Park who is not wearing a helmet, knee pads and elbow pads suitable to provide protection in the event of falls or collisions. A violation of this section shall be an infraction and punishable as set forth

in Section 1.16.010 of this code.

(Ord. 1161 § 1, 2000; Ord. 1164 § 1, 2000; Ord. 1435 § 1, 2009)

§ 12.12.120. Violation—Misdemeanor.

- A. It is unlawful and a misdemeanor for any person who is not wearing the protective equipment required by this chapter to remain at the skate park facility after having been directed to leave by any peace officer.
- B. It is further unlawful and a misdemeanor for any person, who has been directed to leave the skate park facility for the reason set forth above, to return to the skate park facility for the purpose of using the facility unless said person is wearing the protective equipment required by this chapter.
- C. No parent, guardian or other adult person having custody of a minor under the age of eighteen years shall allow such minor to use the skate park facility unless said minor is wearing the protective equipment required by this chapter. Violation of this provision shall be a misdemeanor.

(Ord. 1164 § 2, 2000)