

# CHAPTER I. IN GENERAL

## 12-1. "Park" defined.

When used in this title, the word "park" shall include all grounds, roadways, avenues, parks, buildings, parking lots, school facilities when they are in use as recreational facilities, or to serve recreational facilities, and when they are under the control of the director of public works or the director of parks and community services, and areas under the control, management or direction of the director of public works or the director of parks and community services of the city. (Code 1960, § 10101; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 4, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

## 12-2. "Employees of the department" defined.

When used in this title, the words "employees of the department" refer to those individuals appointed by the city manager, by the director of public works, or by the director of parks and community services. (Code 1960, § 10102; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 5, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

## 12-3. "Director" defined.

When used in this title, the words "public works director" shall refer to the department manager of the department of public works appointed by the city manager. The words "parks and community services director" shall refer to the department manager of the department of parks and community services appointed by the city manager. (Code 1960, § 10103; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 6, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

## 12-4. Master plan adopted.

Attached to Ordinance 89-12 marked Exhibit "A" and made a part hereof, is a master plat designating the boundaries of one (1) zone which plat is hereby adopted as the master plan of parks for the City of Costa Mesa. The official plat of the master plan of parks for the City of Costa Mesa shall be kept on file in the office of the director of parks and community services and a copy of the same shall be kept in the office of the city clerk for the city. Said plat is hereby declared to be a public record and shall be available for public view during the normal business hours of the City of Costa Mesa. (Ord. No. 72-46, § 2 12-4-72; Ord. No. 80-12, § 2, 7-21-80; Ord. No. 02-10, § 1, 5-20-02)

## 12-5. "Parkway" defined.

When used in this title, the word "parkway" shall define the area of a public street that lies between the curb and the adjacent property line or physical boundary definition, which is used for landscaping and/or passive recreational purposes. (Ord. No. 02-10, § 1, 5-20-02)

# ARTICLE 1. GENERALLY

## 12-16. Parental responsibility.

No parent, guardian or custodian of a minor shall permit or allow such minor to do any act or thing in any park square, avenue, grounds or recreation center prohibited by the provisions of this title. (Code 1960, § 10628; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

## 12-17. Rules and policies of department to be obeyed.

No person shall disobey or violate any of the rules, policies or regulations of the public works department or the parks and community services department governing the use and enjoyment by the public of any park, square, avenue, grounds or recreation center, or governing the use and enjoyment of any building, structure, equipment, apparatus or appliance thereon, which rules or regulations at the time are posted in some conspicuous place in the park, square, avenue, grounds or recreation center, or in or near the building, structure, equipment, apparatus or appliance to which the rules or regulations apply. (Code 1960, § 10205; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 7, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

## 12-18. Signs and notices to be obeyed.

(a) No person shall disobey any instruction, sign or notice posted by the public works department or by the parks and community services department in any park, recreation center or building or structure thereon for its reasonable regulation and use.

(b) No person shall disobey any reservation notice posted or issued by the parks and community services department concerning the use of any park facility, site, tables or other public accommodations therein. (Code 1960, § 10206; Ord. No. 68-10, 3-4-68; Ord. No. 83-22, § 2, 9-6-83; Ord. No. 86-19, § 2, 8-4-86; Ord. No. 99-8, § 8, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

## 12-19. Public may be excluded.

In an emergency or when the city council shall determine that the public interest, health, morals or safety demand such action, any park, square, avenue, grounds or recreation center, or any part or portion thereof, may be closed against the public and all persons may be excluded therefrom until such emergency or other reason upon which such determination of the city council is based has ceased, and upon the cessation thereof the park, square, avenue, grounds or recreation center, or part or portion thereof, so closed shall again be reopened to the public by order of the city council. (Code 1960, § 10207; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

## 12-20. Disorderly conduct.

(a) When used in this title, the words “disorderly conduct” shall include any of the following conduct in any park:

- (1) A violation of any section of the California [Penal Code](#).
- (2) A violation of any section of this Code.
- (3) Throw or cause to be launched stones or any other projectile.
- (4) Fire or carry fireworks of any kind including “safe and sane fireworks.”
- (5) Make any fire or hold any barbecue except at places designated and/or permitted by the public works director or by the parks and community services director.
- (6) Conduct or cause to be conducted any business which is defined as the sale or solicitation of business including, but not limited to, the wholesale or retail provision or distribution of goods, commodities, or services, without a written permit from the parks and community services director.
- (7) Climb upon any wall, fence, shelter, seat, building, structure, tree, shrub, device or other equipment, except at play equipment designated by the public works director or by the parks and community services director.
- (8) Bring, land or cause to descend or alight any aircraft, balloon, parachute or other instrumentality, machine, or apparatus for aviation or flight, except as permitted by the parks and community services director pursuant to this title.
- (9) Damage, deface, alter, injure, destroy or remove any tree, wood, bush, turf, flower, plant, grass, soil, rock or any similar thing or part thereof from any park or in or on any building or structure within any park.

(10) Damage, deface, alter, injure, destroy, or make, cut, paint upon, or otherwise mar or mutilate, or remove any equipment, pathway, facility, building or structure or part thereof within any park.

(11) Let loose or permit to run, or swim, at large any animal upon any park, building or structure thereon, except as permitted by the parks and community services director pursuant to this title.

(12) Damage, deface, alter, injure, destroy or remove any animal in any park, except that abandoned wild or exotic animal let loose in any park in violation of this title may be removed by the public works department or by the parks and community services department.

(13) Lead, drive, entice, conduct or otherwise bring or cause to bring any horse, mule, ass, cattle, goat, sheep, swine or other similar livestock animal upon any park, building or structure thereon, except as permitted by the parks and community services director pursuant to this title.

(14) Place, pile, deposit, leave or cause to be deposited any building material, soil, solid waste or any other thing upon any park, and building or structure, except as permitted by the public works director, by the parks and community services director, or in an area or receptacle designated by the parks and community services department pursuant to this title.

(15) Swim, bathe or wade in or pollute the waters of any fountain, lake, marsh or fishpond in any park or recreation center, and building or structure thereon.

(16) Operate a remote-controlled ground-based vehicle on or within any park, square, avenue, parkway, grounds or recreation center, except in areas as designated by the parks and community services director.

(17) Engaging in a sport or activity such as "paintball," whereby a projectile is launched either mechanically or through pressure, or possessing any of the equipment or paraphernalia used in such a sport or activity.

(18) Feed or cause to be fed wild animals, including but not limited to opossums, skunks, raccoons, and squirrels, or wild fowl, both migratory and nonmigratory, including but not limited to ducks, geese, and pigeons.

(19) Fishing or any attempt to catch fish or crayfish, by line, net, or other method, in any fountain, lake, marsh or fishpond in any park or recreation center, whether from shore or by wading.

(20) Pursuant to section [8-133](#) of this Code, smoking, as defined in section [8-132\(e\)](#).

(b) *Ejection.* Any person who commits any of the acts set forth in this section shall be guilty of disorderly conduct and shall be subject to ejection from the park by any city employee authorized to enforce violations of this Code or state laws.

(c) *Violations.* Three (3) or more violations of section [12-20](#) by the same individual within any twelve-month period within the same park is declared to be a public nuisance and may be abated by the city through civil proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances, including but not limited to the remedies provided for in section [1-33](#) of this Code. Any such individual may be ordered to stay away from the park where the violations occurred for up to twelve (12) months following the most recent violation. (Code 1960, § 10625; Ord. No. 68-10, 3-4-68; Ord. No. 86-19, § 2, 8-4-86; Ord. No. 96-4, § 4-1-96; Ord. No. 98-6, § 1, 3-2-98; Ord. No. 02-10, § 1, 5-20-02; Ord. No. 02-18, § 1, 10-7-02; Ord. No. 10-17, § 1, 12-7-10; Ord. No. 11-12, § 2, 11-15-11)

#### 12-21. Storage of bicycle in parks.

(a) All bicycles in city parks shall be parked pursuant to the provisions of Chapter III of Title 4 of this Code.

(b) Any bicycles left in city parks during closing hours shall be subject to the provisions of subsection [11-306\(c\)](#) of this Code. (Ord. No. 13-2, § 4, 4-2-13)

#### 12-23. Presence in parks after dark.

No person shall enter upon or engage in any activity in any park and building or structure thereon after dark, except in these recreation facilities and park areas designated by signage or subject to a permit issued by the parks and community services director pursuant to this title. (Code 1960, § 10626; Ord. No. 68-10, 3-4-68; Ord. No. 96-4, § 3, 4-1-96; Ord. No. 02-10, § 1, 5-20-02)

#### 12-24. Riding animals, operating vehicles.

No person shall ride or drive any horse or other animal or drive or propel any automobile, truck, dune buggy, motorcycle, motor scooter or any other motor powered vehicle within any park, square, avenue, grounds, or recreation center, except upon the roads, driveways, paths and highways provided and designated by the public works department and parks and community services department for such use, and shall ride or drive such horse or other animal or propel such automobile, truck, dune buggy, motorcycle, motor scooter or any other motor powered vehicle in a careful manner, at a lawful rate of speed, and in accordance with the rules and regulations made by the public works department and parks and community services department. (Code 1960, § 10208; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 9, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

## 12-25. Parking vehicles.

(a) No person shall park any automobile or other vehicle on any lawn or planted section in any park, square, avenue, grounds or recreation center, or in any pedestrian lane therein, or any other place where the rules and regulations of the public works department and parks and community services department prohibit vehicular parking, without a written permit from the public works director or from the parks and community services director.

(b) No automobile or other vehicle shall be parked in any road, place or highway in any park, square, avenue, grounds or recreation center, except on the extreme right side of said road, place or highway and immediately adjacent to the planted portion of the park, square, avenue, grounds or recreation center; provided, however, the public services department shall have full power and authority to set aside suitable space for the parking of any automobile or other vehicle off any road, place or highway. The extreme right side of said road, place or highway shall be deemed the right-hand side of any road, place or highway as measured or applied in the direction in which any vehicle is traveling. (Code 1960, § 10208; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 10, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

## 12-26. Stopping, parking vehicles between dark and 5:00 a.m.

It is unlawful for the driver of any vehicle to stop or park the same at any place within the boundaries of any park, square, avenue, grounds or recreation center during the hours between dark and 5:00 a.m., except when attending some special event authorized to be conducted within the park during said hours by the parks and community services director, and then only when such person stops or parks the vehicle at an area specifically designated for such stopping or parking in connection with such special event or with a permit from the parks and community services director. (Code 1960, § 101042; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 11, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

## 12-27. Maintaining vehicles.

No person shall wash, polish, grease or repair any automobile or other vehicle in any park, square, parkway, avenue, grounds or recreation center, except insofar as repairs may be necessary for the immediate removal of any damaged or disabled automobile or other vehicle from such park, square, avenue, grounds or recreation center, except that the parks and community services director may allow washing by written permit. (Code 1960, § 10208; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

#### 12-28. Wheeled, self-propelled vehicles and implements.

No person shall ride or drive a bicycle, skateboard or roller skates upon or over any tennis and/or pickleball court, shuffleboard court, handball court, seat, bench, furniture, railing, curb, stair, or planter wall within any park, square, avenue, grounds or recreation center, without a written permit from the parks and community services director. (Code 1960, § 10208; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

#### 12-29. Trucks, drays and delivery vehicles; transporting garbage.

No dray, truck, auto truck, wagon, motor delivery vehicle, or other vehicle carrying or used in carrying goods, wares, merchandise, manure, soil, building material or other article or thing of commerce or trade shall enter into or upon any park, square, avenue, grounds or recreation center without first obtaining a permit from the parks and community services director or from the public works director. Transportation of garbage into, upon or within any park, square, avenue, grounds or recreation center is prohibited. (Ord. No. 1960, § 101040; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

#### 12-30. Advertising and commercial vehicles.

No vehicle having thereon or attached thereto any exposed advertising matter, name of owner, name of maker of said vehicle or sign, or advertising any commodity, article, merchandise, business, activity, person or thing shall be allowed within any park, square, avenue, grounds or recreation center without first obtaining a permit as provided in this Code. Trucks, drays, wagons, motor delivery vehicles and other vehicles may use transverse roads extending across such areas and designated for passage of commercial vehicles by the public works director or parks and community services director. (Code 1960, § 10317; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 12, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

#### 12-31. Soliciting passengers for vehicles.

No person shall solicit, arrange, contract or make any agreement, or establish or maintain any stand or other equipment, for procuring passengers for any carriage, coach, motor wagon, automobile, auto bus, auto stage or other vehicle, let or used for hire, in any park, square, avenue, grounds or recreation center without first having obtained a permit to do so from the parks and community services director. (Code 1960, § 101041; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 13, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

#### 12-32. Disturbing property; performance of labor.

No person shall perform any labor in or upon any park, square, parkway, avenue, grounds, or recreation center, such as taking up or replacing soil, turf, ground, pavement, a structure, tree, shrub, plant, grass, flower and the like, except under the supervision and control of the public works director or parks and community services director, and by virtue of a permit issued by the public works director or parks and community services director authorizing such labor. (Code 1960, § 10209; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 14, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

#### 12-36. Erecting obstructions.

No person shall build, construct, erect, put up or maintain any building, structure, fence, wall, monument, dome or other thing in or upon any park, square, avenue, grounds or recreation center without first having obtained a permit from the parks and community services director. Any such building, structure, fence, wall, monument, dome or other thing shall not prevent, hinder or impair the full and free use and enjoyment by the public of such park, square, avenue, grounds or recreation center for park purposes. (Code 1960, § 10935; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 15, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

#### 12-38. Warning devices at danger points.

Every person by whom or under whose direction or authority, either as principal, contractor or employer, any part or portion of any park, square, avenue, grounds or recreation center is made dangerous, must erect and, so long as the danger continues, maintain around the portion of the park, square, avenue, grounds or recreation center or retain at both ends of such barrier during every night from sunset until daylight, such barricades and traffic and warning devices as shall be required by the public works director or parks and community services director. (Code 1960, § 10937; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

#### 12-39. Grounds to be restored.

Where work has been done in any park, square, avenue, grounds or recreation center under any permit, the permittee shall repair, reconstruct and put the ground in as good condition in all respects when the work shall have been completed or terminated or such permit shall have expired as said ground was in when the permit was granted or the work commenced; the condition of the ground, site or place in any park, square, avenue, grounds or recreation center where any work has been done pursuant to any permit shall be made satisfactory to the public works director and parks and community services director and on the completion of the work, the permittee shall forthwith remove all buildings, structures, machinery or equipment used in connection with such work



from the park. (Code 1960, § 10938; Ord. No. 68-10, 3-4-68; Ord. No. 99-8, § 16, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

## 12-42. Dogs generally.

(a) For purposes of this section, the following words and phrases shall have the meanings as set forth below:

*Responsible person* means any person who owns, has a proprietary interest in, harbors or has the care, charge, control, custody or possession of a dog.

*Dog exercise area* means any fenced area or other enclosed area of a city park designated by the city council by resolution or ordinance as an area where dogs may be off a leash.

(b) No responsible person shall permit his dog(s) to be in or upon any public street, sidewalk, park or other public place unless such dog(s) is upon a secure leash not more than six (6) feet long held continuously in the hands of a person capable of controlling the dog, or unless the dog is securely confined within an automobile, or in or upon any fully enclosed lot or premises; provided, however, that this subsection shall not apply to a person who is in the possession or operating within the terms of a valid permit from the city to conduct obedience classes or other types of trial or show of dogs in or upon any public place. This subsection shall not apply to dogs under the control of a responsible person in a dog exercise area.

(c) All responsible persons shall clean up after their dog(s) and remove all dog feces left by their dog(s) upon any public street, sidewalk, park or other public place, or any private property not owned by the responsible person, and dispose of it in a sanitary and proper manner.

(d) In addition to such other regulations that may be adopted from time to time by the Parks and Community Services Commission, the following regulations and limitations shall apply to all dog exercise areas:

(1) No responsible person shall have more than four (4) dogs at once in a dog exercise area.

(2) Dog exercise areas will be open from dawn to posted closing time and closed one (1) day per week as posted for maintenance. The operational hours may be adjusted as conditions require and shall be posted as established by the Parks and Community Services Commission from time to time.

(3) All responsible persons shall, at all times, take all reasonable precautions to prevent their dog(s) from biting, attacking or attempting to bite or attack any person or dog. A responsible person shall immediately remove his dog from the dog exercise area if it bites, attacks or attempts to bite or attack any person or dog. A

responsible person whose dog is bitten or attacked shall immediately remove his dog from the dog exercise area.

(4) Any dog over the age of four (4) months must be vaccinated and legally licensed prior to use of the any dog exercise area. Dogs under the age of four (4) months are prohibited from any dog exercise area pursuant to section 121690 of the [Health and Safety Code](#).

(5) Female dogs in heat are not permitted in any dog exercise area.

(6) There shall be no food or food products, whether intended for human or dog consumption, in any dog exercise area.

(7) All responsible persons using a dog exercise area must have a leash in their possession or reasonably accessible at all times for each of their dog(s) in the dog exercise area, which shall be worn by the dog(s) at all times the dog(s) is not in the exercise area. All responsible persons shall maintain control over their dog(s) at all times whether leashed or unleashed.

(8) All responsible persons shall also comply with all rules governing city parks and relevant parking regulations.

(9) Use of any dog exercise area by a responsible person and his dog(s) shall constitute implied consent of the responsible person to all of the conditions set forth in this section, a waiver of liability benefiting the City of Costa Mesa, and an agreement and undertaking to protect, indemnify, defend and hold the City of Costa Mesa harmless for any injury or damage caused by a responsible person's dog during any time that the dog is in the dog exercise area.

(e) The provisions of this section shall be enforceable by any police officer, animal control officer, park ranger or other code enforcement officer of the city pursuant to section [1-33](#) of this Code. In addition to any other remedies, the city officer shall have the authority to eject any person who violates this section pursuant to section [12-20](#) of this title.

(f) Any dog which has been repeatedly aggressive or attempted to attack or bite another dog or a person, or whose responsible person fails on more than two (2) occasions to abide by the reasonable rules and regulations applicable to the exercise area may be barred from further use of the exercise area by an animal control officer or park ranger upon written notice. (Code 1960, § 10420; Ord. No. 68-10, 3-4-68; Ord. No. 96-13, § 1, 11-18-96; Ord. No. 98-6, § 2, 3-2-98; Ord. No. 01-26, § 1, 10-15-01; Ord. No. 02-10, § 1, 5-20-02; Ord. No. 07-16, § 2, 8-7-07)

#### 12-43. Dogs excluded from children's playgrounds, etc.

No person having in charge any dog shall permit, allow or suffer such dog to enter upon or remain within any park area reserved for children or to enter any sandbox or play apparatus area. (Code 1960, § 10421; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

#### 12-44. Handbills and circulars; distributing and posting.

No person, association, partnership, firm, corporation or trust shall paint, mark or write on, post, attach or otherwise affix any handbill, notice, sign or similar device to or upon any park, sidewalk, parkway, crosswalk, street, alley, median, curbstone, street lamppost, bus bench or shelter, or hydrant, tree, shrub, tree stake or guard, electric light, power or telephone pole or wire or appurtenance thereof, or upon any lighting system, bridge, drinking fountain, street sign or barrier, traffic sign, fence, building or structure of any kind located on city property or any city right-of-way or easement unless a permit is obtained from the city council as provided in section [5-121\(d\)\(5\)](#) or Chapter II of Title 19. The person, association, partnership, firm, corporation or trust responsible for such sign, notice, handbill or similar device in violation of this section shall be liable for the cost incurred for the removal and disposal thereof as provided in section 5-128. (Code 1960, § 10316; Ord. No. 68-10, 3-4-68; Ord. No. 94-9, § 6, 6-6-94; Ord. No. 02-10, § 1, 5-20-02)

#### 12-45. Sports activities.

(a) No person shall fly a kite or airplane (driven by an internal combustion engine) or participate in any games such as baseball, football, hockey, and the like in any park where such use has been prohibited by a sign posted at the entrance to the park as designated by the parks & community services department or the public works department.

(b) No person shall play, practice or in any way engage in the game of golf in any public park or parkway in the city, except at the times and places designated by the parks & community services director and under the supervision of a member of the staff of the parks & community services department. This section shall not apply to playing of golf on any city-owned golf course.

(c) No person shall engage in any boxing contest, prizefight, combative martial arts activity or wrestling contest, or promote or participate in any such contest, in any park or recreation center without a written permit from the parks & community services director. (Code 1960, § 10210; Ord. No. 68-10, 3-4-68; Ord. No. 96-4, § 5, 4-1-96; Ord. No. 99-03, § 1, 4-19-99; Ord. No. 02-10, § 1, 5-20-02)

## 12-46. Vending merchandise.

No person shall bring or cause to be brought for the purpose of sale or barter, or have for sale, or sell or exchange, or offer for sale or exchange, any goods, wares, merchandise or other things in any park, square, avenue, grounds or recreation center, without first having obtained a permit from the parks & community services director and an appropriate business license from the director of finance. (Code 1960, § 10211; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

## 12-51. Rubbish to be put into receptacles.

No person shall throw, place, cast, deposit, dump, or cause to be thrown, placed, cast, deposited or dumped, any ashes, refuse, offal, vegetable, garbage, dross, cinders, shells, straw, shavings, paper, scraps or dirt, or dead animal, fish, fowl, bird or reptile, glass, crockery, bones, tin cans or like matter, empty box, carton, wastepaper, remains of food, newspaper, filth or rubbish of any kind in any park, square, avenue, grounds or recreation center, except to place the same in cans or receptacles provided for such matter. (Code 1960, § 10522; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

## 12-53. Permits.

(a) No persons in a park shall conduct, operate, present, manage or take part in any of the following activities, unless a permit is obtained from the parks and community services director prior to the start of the activity:

(1) Any group, or organization of twenty-five (25) or more persons desiring to use any public park or portion thereof or recreation facility for a party, picnic, game, or other purpose and where such use will exclude or interfere with use by other members of the public from such area.

(2) Any gathering of persons that utilize food vendors and services, bounce house and inflatables, amplified sound, entertainment, other vendor services or use of any additional amenities not currently in place at park permit location.

(b) The parks and community services director shall issue permits for the exclusive use of any public park or facility during certain times unless one of the following grounds is found to exist by the director:

(1) The proposed use of a specified facility for a certain time is in conflict with a previously issued permit for the same facility.

(2) The proposed use will have a significant adverse impact on or present an imminent threat of damage or injury to the facility or the public health, safety, and welfare.

(3) The proposed use violated the provisions of this article or any other federal, state, county or city statute, ordinance or regulation.

(4) The permit application meets the criteria of a special event permit as defined in municipal code section 9-205. Definitions.

(c) A permit from the parks and community services director or their designee shall be obtained not less than five (5) business days or more than one (1) year prior to such use. The parks and community services director and other personnel of the department may take all reasonable measures to apportion the use of any park, square, avenue, grounds and other recreational facilities fairly among individuals and groups desiring to use them. A permit fee may be charged to offset costs. Such fees shall be established by resolution of the city council.

(d) The parks and community services director may impose reasonable conditions or restrictions on the granting of a permit including, but not limited to, any of the following:

(1) A requirement that the applicant post a reasonable security deposit for the repair of any damage to park property or the cost of cleanup, or both.

(2) A requirement that the applicant pay any required business license tax or other required permits and/or fees.

(3) A requirement that the applicant furnish additional sanitary and refuse facilities that might be reasonably necessary based on the use or activity for which the permit is being sought.

(4) A requirement that the applicant provide comprehensive liability insurance in an amount established by resolution of the city council naming the city and its officers, agents and employees as additional insureds.

(5) A requirement that the applicant shall be bound by park rules and regulations and all applicable ordinances fully as though the same were inserted in their permit.

(e) Availability of permitted parks is determined by the parks and community services director and are subject to change based on city schedules and/or park conditions.

(f) Before making a determination on an application for a permit, the parks and community services director shall allow interested persons an opportunity to submit relevant information either orally or in writing, and the director shall give notice of their decision on the application by mail within twenty-four (24) hours of his decision. The decision of the parks and community services director shall be made within three (3) business days of the filing of the application, and may be appealed to the parks and community services commission by any interested person within seven (7) days of the date on which the notice of the decision, addressed to the groups or organizations

affected, is deposited in the mail; provided, however, that the decision shall remain in effect while the appeal is pending. (Code 1960, § 10730; Ord. No. 68-10, 3-4-68; Ord. No. 86-19, § 2, 8-4-86; Ord. No. 92-12, § 2, 7-6-92; Ord. No. 99-8, § 18, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

12-55. Amusements, shows, etc.; permit required.

No person shall set up or maintain any exhibition, place of amusement, concert hall, moving picture, show, showstand, performance, concert, entertainment or amusement in any park, square, avenue, grounds or recreation center without first having obtained a special event permit to do so from the parks and community services commission. (Code 1960, § 10939; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)