



# **CITY OF COSTA MESA**

## **PARKS AND COMMUNITY SERVICES COMMISSION**

### **Agenda**

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**Thursday, March 9, 2023**

**6:00 PM**

**City Council Chambers**

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The Commission meetings are presented in a hybrid format, both in-person at City Hall and virtually via Zoom Webinar.

You may participate via the following options:

1. Attending in person: If you are feeling ill, you may still participate in the meeting via Zoom.

2. Members of the public can view the Commission meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or [http://costamesa.granicus.com/player/camera/2?publish\\_id=10&redirect=true](http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true) and online at [youtube.com/costamesatv](https://www.youtube.com/c/costamesatv).

3. Zoom Webinar:

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- During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

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During the Public Comment Period, press \*9 to add yourself to the queue and wait for city staff to announce your name/phone number and press \*6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

4. Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the [pacscomments@costamesaca.gov](mailto:pacscomments@costamesaca.gov). Comments received by 12:00 p.m. on the date of the meeting will be provided to the Commission, made available to the public, and will be part of the meeting record.

5. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at (714) 754-5225 or [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

Note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.

All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to [pacscomments@costamesaca.gov](mailto:pacscomments@costamesaca.gov) NO LATER THAN 12:00 Noon on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the Commission after distribution of the agenda packet (GC §54957.5): Any related documents provided to a majority of the Commission after distribution of the Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM\_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance.

En conformidad con la Ley de Estadounidenses con Discapacidades (ADA), aparatos de asistencia están disponibles y podrán ser prestados notificando a la Secretaria Municipal. Si necesita asistencia especial para participar en esta junta, comuníquese con la oficina de la Secretaria Municipal al (714) 754-5225. Se pide dar notificación a la Ciudad por lo mínimo 48 horas de anticipación para garantizar accesibilidad razonable a la junta. [28 CFR 35.102.35.104 ADA Title II]. Servicios de traducción de idioma están disponibles para esta junta llamando al (714) 754-5225 por lo mínimo 48 horas de anticipación.

**PARKS AND COMMUNITY SERVICES COMMISSION REGULAR MEETING**

**MARCH 9, 2023 – 6:00 P.M.**

**CASSIUS RUTHERFORD**  
District 2 - Chair

**SCOTT GLABB**  
District 1 - Commissioner

**ELIZABETH DORN PARKER**  
District 6 - Vice Chair

**KELLY BROWN**  
District 5 - Commissioner

**CRISTIAN GARCIA ARCOS**  
District 4 - Commissioner

**TERRY WALL**  
District 3 - Commissioner

**SHAYANNE WRIGHT**  
At-Large - Commissioner

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENTATION:**

1. [\*\*BICYCLE AND MOTORIZED BICYCLE LICENSE UPDATE\*\*](#) [\*\*23-1110\*\*](#)

**PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA**

Comments are limited to three (3) minutes, or as otherwise directed.

**COMMISSIONER COMMENTS AND SUGGESTIONS**

Comments are limited to three (3) minutes, or as otherwise directed.

**OLD BUSINESS:**

1. [\*\*MINUTES\*\*](#) [\*\*23-1111\*\*](#)

**RECOMMENDATION:**

Approval of the minutes of February 9, 2023, Parks & Community Services Commission meeting.

**Attachments:** [020923 PACS Draft Minutes](#)

2. **[PROPOSED CHANGES TO THE MUNICIPAL CODE SECTION TITLE 12 PARKS AND RECREATION](#)** **[23-1114](#)**

RECOMMENDATION:

It is the recommendation of the Parks and Community Services Director that the Commission review and approve changes to the Costa Mesa Municipal Code Title 12, sections 12-1 through 12-55 regarding Park Use Regulations.

**Attachments:** [Agenda Report](#)

[1. Municipal Code Redlined with Adjustments](#)

[2. Municipal Code with Adjustments Implemented](#)

**NEW BUSINESS:**

1. **[2022 ANNUAL REPORT FROM MAJOR LEAGUE SOFTBALL](#)** **[23-1116](#)**

**Attachments:** [Agenda Report](#)

[1. Annual Report for the Costa Mesa Adult Softball Program](#)

**MONTHLY REPORTS**

1. **[PARK RANGER REPORT](#)** **[23-1112](#)**

**Attachments:** [1. Park Ranger Report - February 2023](#)

2. **[DIRECTOR'S REPORT](#)** **[23-1113](#)**

**Attachments:** [1. Director's Report - February 2023](#)

**ADDITIONAL COMMISSION MEMBER & STAFF COMMENTS**

**ADJOURNMENT**

**Next Regularly Scheduled Meeting: April 13, 2023**



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1110

**Meeting Date:** 3/9/2023

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**TITLE:**

**BICYCLE AND MOTORIZED BICYCLE LICENSE UPDATE**

**DEPARTMENT: POLICE DEPARTMENT**



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1111

**Meeting Date:** 3/9/2023

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**TITLE:**

**MINUTES**

**DEPARTMENT:** PARKS AND COMMUNITY SERVICES

**RECOMMENDATION:**

Approval of the minutes of February 9, 2023, Parks & Community Services Commission meeting.

FEBRUARY 9, 2023  
6:00 P.M. – UNOFFICIAL MINUTES

**CALL TO ORDER** by Chair Rutherford at 6:00pm

**PLEDGE OF ALLEGIANCE** by Commissioner Garcia Arcos

**ROLL CALL**

☒ = Present    ☐ = Absent

**Commissioners**

☒ Kelly Brown  
☒ Cristian Garcia Arcos  
☐ Scott Glabb  
☒ Terry Wall  
☒ Shayanne Wright  
☒ Elizabeth Dorn Parker, Vice Chair  
☒ Cassius Rutherford, Chair\*

\*Chair Rutherford attended via Zoom

**City Staff**

☒ Jason Minter, Parks & Community Services Director  
☒ Monique Villasenor, Recreation Manager  
☒ Robert Ryan, Maintenance Services Manager  
☒ Laura Fautua, Executive Assistant  
☒ Kathia Viteri, Office Specialist I

**PRESENTATION**

- 1. ORANGE COUNTY MODEL ENGINEERS (O.C.M.E.) BY HANK CASTIGNETTI**  
*[Experienced technical difficulties and presented before Old Business.]*

**PUBLIC COMMENTS**

**Ralph Taboada** – Asked that the Commission be involved in selecting upcoming park projects for next year's budget.

**COMMISSIONER COMMENTS AND SUGGESTIONS**

**Commissioner Wright:** Thanked staff for the on-board training and Mayor Stephens for the appointment. Excited to dive into the Commissioner role and assist with community needs.

**Commissioner Garcia Arcos:** Appreciates the opportunity to advocate needs in his district and will be an advocate to save trees within the City.

**Commissioner Brown:** Thanked Fairview Park Steering Committee Chair, Andy Campbell, for the Fairview Park tour to learn more about the park. Would like to see a mobile van return to provide educational insight to parks regarding history of the different parks and documentation of project management for all the different projects underway, as well as park space within neighborhoods.

**Vice Chair Dorn Parker:** Relayed community feedback regarding dogs in Harper Park and shared she will continue to find solutions to better educate the community. Would like to tour Fairview Park again and looks forward to attending the Fairview Park Alliance meeting on the 2<sup>nd</sup> Saturday for their Restoration event. As she visits parks within California, she likes to focus on the access to public resources regarding sensitive habitat to avoid harming the area.



**Chair Rutherford:** Thanked Vice Chair for running last's month's meeting as he attended via Zoom Webinar. Praised Parks and Community Services staff on their City Council department overview presentation. Hopes to see another dog park to help mitigate the need in the community. Acknowledged public commenter for speaking and looks forward on updates regarding Fairview Park partnerships.

## **OLD BUSINESS**

### **1. Minutes – 120822 Draft Minutes**

**MOTION/SECOND:** Vice chair Dorn Parker made a motion to approve the minutes/Seconded by Commissioner Brown.

The motion carried by the following roll call vote:

**Ayes:** Commissioner Brown, Commissioner Garcia Arcos, Commissioner Wright, Vice Chair Dorn Parker, Chair Rutherford

**Nays:** none

**Absent:** Commissioner Glabb and Commissioner Wall

**Motion Carried:** 5 – 0

### **2. RECOMMEND THAT THE COMMISSION REVIEW AND APPROVE CHANGES TO THE MUNICIPAL CODE SECTION TITLE 12 PARKS AND RECREATION**

Mr. Minter presented.

Chair Rutherford appreciates this item coming forward for municipal code cleanup. He reiterated his appreciation for including this discussion in the commission.

#### **Public Comment:**

**Mat Garcia:** Thanked Commissioners for the opportunity to speak and supports the changes within the ordinance.

Vice Chair Dorn Parker spoke about Section 12.28 identifying where bicycles, skateboards, and rollerblades can't go over certain types of facilities and asked staff if pickleball courts be included, as a facility.

Commissioner Brown did not feel comfortable approving an item as the supplemental was recently provided.

Chair Rutherford inquired about Section 12.53 subsection (d) deposit requirements and the verbiage of additional amenities.

Commissioner Brown stressed her concerns regarding the supplemental item being received and prefers to move the item to next regular meeting for review to allow for a longer review window.

Vice Chair Dorn Parker proposed to put this item on the next month's agenda and requested staff to review thoroughly for any modifications.

**MOTION/SECOND:** Vice chair Dorn Parker made a motion to continue report review of changes to municipal code to the next regular meeting of the Parks and Community Services Commission, March 9/Seconded by Commissioner Brown.

The motion carried by the following roll call vote:

**Ayes:** Commissioner Brown, Commissioner Garcia Arcos, Commissioner Wright, Vice Chair Dorn Parker, Chair Rutherford

**Nays:** none

**Absent:** Commissioner Glabb and Commissioner Wall

**Motion Carried:** 5 – 0

## **NEW BUSINESS:**

### **1. TREE REMOVAL REQUEST AT 3462 WIMBLEDON WAY**

Mr. Ryan presented.

#### **Public Comment:**

**Mary Helen:** Daughter of the homeowner, has concerns with debris causing a fire hazard to the surrounding area and the constant cost of maintenance for debris clean-up and how it affects her mother's home.

Commissioner Garcia Arcos asked staff questions about pruning.

Chair Rutherford recognized specific tree request is brought forward to the commission again, and advocated he still supports to deny the homeowner's request on the basis that the tree is in good health.

#### **Public Comment:**

**CKD:** Lives in the area and agrees with homeowner that the tree debris is a nuisance and asked if the City Arborist can review the trees within the Wimbledon neighborhood and help eliminate the constant debris of the pine trees.

**MOTION/SECOND:** Chair Rutherford made a motion to deny request and approve the staff recommendation of denying the homeowner's request/seconded by Vice Chair Dorn Parker.

Commissioner Garcia Arcos expressed concerns in denying the request may create nuisance in the future and suggests a different approach, but supports current decision.

The motion carried by the following roll call vote:

**Ayes:** Commissioner Brown, Commissioner Garcia Arcos, Commissioner Wright, Vice Chair Dorn Parker, Chair Rutherford

**Nays:** none

**Absent:** Commissioner Glabb and Commissioner Wall

**Motion Carried:** 5 – 0

## **MONTHLY REPORTS**

### **1. PARK RANGER REPORT - DECEMBER 2022**

Mr. Minter presented.

### **2. DIRECTOR'S REPORT - DECEMBER 2022**

Mr. Minter and Ms. Villasenor presented.

Vice Chair Dorn Parker thanked staff and highlighted the resourcefulness of the Spotlight Recreation Magazine. Looks forward to attending the Priceless Pets Prom Fundraiser at the Norma Hertzog Community Center. Appreciates seeing the utility box art installations and looks forward to having more art in the community.

Commissioner Brown inquired about Art Crawl information.

Chair Rutherford supports staff if any events need to be scaled down to focus on department needs and/or partnerships. Asked that information be sent to all commission and committees within the City when the new hiring initiative marketing becomes available for position adjustments.

Commissioner Brown asked staff what other engagement opportunities would be available for public input besides the Council and Commission meeting dates for upcoming projects.

Commissioner Wright inquired on the marketing blitz for hiring initiative and asked if details could be implemented in future Director's reports.

#### **ADDITIONAL COMMISSIONER MEMBER & STAFF COMMENTS**

**ADJOURNMENT** by Chair Rutherford at 7:04pm

**NEXT REGULAR ARTS COMMISSION MEETING: THURSDAY, MARCH 9, 2023 at 6:00 P.M.**



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1114

**Meeting Date:** 3/9/2023

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**TITLE:**

**PROPOSED CHANGES TO THE MUNICIPAL CODE SECTION TITLE 12 PARKS AND RECREATION**

**DEPARTMENT: PARKS AND COMMUNITY SERVICES**

**RECOMMENDATION:**

It is the recommendation of the Parks and Community Services Director that the Commission review and approve changes to the Costa Mesa Municipal Code Title 12, sections 12-1 through 12-55 regarding Park Use Regulations.



# City of Costa Mesa

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1114

**Meeting Date:** 3/9/2023

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**TITLE:**

**PROPOSED CHANGES TO THE MUNICIPAL CODE SECTION TITLE 12 PARKS AND RECREATION**

**DEPARTMENT:** PARKS AND COMMUNITY SERVICES

**PRESENTED BY:** PARKS AND COMMUNITY SERVICES DIRECTOR, JASON MINTER

**CONTACT INFORMATION:** PARKS AND COMMUNITY SERVICES DIRECTOR, JASON MINTER, (714) 754-5009

**RECOMMENDATION:**

It is the recommendation of the Parks and Community Services Director that the Commission review and approve changes to the Costa Mesa Municipal Code Title 12, sections 12-1 through 12-55 regarding Park Use Regulations.

**BACKGROUND:**

This report is a continuation of the review that was presented at the February 9, 2023, Parks and Community Services Commission Meeting. Included as attachments to this report are the redlined draft of the entire Code section (Attachment 1) along with a clean copy of the proposed changes (Attachment 2). During the February 9 meeting, the Commission requested additional time to review the proposed changes, as staff presented supplemental material that Commission did not have sufficient time to review.

**ANALYSIS:**

Prior to the posting of the February 9 meeting agenda, staff had included additional cleanup language to the proposed changes. The additional cleanup was added to help clarify terms, update the language, and reference the Special Event permit policy.

**ALTERNATIVES:**

There were no alternatives considered at this time.

**FISCAL REVIEW:**

There is no fiscal impact for this review and discussion.

**LEGAL REVIEW:**

Legal review will be completed prior to this recommendation going before the City Council.

**CONCLUSION:**

It is the recommendation of the Parks and Community Services Director that the Commission review and approve recommended changes to the Costa Mesa Municipal Code Title 12, sections 12-1 through 12-55 regarding Park Use Regulations. Any changes to the Municipal Code will need to be reviewed and approved by the City Council as a part of a formal hearing process.



# 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 ~~services~~ works or the director of ~~administrative~~ 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 ~~director of public services or the director of administrative 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 ~~services~~ works, or by the director of ~~administrative~~ 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 services~~ public works director" shall refer to the department manager of the department of public works ~~public services~~ appointed by the city manager. The words "parks and community services ~~administrative services~~ director" shall refer to the department manager of the department of parks and community services ~~administrative 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 ~~administrative~~ 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 ~~services-works~~ department or the ~~administrative~~-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 ~~services-works~~ department or by the ~~administrative~~-parks and community services ~~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 ~~administrative~~-parks and community services ~~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 ~~services-works~~ director or by the ~~administrative-services director~~[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 ~~administrative-services-director~~[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 ~~services-works~~ director or by the ~~administrative-services~~[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 ~~administrative-services~~[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 ~~administrative services director~~ 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 ~~services-works~~ department or by the ~~administrative services department~~ 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 ~~administrative 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 ~~public services director~~, by the parks and community services ~~administrative services~~ director, or in an area or receptacle designated by the parks and community services department ~~public 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 ~~administrative 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](#) ~~administrative 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 ~~services department~~ 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 ~~public 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 ~~public services department~~ prohibit vehicular parking, without a written permit from the public works ~~services~~ director or from the parks and community ~~administrative~~ 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 ~~administrative services~~ 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 ~~administrative 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 ~~administrative~~ 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, ~~skate-board~~ 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 ~~administrative~~ parks and community services director ~~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 ~~administrative~~ parks and community services director ~~services director~~ or from the public ~~services~~ 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 ~~services~~ 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 ~~administrative~~ [parks and community services director](#) ~~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 ~~services-works~~ [director or parks and community services director](#), and by virtue of a permit issued by the public ~~services-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](#) ~~PACS 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 ~~services~~ [works director or parks and community services director](#) ~~PACS 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 ~~services-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 ~~recreation-c~~ommission, 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 ~~Recreation~~ [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](#)~~administrative~~ services department or the public ~~works~~~~services~~ 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 ~~administrative~~[parks & community](#) services director and under the supervision of a member of the staff of the [parks & community services](#) ~~administrative-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 ~~marshal~~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 ~~administrative 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~~administrative~~ 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) ~~(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 ~~lodge, society, social organization,~~ group, ~~sports league or team,~~ ~~social club~~ or ~~other~~ organization of ~~persons having twenty-five~~ ~~(25-10)~~ or more ~~members or attendees~~ persons desiring to use any ~~area of any~~ public park ~~park, square, avenue, grounds or portion thereof~~ or recreation facility for a ~~parade~~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) ~~shall obtain a~~ permit from the ~~administrative services~~ parks and community services director or ~~his~~ their designee shall be obtained not less than ~~thre~~five (53) business days or more than one (1) year prior to such use. The ~~administrative 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.

~~(b) The administrative services director shall issue permits for the exclusive use of any public facility described in subsection (a) during certain times unless one of the following grounds is found to exist:~~

~~(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.~~

(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 ~~administrative~~ 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 ~~his~~-their decision on the application by mail within twenty-four (24) hours of his decision. The decision of the ~~administrative~~ 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 ~~recreation~~ 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 ~~parks and recreation~~ commission. (Code 1960, § 10939; Ord. No. 68-10, 3-4-68; Ord. No. 02-10, § 1, 5-20-02)

# 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)



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1116

**Meeting Date:** 3/9/2023

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**TITLE:**

**2022 ANNUAL REPORT FROM MAJOR LEAGUE SOFTBALL**

**DEPARTMENT:**

**PARKS AND COMMUNITY SERVICES**



# City of Costa Mesa

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1116

**Meeting Date:** 3/9/2023

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**TITLE:**

**2022 ANNUAL REPORT FROM MAJOR LEAGUE SOFTBALL**

**DEPARTMENT: PARKS AND COMMUNITY SERVICES**

**PRESENTED BY: PARKS AND COMMUNITY SERVICES RECREATION MANAGER,  
MONIQUE VILLASENOR**

**CONTACT INFORMATION: PARKS AND COMMUNITY SERVICES RECREATION  
SUPERVISOR, ASHLEY THOMAS (714) 754-5052**

**RECOMMENDATION:**

It is the Recommendation of the Parks and Community Services Director that the Commission receive and file the 2022 Annual Report from Major League Softball.

**BACKGROUND/ANALYSIS:**

Major League Softball, Inc. ("MLS") has provided the City of Costa Mesa ("City") with an Adult Softball Program on a year round basis since August 10, 2015. Operations include league marketing services, program administration and coordination, officiating services, and a computerized scoring system. Three seasons are offered annually, spring, summer and fall.

The current registration fees are \$360 for returning teams and \$395 for new teams. The pre-Covid agreement stipulated that MLS would pay the City 40 percent (40%) of all registration fees. Due to the challenges presented by the pandemic, however, MLS and the City negotiated the terms to provide MLS additional resources to return to play and be in compliance with all health regulations. For the period of January 1, 2022 through December 31, 2022, MLS retained seventy percent (70%) of each team's registration fee while the City received the remaining thirty percent (30%) of each team's registration fee. These terms will return to the pre-Covid rates 60/40 in 2023.

Per the most recent agreement, MLS is required to submit an annual report to the City detailing the following information: number of teams, percentage of Costa Mesa residents, list of complaints from participants, report of major injuries, list of incidents related to field play, participant feedback, etc. This report is included for the Commission's review.

**LEGAL REVIEW:**

There is no legal review required for this report.

**CONCLUSION:**

It is the Recommendation of the Parks and Community Services Director that the Commission receive and file the 2022 Annual Report from Major League Softball.



## MEMORANDUM

**DATE:** MARCH 1, 2023  
**TO:** CITY OF COSTA MESA PARKS AND RECREATION DEPARTMENT  
**FROM:** DAVE JOHNSON, PRESIDENT, MAJOR LEAGUE SOFTBALL *D.J.*  
**SUBJECT:** ANNUAL REPORT FOR THE 2023 COSTA MESA ADULT SOFTBALL PROGRAM

### BACKGROUND

Major League Softball, Inc. ("MLS") has provided the City of Costa Mesa ("City") with an Adult Softball Program on a year round basis since August 10, 2015. Operations include league marketing services, program administration and coordination, officiating services, computerized scoring system as well as the design, procurement and distribution of individual awards for 1st-Place and 2nd-Place teams. The Costa Mesa Adult Softball Program positioned online at [www.mlsoftball.com](http://www.mlsoftball.com) and participants are able to register their teams, make payments, pick up players, view their game schedules and access League Standings, Individual Statistics and League Leader lists.

The Adult Softball Program is conducted at the TeWinkle Park Athletic Complex 970 Arlington Dr. Costa Mesa, CA 92626. The program is offered three (s) seasons per calendar year with each season consisting of eight (8) regular league games followed by playoffs. Teams are guaranteed one playoff game. Leagues are available Sunday through Friday nights. Coed play is offered Sunday, Monday and Tuesday evenings with Men's play on Monday, Wednesday, Thursday and Friday, and during 2022, we also made Men's play available on Tuesday evenings which has resulted in all the fields being full on Tuesdays.

### ANALYSIS

With the cessation of the restrictions that affected the program during the early part of 2021 due to the COVID-19 pandemic, 2022 returned to normal program formatting and operations. The chart below provides the seasonal team participation numbers which have remained solid in this post-COVID 19 environment. The Summer League was completed efficiently prior to the closure of TeWinkle Park for maintenance during August 2022. The traditional Fall season followed the maintenance closure and after very wet fall weather, the Fall 2022 League was completed during January 2023. We received excellent cooperation and communication from Recreation Division staff and we appreciate this very much.

The City graciously reduced its Royalty Percentage from 40 to 30 percent and collected royalties for these three seasons as follows:

Season	Calendar Year	Actual Team #	Royalty Received	Notes
Spring	2022	88	\$9,504.00	
Summer	2022	96	\$10,320.00	
Fall	2022	98	\$10,584.00	
Totals		291	\$30,408.00	

**Major League Softball, Inc.**  
 371 E. River Ave. • Orange • CA 92866 • (714) 289-1983, Ext. 2

The Royalty Percentage was increased to 30 percent beginning with the Summer 2022 season and will return to 40 percent for the Summer 2023 season when it will remain at 40 percent for the rest of the contract term. The 2022 post-pandemic team participation numbers continue to reflect trepidation from some teams, especially those with older players that continue to be leery of the virus.

The year was fairly uneventful with respect to serious incidents such as poor sportsmanship that escalates to the need for police assistance. There were a total of five (5) ejections during the entire year and the players served their rule mandated one week suspensions during the week following the ejections.

There were approximately 1,450 games conducted during 2022 and a total of 12 injuries where a player had to come out of the game (a log of Injuries and Ejections appears below). There was one situation where a player had chest pains and 911 was used to summon EMS and the player went to the hospital in an ambulance. Here is the log:

### **SPRING 2022**

#### **3 Injuries:**

2/10/22 (THU) – Chris Engles, Patrick’s Pub (shoulder)

2/23/22 (WED) – Aaron Castillo, Icy Cold Ones (left leg)

4/12/22 (TUE) – Linda Clark, 20 Bucks Is 20 Bucks (finger, left hand)

#### **2 Ejections:**

2/17/22 (THU) – Dale Collard, Chicago AC

4/11/22 (MON) – Ken Moorhead, OC Havoc

### **SUMMER 2022**

#### **2 Injuries:**

5/3/22 (TUE) – Jasmine Diaz, Base Noc (shoulder)

6/24/22 (FRI) – Ross Dillingham, Saints (left hand)

#### **3 Ejections:**

5/1/22 (SUN) – Joe Martin, Thirsty Pitches

5/9/22 (MON) – James Johnson, OC Havoc

5/26/22 (THU) – Dale Collard, Chicago AC

### **FALL 2022**

#### **7 Injuries:**

10/4/22 (TUE) – Robert Aciena, Tewinks (face/right eye)

10/11/22 (TUE) – Ivan Manico, Shake n Bake (leg)

10/30/22 (SUN) – Danny Humphries, Monarch DX (chest pain) **911 was called, player taken in ambulance**

11/18/22 (FRI) – Chad McDow, Mean Machines (ankle)

11/18/22 (FRI) – Art Duarte, Mean Machines (knee)

11/18/22 (FRI) – Roger Rojas, Mixed Nuts (forehead)

11/22/22 (TUE) – Matt Fairman, Shades of Gray (finger)

### **CONCLUSION**

Customer satisfaction remains at a high level as our Customer Service Desk received no complaints that we categorized as “Serious”. There was some frustration during January with the weather as some teams were not expecting to be playing and that caused some game scheduling difficulties for them. We stuck to our tried and true policy of not changing game schedules to accommodate a team(s) because that becomes a never ending slippery slope. We also receive occasional complaints at the fields about the conditions of the infields and have to explain that we are coming in after the youth baseball and softball programs have conducted hours of practice and/or games.



Once again during 2022, the Costa Mesa Adult Softball Program outperformed the surrounding area programs. During 2022, team registration numbers exceeded those posted by Newport Beach, Fountain Valley and even Huntington Beach. We have seen a significant influx of teams from Huntington Beach as the City contracted out the operation of their Central Park Sports Complex and the contractor had no experience with conducting Adult Softball Leagues and has shifted the focus to serving youth sports at the Complex.

We (MLS) continue to receive excellent support and cooperation from Recreation Division staff and have not had difficulty with communication and response. We look forward to a continued long and mutually beneficial relationship. We are happy to answer any questions or provide any additional information the City may desire. Feel free to contact me directly and I will assist.



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1112

**Meeting Date:** 3/9/2023

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**TITLE:**

**PARK RANGER REPORT**

**DEPARTMENT:**

**POLICE DEPARTMENT**



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1112

**Meeting Date:** 3/9/2023

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**TITLE:**

**PARK RANGER REPORT FOR FEBRUARY 2023**

**DEPARTMENT: POLICE DEPARTMENT**

Due to the scheduling of staff in the Park Ranger Unit, and the short turnaround time, this report is not available as of the posting of the agenda. Copies of the report will be provided to Commissioners at the meeting, and will be linked to the Commission Agenda.



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1113

**Meeting Date:** 3/9/2023

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**TITLE:**

**DIRECTOR'S REPORT**

**DEPARTMENT:**

**PARKS AND COMMUNITY SERVICES**



## **PARKS & COMMUNITY SERVICES COMMISSION REPORT**

MEETING DATE: March 9, 2023

ITEM NUMBER: MR – 2.1

**SUBJECT: DIRECTOR'S REPORT FOR FEBRUARY 2023**

**DATE: March 2, 2023**

**FROM: JASON MINTER, PARKS & COMMUNITY SERVICES DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: (714) 754 - 5065**

### ❖ **Animal Care Services**

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.
Impounded animals	64	92	36	60	49	47	33	37
Returned to owner	6	20	7	9	6	11	3	9
Transferred to adoption center	40	39	48	28	27	34	26	9
Adopted	35	25	31	30	4	39	7	7
Animal License Issued/Renewed	292	247	245	244	195	201	249	211

### ❖ **Arts in Parks in Costa Mesa**

- There were no parks related updates for the month of February.

### ❖ **Community Gardens**

Garden Location	Parcel Quantity	Parcels Rented	Waitlisted
Del Mar	57	57	68
Hamilton	42	42	23

### ❖ **Contract Classes**

	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.
Youth & Adult Totals:	494	439	170	183	233	157	84	205	183

### ❖ **Costa Mesa Senior Center**

- The monthly newsletter was mailed out to 2,114 members.
- On February 9, AARP kicked off 2023 tax season with their free income tax preparation program. Tax prep will continue through April 13.
- On February 21 seniors enjoyed some Fat Tuesday fun at the Senior Center's Mardi Gras Social. Seniors enjoyed socializing over some delicious moon pies and mock-tail margarita slushies.

Senior Programs	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.
Meals on Wheels OC - Meals	5,000	5,918	4,053	4,317	4,335	3,091	2,450	3,023
Meals on Wheels OC - Seniors	1,578	1,721	1,351	1,439	1,425	1,287	1,085	1,405
Second Harvest Grocery Boxes	280	85	170	170	110	141	110	255
Wellness Calls	1,249	1,001	1,017	1,213	1,155	1,168	1,066	1,457
Transportation Program Trips	746	862	745	941	830	727	553	758

### ❖ **Downtown Recreation Center**

Gym Programs	Pickleball	Youth Open Gym	Basketball	Volleyball
Participants	168	118	23	81
Visits	580	212	36	134

### ❖ **Downtown Aquatic Center**

2022 Aquatics Programs	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.
Adult Lap Swim Participants	108	121	113	69	71	112	81	88
Total Lap Swim Visits	381	520	353	402	216	249	341	305
Instructional Class Participants	168	255	50	71	0	0	0	10
Instructional Class Attendance	568	469	298	235	0	0	0	33
Swimming Lesson Spectators	1,107	1,051	372	215	0	0	0	14

### ❖ **Facility Rentals – February**

- The Norma Hertzog Community Center hosted a Wedding Expo on Sunday, February 26, for the public to view the facility as a potential wedding venue. Twelve (12) vendors were on site with samples of their work for couples planning tie the knot.

Facility	Non-Profit	Private Resident	Private Commercial	Non-Resident Commercial
DD Library – Adams Room	0	0	0	0
BCC	1	0	0	0
DRC - Gym	0	0	0	1
NHCC	3	3	0	1

### ❖ **Fairview Park**

- The City hosted its “second Saturday” restoration day on Saturday, February 11, in the vernal pool 5/6/7 watershed buffer area. There were approximately 20 members of the public in attendance to support non-native plant removal activities. This post-planting site maintenance is an essential part of the overall restoration, and promotes successful establishment of the recently-installed native plants and seeds.
- The next Second Saturday Restoration day is scheduled for Saturday, March 11.

### ❖ **Adult Sports**

#### • **Adult Sports – February**

- Adult Softball League – Operated by Major League Softball
  - Spring 2023 Season began February 13 with 92 teams and a total 1,300 participants enrolled.
- Adult Basketball League – Operated by City Staff
  - Winter 2022 Season began January 9
  - Monday night: 8 teams
  - Wednesday night: 6 teams
  - Total of 180 participants enrolled
- Senior Softball League – Operated by City Staff
  - Spring 2023 Season began February 6 with a total of 21 participants enrolled

- **Fields**

Field Usage	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.
# of Organizations	61	61	39	45	45	45	45	48
Hours	3,879	6,304	33,580	36,881	31,666	8,648	7,705	14,241

- ❖ **Park Reservations**

February 2023				
Park Location	Permits Issued		Park Location	Permits Issued
Del Mesa	2		Shiffer	1
Estancia	1		Tanager	1
Fairview	1		TeWinkle	15
Heller	1		Vista	2
Mesa Verde	1		Wakeham	4

- ❖ **Youth Programs**

- **Presidents' Camp Costa Mesa**

- Fee-based program from during NMUSD's winter recess
    - Held at Balearic Community Center
    - Registration began on November 2, 2022

Week #	Capacity	Enrolled
1 (February 21-24)	50	50

- **L.E.A.P. Program**

- Fee-based program from August 22, 2022 – May 26, 2023
    - Held at Balearic Community Center in 2 classrooms
    - Registration began on July 20, 2022

Age (Days)	Capacity	Enrolled
4-5 year old (M/W/F)	40	32
3-4 year old (T/Th)	40	24

- **Teen Program**

- Free afterschool care for 7<sup>th</sup> - 12<sup>th</sup> grades from August 22, 2022 – June 8, 2023
    - Teen Centers at TeWinkle Middle School and Downtown Recreation Center (DRC)
    - Offers shuttle transportation from Ensign Inter./Newport Harbor High School to the DRC Teen Center and Save Our Youth (SOY)

Program Location	Students
Downtown Recreation Center (DRC)	19
TeWinkle Middle School	91
Shuttle Service	Students
Downtown Recreation Center (DRC)	11
Save Our Youth (SOY)	3

- **R.O.C.K.S Afterschool Program**

- Fee-based program from August 22, 2022 – June 9, 2023
- Held at nine (9) NMUSD elementary schools
- Capacity limits and may vary per session

School Site	Capacity	Enrolled
Adams	40	37
California	60	64
College Park	40	40
Davis Magnet	80	85
Killybrooke	40	40
Paularino	40	34
Sonora	40	37
Victoria	40	43
Whittier	40	37

- **Youth Sports – Basketball**

- Free clinic-based instruction at the Downtown Recreation Center Gym
- Season: January 17 – March 18, 2023
  - Registration began November 2, 2022

Divisions / Grade level	Capacity	Enrolled
A. 6th - 8th Grade	40	25
B. 4th - 5th Grade	40	33
C. 1st - 3rd Grade	40	40

- **Youth Sports – Cheer Squad**

- Free clinic-based instruction at the Balearic Community Center
- Season: January 17 – March 18, 2023
  - Registration began November 2, 2022

Divisions / Grade level	Capacity	Enrolled
A. 6th - 8th Grade	40	5
B. 4th - 5th Grade	40	11
C. 1st - 3rd Grade	40	40

❖ **Special Event Permits**

2023 Permits	
Total Permits Issued for 2023	2
Permits Issued for December	2
Permits at City Facilities	1
Permits at Private Commercial Property	1
Pending Permits	8



### ❖ **Capital Project Updates**

- The Brentwood Park playground replacement project is in preliminary design. Staff are coordinating community meetings to be held at the park and at a Parks and Community Services Commission meeting.
- The Fairview Park Master Plan Update process is officially underway, with a kickoff meeting held in February. Updates on progress and community input are forthcoming.
- Two capital projects have been designated funding through Orange County Supervisor Katrina Foley's Office. The projects include the expansion of the Costa Mesa Skatepark and the completion of the Café at Lion's Park. Both projects are currently in the pre-design phase.
- One capital project, the Expansion of Ketchum-Libolt Park, has been designated funding through Assemblywoman Cottie-Petrie Norris' Office. This project is also in pre-design. Staff have met with a potential project manager that would likely focus on community outreach for the project.
- Four (4) other sites have been designated as locations for funding provided through Senator Dave Min's Office. These project sites include the Jack Hammett Sports Complex, TeWinkle Park, Fairview Park, and Shalimar Park. Actual project scope for each site is still under review, with public comment opportunities currently in the works. A community outreach meeting is currently being discussed internally and will be shared with the Commission when details are final.

Upcoming Events	Dates	Location
Art Crawl	Saturday, March 11	Pick-up and Drop-off is at Costa Mesa City Hall
Spring Fest	Saturday, April 8	Lion's Park Event Lawn
Imaginology	Sat./Sun., April 15-16	OC Fairgrounds
Spring Bark Bash	Saturday, April 29	TeWinkle Park