

AMENDED DRAFT – PUBLIC REVIEW 9/13

Note: Proposed amendments in BOLD or strikethrough

ORDINANCE NO. 1-07/08

BE IT ORDAINED by the Board of Directors of the Mount Shasta Recreation and Parks District:

SECTION 1:

An Ordinance of the Mount Shasta Recreation and Parks District establishing regulations governing parks and recreation facilities is adopted as follows:

Chapters:

- 01 GENERAL**
- 02 PARKS - RULES FOR USE OF FACILITIES**
- 03 PARKS – SAFETY, ENFORCEMENT, VIOLATIONS**

01 GENERAL

01.010 Purpose

The purpose of this Ordinance shall be held to be the minimum requirements adopted to regulate the use of parks and recreation facilities of the Mount Shasta Recreation and Parks District in order that all persons may enjoy and make use of such parks, lands and facilities.

01.020 Definitions

A. "*Alcoholic beverages*" or "*liquor*" includes the four varieties of liquor defined as alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all other intoxicating beverages, and every liquor, solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and all preparations or mixtures capable of human consumption. Any liquor, semisolid, solid or other substance that contains more than one percent alcohol by weight shall be conclusively deemed to be intoxicating.

B. "*Board*" or "*Board of Directors*" means the Board of Directors of the Mount Shasta Recreation and Parks District

C. "*Director*" or "*District Administrator*" refers to the District Administrator of the Mount Shasta Recreation and Parks District, or his/her designee.

D. "*Discrimination*" means any action or failure to act, whether by single act or part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, religion, national origin, age, sex, marital status, parental status, sexual orientation, the presence of any sensory, mental or physical handicap or the use of an animal guide by a blind or deaf or otherwise physically or mentally challenged person.

E. "*District*" means the Mount Shasta Recreation and Parks District, and includes all lands and waters owned, controlled, or managed by the Mount Shasta Recreation and Parks District.

F. "*Fire Chief*" refers to the fire protection authority, or his/her designee, of the park or recreation area within the Mount Shasta Recreation and Parks District.

G. "*Motor vehicle*" means any self-propelled device capable of being moved upon a road, and in, upon or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles and snowmobiles, whether or not they can be legally operated upon the public highways.

H. "*Park*," "*facility*," "*facilities*," "*parks and recreation facility*," "*parks and recreation facilities*," "*park area*", or "***district property***" means any building, structure, park, open space, trail or other property owned, **controlled**, or otherwise under the jurisdiction of the Mount Shasta Recreation and Parks District.

- I. "Person" means all natural persons, groups, entities, firms, partnerships, corporations, governmental and quasi-governmental entities, clubs and all associations or combination of persons whether acting for themselves or as an agent, servant or employee.
- J. "Smoking" or "to smoke" means and includes inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco or any other weed or plant.
- K. "Trail" means any path, track or right-of-way designed for use by pedestrians, bicycles, equestrians or other non-motorized modes of transportation.
- L. "User fee" means a fee charged for the use of parks and recreation facilities, activities and programs, including, but not limited to, general facilities admission, classes and workshops, sponsored leagues and tournaments, gymnasium and field usage for games and practice, field lights and other equipment, concessions, parking, camping, special event admission, rooms for meetings, conference banquets and other indoor activities, kitchen and equipment. "User fee" does not include the cost of purchasing tangible personal property sold by the division. "User fee" also does not include charges made under:
1. an advertising, sponsorship or naming rights agreement;
 2. a concession contract;
 3. a lease, rental or use agreement; or
 4. a special use permit.

M. "Nude" or "nudity" means exposure of the genitals, pubic area, anus, or buttocks with less than a fully opaque covering; or exposure of a female breast below a horizontal line across the top of the areola at the areola's highest point with less than a fully opaque covering.

01.030 Authority

A. This Ordinance is intended to authorize the District Administrator, under the supervision and control of the Board of Directors, to promulgate rules and regulations relative to the use of recreation and parks facilities. This ordinance shall govern the use of all recreation and parks facilities, and the observance of such provisions shall be a condition under which the public may use such recreation and parks facilities.

B. All sections of this Ordinance are adopted pursuant to Section 5541, 5558, 5559, and 5560 of the Public Resources Code of the State of California, and apply to all District parklands. A title, where used, does not limit the language of a section.

01.040 District Mission, Values, Goals

01.040.2 District Mission

~~**Delete** It is the mission of the Mount Shasta Recreation and Parks District to help enhance the quality of life by providing recreational, social and cultural opportunities for the public; and lead in the preservation, conservation, restoration and promotion of the natural, scenic, and historical resources in The Mount Shasta Recreation and Parks District~~

The Mt. Shasta Recreation and Parks District is the community leader in providing diverse recreational opportunities and facilities through stewardship and partnership.

01.050 District Policy

01.050.2 ADA Compliance. The Mount Shasta Recreation and Parks District will comply with the Americans with Disabilities Act (ADA), which prohibits discrimination in the provision of programs, services or activities to individuals with disabilities. Park users with any special needs may contact the District staff directly to determine accessibility of particular sites or programs.

01.050.4 Anti-Discrimination. Discrimination on the basis of race, color, creed, national origin, sex, age, or disability: Mount Shasta Recreation and Parks District complies with the requirements of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 as amended, the Age Discrimination Act of 1975, the Civil Rights Restoration Act of 1988 (P.L. 100-259) and the Americans with Disabilities Act of 1990 (P.L. 101-336) to the extent that no person in the United States shall, on the grounds of race, color, creed, national origin, sex, age, or disabilities be excluded from participation in, be denied of, or be otherwise subjected to discrimination in any

program or activity provided by that agency. Areas affected by these requirements include, but are not limited to the following: 1) programming 2) facility use 3) planning and construction 4) planning and/or advisory groups and 5) fee structures.

01.50.6 **Code of Conduct.** Mount Shasta Recreation and Parks District strives to create an atmosphere of respect and courtesy. Appropriate social behavior and treatment of others is expected of all District employees, patrons and participants. Physical, mental, verbal or emotional abuse will not be accepted or tolerated by anyone participating in any District activity, facility or program.

01.50.7
Any District employee shall be authorized to enforce the Code of Conduct, along with any Rules and Regulations applicable to the facility, activity, park or program. Any person acting inappropriately or disrespectfully may be subject to a revocation of the privilege of using District facilities or participating in District activities or programs. Such revocation may be for whatever period of time District staff shall determine appropriate, up to a permanent ban from District programs and facilities based upon the circumstances of the specific incident or occurrence.

01.060 Severability

Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be ordered unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this ordinance.

01.070 Effective Date

This ordinance shall become effective and enforceable on the day following publication.

02 PARKS – RULES FOR USE OF FACILITIES

I - ADMINISTRATION

02.010 Hours & conditions of operation

Unless authorized by the District Administrator or specifically posted otherwise, recreation and parks facilities shall generally be open to the public from **6:00 a.m. until 11 p.m. (Hours - AMENDED BACK TO ORIGINAL VERBIAGE)** ~~Paved recreational pathways with pathway lights remain open to the public while lighted. Indoor recreation facilities will be open as posted at each facility.~~ No person shall enter, be in or remain within, a parks and recreation facility outside the hours when it is open to the public, except those obtaining permits or authorization by the District Administrator to remain in the parks and recreation facility beyond the general or posted hours, as applicable.

02.020 Closing sections of park.

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

02.030 Permits for use

The District Administrator may issue permits to community groups or persons to meet or conduct activities in the Mount Shasta Recreation and Parks District facilities if those facilities or portions thereof are not otherwise required by the District. The District Administrator shall charge the applicable user fee for the use permitted under the permit.

02.030.2 Application. A person seeking issuance of a permit hereunder shall file an application with the District Administrator.

02.030.4 Standards for Issuance. The District Administrator shall issue a permit hereunder when he/she finds:

- A. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and other recreation;
- B. That the proposed activity or use is not anticipated to incite violence, crime, or disorderly conduct;
- C. That the proposed activity will not entail unusual or extraordinary expense. ~~or police operation by the District.~~

02.030.6 Appeal. If an application for a permit is denied, the District Administrator shall, within seven days of receipt of the application, advise the applicant in writing of the grounds for denial. The applicant shall have the right to appeal in writing within five days thereafter to the Board of Directors.

02.030.8 Effect of Permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

02.030.10 Liability of Permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage, or injury sustained by any person by reason of the negligence or intentional acts of the person or persons to whom such permit shall have been issued. All persons to whom a use permit has been granted must agree in writing to hold the Mount Shasta Recreation and Parks District harmless and indemnify the District from any and all liability for injury to persons or property occurring as a result of the activity sponsored by permittee and said persons shall be liable to the District for any and all damage to District parks, facilities and buildings, which results from the activity of permittee or is caused by any participant in said activity.

02.030.12 Revocation. The District Administrator shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

02.030.14 Types of permits and agreements. The District Administrator may utilize the following types of permits and agreements:

- A. An advertising, sponsorship or naming rights agreement;
- B. A concession contract;
- C. A lease, rental or use agreement;
- D. A permit; or
- E. A special use permit.**

02.040 Setting and establishing user fees

- A. The District Administrator shall set user fees in accordance with this section.
- B. The District Administrator shall set user fees for all parks and recreation facilities and programs for which specific users can be readily identified and charged, unless the District Administrator determines that the administrative costs to collect the fees are likely to exceed revenues.
- C. The District Administrator shall set user fees in a way that clearly and simply states the amounts and the facilities or programs to which the fees apply. The District Administrator may set ranges for particular user fees and select fees within those ranges.
- D. The District Administrator shall present the structure of user fees to the District Board of Directors for annual review.

02.050 Gifts, bequests and donations

- A. The District Administrator may on behalf of the District accept from the general and business communities and all other persons, gifts, bequests and donations to the District of or in support of parks and recreation facilities and programs.
- B. The District Administrator shall assure that expenditures from the gift, bequest or donation are consistent with the terms, if any, requested by the grantor.

02.060 Advertising, sponsorship and naming rights

A. The District Administrator may negotiate and enter into advertising, sponsorship and naming rights agreements for the purpose of providing financial support for parks and recreation facilities and programs.

B. Advertisers and sponsors shall agree not to engage in discrimination. Furthermore, an advertising, sponsorship or naming rights agreement may not result in the advertisement of spirits or tobacco products.

C. The District Administrator may impose additional subject-matter restrictions on advertising, sponsorship and naming rights agreements consistent with applicable law and the use of parks and recreation facilities by citizens of all ages, in particular young children and families.

II – RULES GOVERNING USE OF FACILITIES

02.070 Protection of park facilities, improvements, and natural features

No person, except for authorized District personnel or tenants in the performance of his or her duties, or other person duly authorized pursuant to law, shall willfully

- A. remove, destroy, mutilate or damage any structure, lawn, monument, statue, vase, fountain, wall, fence railing, vehicle, bench, shrub, tree, geological formation, plant, flower lighting system, sprinkling system, gate, barricade or lock or other property lawfully in any park;
- B. remove sand, soil, or sod in any park
- C. dig trenches holes, or other excavations;
- D. intentionally remove materials from, alter, or destroy an archeological site or resource, or site of scientific significance or interest;
- E. divert, impound or alter a watercourse;
- F. deface, damage or destroy any property, material or equipment which is under the jurisdiction of the District.

02.080 Protection of plant material

Except for authorized District maintenance, construction, pest control activities, research, and flood control maintenance, no person using an open space area shall willfully deface, disfigure, injure or remove any plant material on, or from, that property. Removal of plant materials is strictly prohibited without a special permit granted by the District Administrator. No person shall introduce, release, abandon or dispose of any plant in a park or recreational area.

02.090 Protection of wildlife

A. Except for authorized District maintenance, construction or pest control activities, no person using a Mount Shasta Recreation and Parks District area shall hunt, harm, molest, kill, take or harass any wildlife found on that property.

B. Feeding waterfowl, birds or wildlife in any Mount Shasta Recreation and Parks District area is prohibited.

C. No person shall introduce, release, abandon or dispose of any animal in a park or recreational area.

02.100 Protection of water quality and water resources

A. No person shall throw, discharge or otherwise deposit or cause or permit to be placed into the waters of any body of water in or adjacent to any District park or any tributary stream, sanitary sewer or drain flowing into such water, any substance, matter or thing, liquid, solid, or gas, which materially impairs the esthetics or usefulness of such water for persons or habitability and/or potability of such water for any animal.

B. No person **or pet, including service animals**, shall swim, bathe, or wade in the waters of a Mount Shasta Recreation and Parks District area.

02.110 Protection of air quality

A. No person shall allow a vehicle to idle within any Mount Shasta Recreation and Parks District area for more than ten (10) minutes in any one-hour period unless:

- ~~1. The ambient outside air temperature has been less than twenty (20) degrees Fahrenheit for the previous twenty-four hour period; or~~
- ~~2. The ambient outside air temperature is less than ten (10) degrees Fahrenheit.~~

02.120 Protection of soil quality and soil resources

A. In order to prevent soil compaction and excessive soil erosion, no person shall use a Mount Shasta Recreation and Parks District playing fields for sport if water is standing on the playing field, rain is falling and / or rain has been falling for several days, soil is wet or spongy, play would result in damage to the field.

B. No person shall create an informal trail, or any other pathway that is not an official trail as recognized by the District.

C. No person shall pollute, or in any way contaminate by dumping or otherwise depositing any waste or refuse of any nature, kind or description, onto any soil of any park or recreation area within the District provided that this section shall not apply to authorized District personnel or tenants in the performance of his or her duties.

02.130 Littering

No person shall leave, deposit, drop or scatter bottles, broken glass, ashes, food, waste paper, cans or other rubbish or material in a Mount Shasta Recreation and Parks District area, except in a garbage can or other receptacle designated for those purposes. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the person responsible to be properly disposed of elsewhere.

02.140 Outside household or commercial waste.

No person shall deposit any household or commercial garbage, refuse, waste, or rubbish which is brought in such form from any private property, in any Mount Shasta Recreation and Parks District garbage can or other receptacle designated for such purpose.

02.150 Alcoholic beverages

Selling, opening or possessing alcoholic beverages in an open container, or consuming any alcoholic beverage in Mount Shasta Recreation and Parks District facility or area is prohibited except in areas designated by the District Administrator. **Glass containers are prohibited.** Alcohol shall be consumed only within designated areas, and activities shall comply with all applicable California laws. No alcoholic beverages may be sold within the District areas without first obtaining ~~the express written permission of the District Administrator~~ **a permit from the District** and obtaining necessary permits from the State of California.

02.160 Intoxication

Being or remaining in, or loitering about in any Mount Shasta Recreation and Parks District area in a state of intoxication is prohibited.

02.170 Drug-free Zones

All parks within the Mount Shasta Recreation Parks District, including adjacent public parking lots and sidewalks, are declared as Drug Free Zones pursuant to California Health and Safety Code Section 11380.5 which sets forth enhanced penalties for specified offenses involving the possession or sale of controlled substances which occur upon the grounds of parks and playgrounds.

02.180 Smoke-Free District

A. Smoking is prohibited in all enclosed buildings and all vehicles, owned, leased or administered by the District.

B. Smoking is prohibited on any unenclosed area of property within the Mount Shasta Recreation and Parks District that is open to the public and under the jurisdiction of the Mount Shasta Recreation and Parks District Board if the property is a park, garden, sport or playing field, ice rink, trail, or other property used for recreational purposes.

C. The provisions of this Article do not apply to playgrounds or tot lot sandbox areas, in and around which smoking is prohibited by California Health and Safety Code Section 104495.

D. The provisions of this section do not apply in any circumstance where federal or state law regulates smoking if the federal or state law preempts local regulation or if the federal or state law is more restrictive.

02.190 Motor vehicles – parking

No operator of any automobile, trailer, camper, boat trailer, or other vehicle, shall park such vehicle in any park area, except where the operator is using the area for the designated recreational purpose and the vehicle is parked either in the designated parking area, or in another area with the permission of the District Administrator. **No loitering allowed in parking areas.** No person shall park, leave standing, or abandon a vehicle in any Mount Shasta Recreation and Parks District area after closing time except persons using park facilities as part of an event authorized by the District or a person with express written permission from the District Administrator. Any vehicle found parked in violation of this section may be towed away at the owner's expense.

02.200 Motor vehicles – operation

No person shall:

A. fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of vehicles together with such regulations as are contained in any applicable city or county ordinance.

B. operate a motor vehicle within the boundaries of a Mount Shasta Recreation and Parks District area except on roads, streets, highways, parking lots, parking areas, or where otherwise permitted by proper posting.

C. fail to observe all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.

D. ride or drive a vehicle at a rate of speed exceeding ten (10) miles per hour, except upon such roads as the District Administrator may designate, by posted signs, for faster or slower travel.

Provided that:

This section shall not apply to emergency vehicles, maintenance vehicles, or construction vehicles authorized by the department.

02.210 Skateboards, bicycles, in-line skates, snowmobiles, motorized recreational vehicles and other recreational conveyances

A. It shall be unlawful to ride or operate any bicycle or personal conveyance at any place within the District in a negligent, unsafe or reckless manner or in a way that endangers the life, limb or property of any person or in violation of the provisions of California Vehicle Code section 21201.

B. The District Administrator or designee shall have the authority to close any area within any recreation and parks facilities, or portion thereof, to skateboards, bicycles, in-line skates, snowmobiles or other wheeled or un-wheeled recreational conveyances when visitor safety or the protection of natural or manmade features are at conflict with possession or use of such skateboards, bicycles, in-line skates, snowmobiles or other conveyances.

C. It shall be a misdemeanor for any person to operate any skateboard, bicycle, in-line skates, snowmobiles or other wheeled or un-wheeled recreational conveyance on any unpaved surface, in any area in which such use is prohibited by signs, or after having been directed by the District Administrator or his or her representative not to operate such conveyances in a specified area.

D. It shall be a misdemeanor for any person to operate any skateboard, bicycle, in-line skates, snowmobiles or other wheeled or un-wheeled recreational conveyance upon any bench, picnic table, handrail, shelter or other structure or piece of equipment not designated for such use.

E. It shall be a misdemeanor for any person to operate a motorized skateboard, motorized scooter, mini-motorcycle or other similar motorized recreational conveyance on any pedestrian sidewalk,

footpath, trail, walkway, or on any park equipment or appurtenance not specifically designated for such use at parks and recreation facilities.

Provided that:

This section does not apply to any wheelchair or wheeled conveyance for use by a person with a disability.

Provided that:

Where the District for good cause has authorized in writing a special recreational activity upon finding that it is not inconsistent with park use this section shall not apply.

02.220 Picnic Areas and Use

No person using a park shall:

A. Picnic, lunch, or loiter in a place which interferes with the use of active recreation areas. The District Administrator and park maintenance or recreation personnel shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end. Individual fireplaces or tables and benches shall be used on the basis of first-come, first-serve unless reserved by permit.

B. Leave a picnic area before his or her fire is completely extinguished and before all trash and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

02.230 Pets in recreation and park facilities

~~A. No person shall bring in, or cause or permit to be brought into any park, any animal other than a dog unless by written permission from the District Administrator.~~

A. Dogs, pets, or domestic animals are permitted within the Mount Shasta Recreation and Parks District areas unless specifically restricted by posting provided that this section shall not apply to service animals.

B. In permissible areas, dogs or other pets or domestic animals must be under control at all times, and be kept on a leash no greater than ~~fifteen~~ **six** feet in length unless a longer leash is allowed by written permission from the District Administrator. Any leash attached to an animal must be actively held by a person.

C. Any person whose dog or other pet is in any District park area shall be responsible for the conduct of the animal and for removing feces deposited by such animal from the park area.

D. At Shastice Park, there is a dog park area designated for dogs off leash. Dogs in this designated area must be accompanied by their owner, be under vocal control and not cause a public nuisance, safety hazard or harass wildlife.

E. No person shall allow his or her dog or other pet or domestic animal **to exhibit aggressive behavior**, to bite or in any way molest or annoy park visitors. No person shall permit his or her dog or other pet or domestic animal to bark continuously or otherwise disturb the peace and tranquility of the park.

F. No person shall allow dogs in park areas which the District ~~Board of Directors~~ **Administrator** determines are high public usage areas; such areas shall be posted accordingly.

G. No unlicensed dogs are permitted within the Mount Shasta Recreation and Parks District areas.

H.. Persons with dogs or other pets must ensure compliance with provisions set forth in 02.080, 02.090, 02.100, and 02.120.

02.240 Camping

No person shall camp in any park, without ~~written permission~~ **a permit** from the District Administrator. Camping is defined as erecting a tent or shelter, or arranging bedding, or both, for the purpose of, or in such a way as will permit remaining overnight. This section shall be applicable to camper-type trucks, camp-trailers, and other similar conveyances.

02.250 Fireworks

No person shall possess, discharge, set off, or cause to be discharged, in or into any Mount Shasta Recreation and Parks District area, fireworks of any kind, torpedoes, rockets, explosives, or substances harmful to the life or safety of persons or property, unless so authorized by the District.

02.260 Fires

No person shall build, light or maintain any open outdoor fire within areas of the Mount Shasta Recreation and Parks District except in those facilities or areas provided and so designated for that purpose. Exceptions to this requirement must be obtained in writing from the **Fire Chief appropriate Fire Department. Wood or other flammable materials are prohibited in bar-b-q pits or bar-b-q pedestals, briquettes only.** No person shall leave a fire unattended on District parklands.

02.270 Model crafts, rockets, balloons.

No person shall fly model airplanes or operate model boats or model automobiles or model crafts of any kind or description in Mount Shasta Recreation and Parks District facilities except in areas set aside for those specific activities or by authorized permit.

02.280 Firearms, weapons

A. No persons except duly authorized law enforcement personnel shall possess a firearm, bow and arrow, crossbow, or air or gas weapon in a park. No person shall discharge across, in, or into any Mount Shasta Recreation and Parks District area a firearm, bow and arrow, crossbow, air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property.

Provided that:

Such activity shall be allowed where the District for good cause has authorized ~~it in writing~~ **it with a permit** as part of a special recreational activity upon finding that it is not inconsistent with park use.

02.290 Field use

A. No person shall play or practice golf, ~~disc~~, **disc golf**, baseball, softball, soccer, football, or other games involving batted, thrown or otherwise propelled objects in open space areas designated for other purposes (including passive recreation, nature observation, walking trails and wildlife habitat).

B. The District reserves the right to cancel or suspend outdoor facility or field use permits for games, practices or other uses whenever field conditions could result in damage to the fields or injury to players.

02.300 Sound Amplification

A. It shall be unlawful to use sound amplification devices or sound equipment in any recreation and parks facilities in excess of 60 decibels measured within 25 feet from the location of the sound amplification device or sound equipment, without first obtaining a permit in accordance with section 02.030. Even with a permit, sound amplification device or sound equipment shall not exceed 60 decibels at the boundaries of the park area. Violation of this section is a misdemeanor.

B. Amplified sound is permitted at parks with a Sound Amplification Permit.

C. Sound amplification is prohibited before 8 a.m. and after 10 p.m. or the park closing hour, whichever occurs first.

Provided that:

Where the District for good cause has authorized ~~in writing~~ **by permit** a special recreational activity upon finding that it is not inconsistent with park use this section shall not apply.

02.310 Merchandising, advertising, and posting signs

No person using a park shall:

- A. Sell, or offer for sale, any merchandise, article or thing, or hire, whatsoever, without a permit from the District;
- B. Announce, advertise, or call the public attention in any way to any article or service for sale or hire, without a permit from the District;
- C. Erect, construct, install, paste, tack, or post any structure, wire, pipe, sign, advertisement, or inscription in any park without a permit from the District.
- D. Use any loudspeakers or other amplifying devices without a permit from the District.

02.320 Nudity

No person shall be nude upon district property or upon any portion of private property that is visible from district property – street, sidewalk, bike path, alley, parking lot, plaza, playground, pool, beach or adjacent waters, or other places open to the public.

Exception – This section shall not apply to:

1. **Children under the age of ten (10) (5) years;**
2. **The exposure of a breast while breastfeeding a nursing child;**
3. **Theatrical performances in a theater, concert hall, or other similar establishment located on public property;**
4. **Nudity within a fully enclosed structure intended to allow brief nudity, such as a bathroom, locker room, dressing room, or changing room; and**
5. **Any act that is expressly permitted or prohibited by any law of the State of California.**

03 PARKS – SAFETY, ENFORCEMENT, VIOLATIONS

03.300 Park safety

Park rules, as promulgated in this Ordinance, are established to provide a system by which the greatest number of people may obtain the maximum satisfaction from the use of Mount Shasta Recreation and Parks District parks and recreation facilities. For the rules to serve this purpose, they must be understood and followed by the park users. Accordingly, park safety involves both public awareness and rule enforcement programs.

03.310 Responsibilities

Park safety is the responsibility of the Mount Shasta Recreation and Parks District and the Siskiyou County Sheriff's Department and / or Mount Shasta City Police Department. Specific responsibilities include the following:

- A. Mount Shasta Recreation and Parks District:
 1. Enforcing rules of conduct set forth in the ordinance for which District personnel have appropriate authority.
 2. Developing and implementing public awareness programs regarding the purpose of the facilities and the rules governing their use.
 3. Encouraging voluntary compliance with rules based on awareness.
 4. Training District personnel in the appropriate use of administrative sanctions as a means of park rule enforcement.
 5. **Notification Notifying** of law enforcement officers who have primary jurisdiction in a particular geographic area whenever District personnel observe violations of park rules requiring further law enforcement authority or other violations of local, state, or federal laws; whenever there is an emergency requiring law enforcement assistance; or whenever they need assistance in executing their responsibilities pursuant to this chapter.
- B. Siskiyou County Sheriff's Department or Mount Shasta City Police Department:
 1. Issuing all citations for infractions and misdemeanor offenses.
 2. Providing supplementary patrols in District recreation areas and parks facilities as jointly determined by the District Administrator of the Mount Shasta Recreation and Parks District and the public safety agency with primary jurisdiction in a particular geographic area.

3. Responding, as appropriate, to requests from District personnel for assistance in situations beyond their capacity or authority to act.

03.320 Violations and Enforcement

A. Any violation of this Ordinance is punishable as a misdemeanor or an infraction.
B. Any judge or Commissioner of a Superior Court within any judicial district lying wholly or in part within the District, shall have jurisdiction of all prosecutions under this article for violations of any Ordinance, rule, or regulations adopted by the Board of Directors.

Failure to perform any act required or the performance of any act prohibited by this ordinance shall be designated as an infraction. Persons committing a second, or subsequent infraction violation of the same section of this Ordinance, within five years of the first violation conviction, shall be considered repeat offenders. For bail purposes, the second and subsequent offenses within this five year period will be treated as a misdemeanor.

03.320.2 Penalty.

A. Any person found guilty of committing an infraction shall be assessed a monetary penalty not to exceed \$500.00.

B. Any person found guilty of committing a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.00, or by imprisonment in the county jail for not more than 90 days, or both.

C. In addition to any prescribed penalty, any person failing to comply with any provision of this Ordinance shall be subject to the loss of park or recreation facility use privileges and ejection from the district recreation or park area.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Directors hereby declares that it would have passed this ordinance and each section, subsection, clause or phrases thereof irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared unconstitutional.

SECTION III: This ordinance shall become effective thirty (30) days after its passage and shall be published once in the Southern Siskiyou Newspapers, a newspaper of general circulation printed and published in the County of Siskiyou, State of California, within 15 days after passage hereof.

PASSED AND ADOPTED THIS _____ day of _____, 20____ at a regular meeting of the Board of Directors by the following vote:

ROLL CALL VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair, Board of Directors

Attest: _____
Cynthia G. Smith, Admin. Asst.