

ORDINANCE 2001-1

**AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT'S RULES AND REGULATIONS FOR THE PARKS AND
RECREATION DEPARTMENT**

- WHEREAS,** The Board wishes to provide quality parks and recreation services to it's constituents;
- WHEREAS,** The Board wishes to ensure access to parks and recreation facilities for members of the community;
- WHEREAS,** The Board desires to provide facilities for public use, special events, and events of community-wide significance;
- WHEREAS,** The Board on March 8, 2001 held a duly noticed hearing to consider first reading of this ordinance; and
- WHEREAS,** Notice of this hearing was posted and published in accordance with state law and copies of the draft ordinance have been made available for public inspection prior to the March 8, 2001 hearing on this ordinance.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MCKINLEYVILLE
COMMUNITY SERVICES DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:**

ARTICLE IV- PARKS AND RECREATION

REGULATION 41.- RECREATION AND PARKS SYSTEM

**Rule 41.01. INJURY TO OR MISUSE OF RECREATION AND PARKS SYSTEM
PROPERTY. NO PERSON SHALL:**

- a. Willfully mark, deface, injure, tamper with, or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, bleachers, ball fields, water lines, paving or paving materials or other public utilities or parts thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, or recreation and parks system property or appurtenances whatsoever, either real or personal.
- b. Litter, soil or defile buildings, structures, grounds, equipment or other recreation and parks system property or appurtenances whatsoever. Trash, litter and other debris must be deposited into the proper receptacles.
- c. Remove any soil, rock, stones, turf, trees, shrubs, or plants, down timber or other wood or materials or make any excavations by tool, equipment or any other means or agency.
- d. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public utility into, upon or across such land except by District permit.
- e. Trespass upon any area where prohibited.
- f. Hunt, molest, or otherwise harm wildlife and plant life within the recreation and parks system.
- g. Announce, advertise or call the public attention in any way to any article or service for sale or hire, except by District permit.

- h. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever within the recreation and parks system without permission from the District.
- i. Use any system for amplifying sounds, whether for speech or music or otherwise within the recreation and parks system unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit is first secured from the District.
- j. Discharge any weapon of any type within the recreation and park system boundaries for any reason.
- k. Make fires of any type for any reason in any area that is not properly equipped and designated to contain a fire.

Rule 41.02. POLLUTING WATERS OR DUMPING REFUSE PROHIBITED. NO PERSON SHALL:

- a. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, stream, or any other body of water in or adjacent to any component of the recreation and park system or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or things, liquid or solid, which will or may result in the pollution of said waters.
- b. Dump, deposit, or leave any trash not created within the boundaries of the recreation and park system.

Rule 41.03. OPERATION OF MOTORIZED VEHICLES- PROHIBITED ACTS. NO PERSON SHALL:

- a. Non-motorized vehicles shall be defined as any form of transportation in which human or gravitational energy powers the source of transportation. Examples of such transportation are defined as bicycles, skate boards, roller blades, roller skates, etc.
- b. Fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of motorized vehicles together with such regulations as are contained in this ordinance.
- c. Fail to obey all law enforcement officers and District employees who are hereafter authorized and instructed to require persons within the boundaries of the recreation and park system to adhere to the provisions of these regulations.
- d. Fail to observe carefully all traffic signs, parking signs, and all other signs posted for the proper control of traffic and to safe guard life and property.
- e. Operate a motorized vehicle, other than MCSD-authorized vehicles, within the boundaries of the facility except in those areas designated for parking or in areas designated as driveways.

Rule 41.04. OPERATION OF NON-MOTORIZED VEHICLES- PROHIBITED ACTS. 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 non-motorized vehicles together with such regulations as are contained in this ordinance.
- b. Fail to obey all law enforcement officers and District employees who are hereafter authorized and instructed to require persons within the boundaries of the recreation and park system to adhere to the provisions of these regulations.
- c. Fail to observe carefully all traffic signs, parking signs, and all other signs posted for the proper control of traffic and to safe guard life and property.
- d. Operate non-motorized vehicles on any sidewalks, on pathways designated for pedestrian traffic only, and within turf and landscaped areas.

Rule 41.05. CONDUCT- ALCOHOLIC BEVERAGES.

- a. Patrons may use alcoholic beverages with meals in designated areas at recreation and parks system facilities, provided they conduct themselves in an orderly manner;
- b. Alcoholic beverages may be served or may be sold by permit only at designated recreation and parks system facilities where sales are not prohibited and provided a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit have been secured;
- c. No person shall be under the influence of intoxicating substances as provided in Section 647 (f) of the California Penal Code;
- d. The District may withdraw the privilege to use alcoholic beverages at anytime if the rules and regulations as are contained in this ordinance are not abided by;
- e. Use of intoxicating substances other than alcohol is prohibited.

Rule 41.06. PETS. Pets may be off leash at outdoor facilities in designated areas and facilities only and must be under voice control at all times. Animal owners are responsible for removal of animal excrement from the facility.

Rule 41.07. OVERNIGHT USE PROHIBITED. There is to be no camping or loitering on the grounds or in public buildings or structures between sunset and sunrise unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit are first obtained from the District.

Rule 41.08. FIRES. Fires will be allowed on grounds only in those areas equipped with District provided equipment designated for the containment of fires.

REGULATION 42. - OPERATION OF PIERSON PARK

Rule 42.01. GROUP BARBECUE COMPLEX. The group barbecue complex is defined as the area encompassed by the gazebo located in the central portion of the park. Individuals or organizations desiring organized use of any portion of the group barbecue complex for an organized function may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only.

Rule 42.02. HORSESHOE PITS. The public may use the horseshoe pits on a first-come basis. Any individual or organization desiring to use the horseshoe pits for an organized function may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only.

Rule 42.03. WESTERLY PICNIC TABLES & BARBEQUES. The public may use the picnic tables and barbecues located along the western park perimeter on a first-come basis only.

Rule 42.04. OVERNIGHT USE PROHIBITED. The District may issue facility usage permits for evening events but not for overnight use. Evening events shall conclude at 10:00 p.m. Sunday- Thursday and at Midnight on Friday and Saturday.

Rule 42.05. FIRES. Fires will be allowed on grounds only in those areas equipped with District provided equipment designated and in portable barbecues designed for the containment of fires.

Rule 42.06. PETS. The designated off leash area is defined as the area of the park east of Azalea Hall's Hewitt Room and north of the gazebo. Horses are not allowed.

REGULATION 43.- OPERATION OF HILLER PARK

Rule 43.01. PICNIC AREA USE. The picnic area is defined as the area of the park east of the western perimeter of the volleyball court. Individuals or organizations desiring organized use of any portion of the picnic area in Hiller Park for the purpose of holding organized functions may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only.

Rule 43.02. PETS. The designated off leash area is defined as the area of the park west of the westerly perimeter of the volleyball court. Horses are prohibited in the picnic area.

Rule 43.03. FIRES. Fires will be allowed on grounds only in those areas equipped with District provided equipment designated and in portable barbecues designed for the containment of fires.

REGULATION 44.- OPERATION OF LARISSA PARK

Rule 44.01. PETS. Pets must be on leash at all times.

REGULATION 45.- PERMITS, FEES, AND DEPOSITS

Rule 45.01. FACILITY USAGE PERMITS REQUIRED. A fully executed Special Event Reservation Form and Permit or Community Event Reservation Application and Permit is required for individuals or organizations to secure use of any facility for organized functions, to use any system for amplifying sounds, or to sell or serve alcoholic beverages at an organized function.

a. **PERMIT TYPE DEFINITIONS.** The District shall issue permits based on the following definition of use:

A "Special Event" shall be defined as use deemed to be non-programmatic with estimated attendance of less than 500 persons and no more than posted capacities at indoor facilities; for which off road and facility parking space is adequate; for which street closures are not required; and for which cancellation of approved vendor programs is not required.

A "Community Event" shall be defined as use deemed to be non-programmatic with estimated attendance of more than 500 persons but no more than posted capacities at facilities; or for which off-road and facility parking space is not adequate; or for which street closures may be required; or for which cancellation of an approved vendor program is required.

A "Vendor Contract" shall be defined as use by those individuals or organizations approved by the District Board of Directors, offering ongoing programs on a regular basis for not more than twelve months.

Rule 45.02. FACILITY USAGE PERMIT PROCESS. Any individual or organization desiring use of a District facility shall file a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit as provided by the District. All Forms must be filed with the District along with the required facility usage deposit, key deposit (if applicable), usage fees, proof or purchase of appropriate insurance coverage, and fees for other requested event services by the deadline imposed by the District. The Parks and Recreation Director, under direction of the Board, may impose additional conditions for approval.

Rule 45.03. FACILITY USAGE FEES. Facility usage fees, as established and adopted by the District Board shall be charged for and must be paid in full for the Special Event Reservation Form and Permit or Community Event Reservation Application and Permit to be fully and properly executed by the District.

a. **FEE STRUCTURE DEFINITIONS.** The District shall identify the following fee structure definitions when charging customers for use of facilities:

A "Non-Profit Group" shall be defined as any group or organization which can supply proof of non-profit status via the Internal Revenue Service code. Other governmental entities shall be considered as falling within the guidelines of this definition.

A "Vendor" shall be defined as an individual or organization, approved by the District Board of Directors, that has a fully executed vendor contract for use of District facilities.

A "Private Citizen/Business" shall be defined as other potential users not fitting within the "non-profit group" or "vendor" definition.

A "Commerical Event" shall be defined as an event being held for the purpose of private financial gain for an individual or organization.

An "Event Host" shall be defined as a District employee who has received training regarding use of District facilities for special or community events. Event hosts are required for events unless such event is takes place at Azalea Hall concurrently with McKinleyville Senior Center events; for an event at which alcohol is not being served and said user has provided the District with a key deposit; or for events sponsored by a District-approved vendor.

The "All Day Rate" shall be defined as a fee charged specifically for use of the Hewitt Room at Azalea Hall and which includes access to the facility for a maximum of twelve continuous hours.

The "Half-Day Rate" shall be defined as a fee charged specifically for use of the Hewitt Room at Azalea Hall and which includes access to the facility for a maximum of six continuous hours.

The "Off-Peak Use Discount" shall be defined as a 25% discount on hourly rates only which can be applied to the following facilities and hours only: Activity Center- Monday through Friday before 3:00 p.m.; Azalea Hall- Sundays and Monday through Thursday after 4:00 p.m.

b. **FACILITY USE FEES.** The District shall charge the following rates for use of a District-owned facility for each use specified below:

ACTIVITY CENTER

Non-Profit Groups/Vendors

\$21/hour

Private Citizen/Business	\$29/hour
Off-Peak Use Discount	25%

AZALEA HALL- HEWITT ROOM

Non-Profit Groups/Vendors	\$26/hour
Private Citizen/Business	\$34/hour
All Day Rate	\$300
Half Day Rate	\$175
Off-Peak Use Discount (hourly rates only)	25%

AZALEA HALL- MEETING ROOM

Non-Profit Groups/Vendors	\$09/hour
Private Citizen/Business	\$12/hour
Off-Peak Use Discount (hourly rates only)	25%

PARKS

Special Events Only	\$50/day
Large Scale Community Events	\$100/day
Commercial Events	\$200/day

c. **EVENT SERVICES FEES.** The District shall charge a fee of \$10 per hour for an event host. The minimum charge shall be two hours. Other event services fees shall be determined each year and are based on the expenses associated with providing said service.

d. **RECREATION PROGRAM FEES.** The District shall charge program fees based on the direct expenses associated with each program. Program fees shall be determined each year and as programs are added to the Department's current services index.

Rule 45.04. DEPOSITS. Deposits, as established and adopted by the District Board must accompany each Special Event Reservation Form and Permit or Community Event Reservation Application and Permit.

a. **FACILITY USE DEPOSIT FEES.** The District shall charge a \$100 deposit for events which qualify and are defined as special events. The District shall charge a \$200 deposit for events which qualify and are defined as large scale community events. The facility usage deposit shall be refunded to the applicant within fifteen working days if the facility is restored to pre-use conditions. If District cleanup is required to restore the facility to pre-use conditions or damage is noted to the facility, any refund will be less the expense associated with returning the facility to pre-use conditions.

b. **KEY DEPOSIT FEES.** The District shall charge a \$100 key deposit for the Activity Center and Azalea Hall and a \$50 key deposit for the McKinleyville Community Services District Conference Room. The key deposit shall be refunded to the applicant within fifteen working days if the keys issued for use of such facility are returned within twenty-four hours following the event.

Rule 45.05 INSURANCE. A Special Event Reservation Form and Permit or Community Event Reservation Application and Permit shall not be considered fully executed unless the individual or organization obtains and furnishes or purchases liability coverage for the event

which is acceptable to the District. The Parks and Recreation Director may impose additional conditions for approval.

Rule 45.06. PERMITS FOR USE OF FACILITIES. The District shall only grant a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit for organized use of a facility when each of the following findings can be made:

- a. The requested area of the recreation and parks system for which the facility is located within is available during the period for which the usage is requested;
- b. The type of usage sought complies with the regulations established for the facility or area requested.

Rule 45.07. USE OF SOUND AMPLIFICATION SYSTEM. The District shall only grant permission for use of any sound amplification system when each of the following findings can be made:

- a. The individual or organization seeking permission for use of a sound amplification system has obtained a fully executed Special Event Reservation Form and Permit or Community Event Reservation Application and Permit;
- b. The sound amplification system proposed will not unduly inconvenience or disturb neighboring properties or other recreation and parks system facility users.
- c. The maximum noise from use of the sound amplification system complies with Humboldt County's Noise Regulations;
- d. The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which sound amplification systems are requested, the Parks and Recreation Director has the authority to impose additional conditions as a requirement for issuance of a fully executed Special Event Reservation Form and Permit or Community Event Reservation Application and Permit

Rule 45.08. SALE OR SERVICE OF ALCOHOLIC BEVERAGES. The District shall only grant permission for sale or service of alcoholic beverages when each of the following findings can be made:

- a. The individual or organization seeking permission for sale or service of alcoholic beverages has obtained a fully executed Special Event Reservation Form and Permit or Community Event Reservation Application and Permit;
- b. If applicable, the individual or organization seeking permission has obtained a valid permit from the Alcohol Beverages Commission to sell alcohol;
- d. The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which service or sale of alcohol is requested, the following requirements shall also be required:

- a. A District supervisor will be assigned to be present throughout the event.
- b. Facilities will not be rented for events at which the consumption of alcoholic beverages will be a principle activity.

The Parks and Recreation Director has the authority to impose additional conditions as a requirement for issuance of a fully executed Special Event Reservation Form and Permit or Community Event Reservation Application and Permit

Rule 45.09. USE OF DISTRICT-OWNED EQUIPMENT. The District shall make available to individuals or organizations District-owned equipment which can be utilized for use during special events or community events. District shall only grant permission for use of District-owned equipment when each of the following findings can be made:

- a. The individual or organization seeking permission for use of District-owned equipment must be requesting said equipment in conjunction with an event at a District facility which is being sponsored by the individual or organization;
- b. The individual or organization has obtained a fully executed Special Event Reservation Form and Permit or Community Event Reservation Application and Permit;
- c. The requested equipment is available during the period for which use is requested;

Rule 45.10. APPEALS. An appeal of the action of District staff pursuant to this regulation must be in writing and filed by or on behalf of the individual or organization seeking the Special Event Reservation Form and Permit or Community Event Reservation Application and Permit within ten (10) days following the action of District staff. The appeal shall set forth in detail the factual and legal basis of the appeal. The Board of Directors shall consider and act on the appeal within forty-five (45) days after the appeal is filed. The individual or organization filing the appeal shall be entitled to submit oral or written evidence to the Board in support of the appeal. Action of the Board of Directors on the appeal shall be final.

REGULATION 46.- ENFORCEMENT.

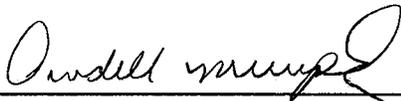
Rule 46.01. VIOLATIONS. Any violation of these rules and regulations relating to the use of District facilities located within the recreation and parks system is a misdemeanor, punishable by law.

On the motion of Director Trepanier and seconded by Director Geist, the foregoing ordinance is duly accepted on first reading this 8th day of March, 2001 by the following vote:

AYES: GEIST, HARLING, MURPHY, TREPANIER

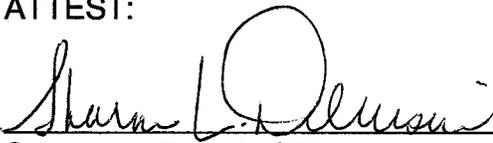
NOES: REID

ABSENT: NONE



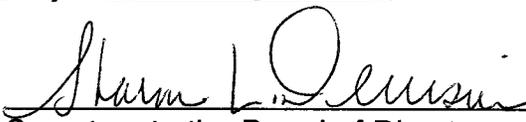
 President, Board of Directors
 McKinleyville Community Services District

ATTEST:



 Secretary, Board of Directors
 McKinleyville Community Services District

I, SHARON L. DENISON, Secretary to the Board of Directors of the MCKINLEYVILLE COMMUNITY SERVICES DISTRICT, hereby certify that the foregoing is a full, true, and correct copy of an ordinance duly adopted this 8th day of March, 2001.



 Secretary to the Board of Directors
 McKinleyville Community Services District