

ORDINANCE NO. 171

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF  
YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 11 OF THE  
TOWN OF YUCCA VALLEY MUNICIPAL CODE BY ADDING A  
NEW CHAPTER 11.60 ENTITLED USE OF PARK FACILITIES

THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY DOES ORDAIN AS  
FOLLOWS:

**Section 1. Municipal Code Amended.** A new Chapter 11.60 is hereby added to Title 11  
of the Town of Yucca Valley Municipal Code to read as follows:

**“Title 11. Peace, Morals & Safety.**

**Chapter 11.60 - USE OF PARK FACILITIES;**

**Sections:**

- 11.60.010; PURPOSE AND INTENT
- 11.60.020; DEFINITIONS
- 11.60.030; COMPLIANCE REQUIRED
- 11.60.040; PARK REGULATIONS
- 11.60.050; RESERVATIONS AND PERMITS
- 11.60.060; ENFORCEMENT
- 11.60.070; PENALTIES
- 11.60.080; SEVERABILITY”

**11.60.010; PURPOSE AND INTENT;**

The Town Council declares that the Town of Yucca Valley’s public parks are provided and maintained for active and passive public recreation and for Town-sponsored recreational, cultural, civic and social activities, programs and events. This ordinance is designed to ensure the maximum safety and enjoyment of the parks by residents and visitors.

**11.60.020; DEFINITIONS;**

Unless the context in which used requires otherwise, the following words and phrases shall have the meaning set forth in this section when used in this chapter. Variants of defined terms shall be construed in the same manner set forth herein for the defined terms themselves.

- (a) **“Applicant”** means the individual or organization that shall be responsible for all rental fees, deposits, and compliance with facility use requirements in a transaction involving the reserved use of Town facilities.
- (b) **“Amplified Sound”** means music, sound wave, vibration or speech projected or transmitted by electronic equipment, including amplifiers.
- (c) **“Bounce House”** means an inflatable apparatus designed for use as a slide or for jumping; also referred to as a “jumper” or “bouncer”.

- (d) **“Building”** means to public buildings owned, leased and/or managed by the Town of Yucca Valley.
- (e) **“Commission”** means the Parks, Recreation and Cultural Commission whose members are appointed by the Yucca Valley Town Council.
- (f) **“Council”** means the elected Town Council of the Town of Yucca Valley.
- (g) **“Department”** means the Town of Yucca Valley’s Community Services Department unless otherwise specified.
- (h) **“Director”** means the Director of Community Services of the Town of Yucca Valley or his/her designee.
- (i) **“Facility”** means the Town of Yucca Valley parks, buildings and rooms and other spaces within the parks and buildings.
- (j) **“Knife or dagger”** means any knife or dagger having a blade of three inches or more in length; any ice pick or similar sharp stabbing tool, and any straight-edge razor blade fitted to a handle.
- (k) **“Park”** means all developed or undeveloped facilities owned or leased by the Town of Yucca Valley and designated for recreational purposes or conserved for scenic or historical interest, including the landscaping and recreational elements of such facilities.
- (l) **“Park Authority”** means the Director and/or the Commission acting on behalf of the Yucca Valley Town Council.
- (m) **“Permit”** means written authorization for use of a park or recreation facility, or any portion thereof, pursuant to the provisions of this chapter.
- (n) **“Skate Park”** means any facility or structure designed specifically for use by skateboarding, in-line skating, and roller skating which has been designated by the Town as a “skate park”.
- (o) **“Vehicle”** means any device by which any person or property may be transported, propelled, moved or drawn, excepting a device moved by human power.

**11.60.030; COMPLIANCE REQUIRED;**

No person shall enter, be, or remain in any park or facility unless he/she complies at all times with all of the Town Ordinances and Regulations applicable to such park or facility and with all other applicable laws, ordinances, rules and regulations.

**11.60.040; PARK AND FACILITY REGULATIONS**

(a) *Equal Opportunity.* All persons shall be provided with an equal opportunity for the use of all parks, facilities and recreational programs without regard to physical limitation, age, race, color, national, origin, religion, political beliefs or gender.

(b) *Amplified Sounds.* While recognizing that certain uses of sound-amplifying equipment is protected by the constitutional rights of free speech and assembly, the Town of Yucca Valley is permitted and obligated to reasonably regulate the use of sound amplifying equipment in order to protect the correlative rights of residents to privacy and freedom from the public nuisance of loud and unnecessary sound.

(1) It shall be unlawful for any person to install, use and operate within a park or facility, a loudspeaker or any sound-amplifying equipment for the purpose of giving instruction, directions, talks, addresses or lectures, or of transmitting music



to any persons or groups in any park or facility unless authorized in writing by the Park Authority and operating in compliance with the conditions of such authorization.

(2) In determining whether to grant or deny a permit, the Park Authority shall be guided by the following considerations:

- i. The constitutional free speech and assembly rights of all persons including the applicant;
- ii. The possible effects upon the peaceable passage or presence of persons in the park;
- iii. The potential for disorder or unlawful injury to persons or property;
- iv. The possible unlawful breach or disturbance of the peace; and
- v. Any actual conflict with other scheduled park uses or events.

(3) The Park Authority shall not deny a permit on the basis of any dislike or disagreement with the content of any proposed talks, addresses, lectures or musical presentations. The Park Authority may, however, deny a permit for events which are designed for the purpose of advocating imminent lawless conduct.

(4) Amplifiers permitted in the parks shall be operated only through a power source provided by the Town, ie. a battery or a generator.

(c) Park Hours. Town of Yucca Valley parks are open daily to all persons from 6:00 am until 11:00 pm. No person shall remain in any park between the hours of 11:00 pm and 6:00 am without written permission from the Director.

(d) Bounce Houses. Users of bounce houses at Town of Yucca Valley parks and facilities are subject to the following conditions and requirements:

(1) All users must receive the written approval of the Director prior to setting up a bounce house or similar apparatus at a Town park or other public facility.

- i. A copy of the bounce house rental agreement and verification of insurance coverage (naming the Town of Yucca Valley as an additional insured) shall be provided to the Department.
- ii. The specific location of the bounce house shall be identified.
- iii. If stakes are to be used for bounce house set-up or tethering, the specific locations of stakes shall be identified.

(2) Bounce house shall be set up by qualified representatives of the bounce house rental company.

(3) Bounce house users shall be responsible for providing a generator for inflation and deflation of the apparatus.

(4) Bounce houses shall not be set up or remain set up in excessively windy or other adverse weather conditions.

(5) The duration of the set up time shall not exceed 4 hours for any Bounce House set up on grass.

(6) Bounce house users shall provide sufficient supervision so that the use is in compliance with the manufacturer's recommendations and reflects a reasonable level of safe operation.

(7) The applicant shall be responsible for any damage to Town property resulting from said use.

(e) Damaging Property Prohibited. No person shall disturb, destroy, remove or injure any property in any public park. No person shall cut, carve, paint, or mark on any tree, fence,

wall, building monument or other property within park boundaries. No person shall paste or fasten any bill, advertisement or inscription in any park without the prior written permission of the Director.

(f) *Damaging Plant Life, Animals and Historic Material Prohibited.*

(1) Except when permission is granted by the Park Authority, no person shall willfully pull from the ground, tramp, cut or pick flowers, leaves, limbs or branches or other parts from, or otherwise injure, destroy or deface any vine, bush, tree or plants of any kind, either living or dead, within the boundaries of any Town park.

(2) Except when written permission is granted by the Park Authority, no person shall remove, harm, alter or destroy any animal, reptile or bird, including nests and eggs; or remove or destroy articles or artifacts of historical, archaeological, botanical or paleontological nature or geological or mineral resources in or from any park.

(g) *Animal Regulations.*

(1) No person shall bring, transport, hitch, ride or let loose any animal or fowl in any park unless such animal is securely leashed on a leash, not more than six feet in length and in the immediate control of a responsible person at all times. An animal is securely leashed within the meaning of this section when the animal is securely tied or otherwise fastened or attached to one end of a chain, cord, rope or other restraining device, the other end of which is either securely attached to a stationary object or in the possession of a responsible person so that the animal is prevented from running at large.

(2) Owners of animals are responsible for the conduct of any animal and for the disposal of all waste and fecal matter while within the park boundaries.

(3) No person shall leave a dog, cat or other animal unattended within the boundaries of any park.

(4) With the exception of seeing-eye dogs in use, no dog, cat or other animal is permitted in the area of a public pool, in any public restroom facility, or any other structure at a public park.

(5) No person shall permit a dog, cat or other pet to remain outside a tent, camper or vehicle during the night.

(6) After being requested by the Director to remove any animal from a park, no person shall remain in any park with a noisy, vicious or dangerous dog or other animal.

(7) Any person bringing a dog into a park must be prepared to present proof of a current valid dog license upon request of the Director.

(8) Pets or other animals are not permitted in the immediate area of any special events taking place within park boundaries unless specific provisions have been made by the Park Authority. Seeing-eye dogs and other designated assistance dogs are not subject to these restrictions.

(9) Exceptions to these requirements may be issued by the Director in conjunction with certain authorized activities and subject to reasonable conditions.

(h) *Skate Park Regulations.*

(1) Town of Yucca Valley skate park facilities are open for public use daily from dawn until dusk.



- (2) No person shall use the skate park for purposes other than skateboarding, in-line skating, or rollerblading.
- (3) No person shall possess, use or be under the influence of alcohol or drugs while using the skate park or surrounding park areas.
- (4) Glass containers are not permitted in the designated skateboarding/skating areas.
- (5) No additional obstacles may be placed on the designated skateboarding/skating areas.
- (6) Skate park users are required to wear properly fitted and fastened helmets, kneepads, wrist guards, and elbow pads at all times.

(i) Operation of Vehicles.

- (1) No person shall drive or otherwise operate a vehicle in any park upon surfaces other than those maintained and open to the public for purposes of vehicular travel, except on temporary parking areas as may be designated from time to time by the Park Authority. This prohibition does not apply to vehicles in the service of the Town, animal control vehicles, law enforcement vehicles and motorized wheelchairs.
- (2) No person shall park any vehicle within a park except for the duration of his/her visit to the park. No person shall leave or park any motor vehicle at any place other than places designated for vehicle parking.
- (3) The provisions of the California Vehicle Code are applicable in the Town parks and all violations of the Vehicle Code shall be enforced and prosecuted in accordance with the provisions thereof.

(j) Prohibited Activities.

- (1) No person shall sell or offer to sell or engage in the business of soliciting, selling, fortune telling, or peddling any foods or beverages in any park unless specifically authorized in writing by the Park Authority.
- (2) No person shall distribute flyers, circulars or advertisements, peddle or vend any goods, wares, or merchandise within the boundaries of any park unless authorized in writing by the Park Authority.
- (3) No gambling of any kind shall be permitted within the boundaries of any park.
- (4) Public Nudity and Disrobing. No person shall publicly appear nude or disrobe while in any area of any park except in authorized areas of buildings set aside for changing clothes.
- (5) Abusive Language, Disorderly Assemblage, Disturbance.
  - i. No person shall use threatening, abusive, boisterous, insulting or indecent language or make indecent gestures in any park.
  - ii. No person shall conduct or participate in a disorderly assemblage in any park.
- (6) Alcoholic Beverages. No person shall possess any can, bottle or other receptacle containing any alcoholic beverage that has been opened, with a seal broken, or the contents partially removed, without a permit issued by the Director.
- (7) Fireworks. No person shall possess, discharge, set off, or cause to be discharged in or into any park, firecrackers, sparklers, torpedoes, rocket fireworks, oil, explosives, or any other substance potentially harmful to the life and safety of persons or local fauna and flora.

(8) Rubbish.

- i. No person shall deposit, place, throw, or in any manner dispose of any rubbish, trash, garbage, or any other material which is or might become injurious to the health of any person, in or upon any park except in containers provided for that purpose by the Park Authority.
- ii. No person shall import and deposit any trash, rubbish or debris from other places onto any area of any park.
- iii. No person shall deposit or cause to be deposited any waste, water, sewage or effluent from sinks, portable toilets, or other plumbing fixtures directly into or upon the surface of the ground or water.

(9) Hunting. No person shall hunt or trap in any park.

(10) Fires.

- i. No person shall light, build or maintain any fires in any park, except in portable barbecues, camp stoves, or stoves provided in designated areas by the Park Authority.
- ii. No wood shall be cut or gathered in any park.
- iii. No person shall smoke in any area prohibited for that purpose and so posted.

(11) Firearms.

- i. No person shall possess or carry a firearm with a cartridge in any portion of the mechanism (except any Federal, State, County, or local law enforcement officer in the performance of his/her official duties) within the boundaries of any park.
- ii. No person shall discharge across, in, or into, any portion of any public park, a firearm, bow and arrow, or air or gas weapon, or any device capable of injuring or killing any animal, or damaging or destroying any public or private property.

**11.60.050; RESERVATIONS AND PERMITS;**

(a) Applicant may apply for the reserved use of Town Parks and Facilities at least fourteen (14) days and no more than thirteen (13) months prior to any proposed event.

(b) Applicant shall complete and return a Facility Use Application, as provided by Department, and submit all required diagrams, deposits, permits, contracts, and insurance documents to Department at least fourteen(14) days prior to the date of requested use. Department shall issue a Permit and any required conditions of use to the Applicant no less than seven (7) days prior to the event.

(c) Applicant shall notify Department of any cancellation at least forty-eight (48) hours prior to the scheduled event or activity. Failure to give the required notice may result in forfeiture of the deposit in the sole discretion of Department

(d) Park Authority reserves the right to refuse to issue a permit to any Applicant who has previously not complied with the requirements and/or regulations of this Chapter. The grounds for the denial of the permit applied for shall be specified in writing

(e) Without the written permission of Director, no Applicant shall place signs, banners, or other such materials in or on Parks or Facilities, which signs, banners or materials shall be requested in the Facility Use Application.



**11.60.060; ENFORCEMENT:**

The Director shall have the primary responsibility for the enforcement of this Chapter. Members of the Police Department are hereby authorized to enter all public parks and facilities to maintain public order, to prevent, remedy and/or take other appropriate action with respect to violations of the provisions of this Chapter or of other applicable laws or regulations.

**11.60.070; PENALTIES;**

(a) Any person violating or causing or permitting the violation of any regulation set forth in subsections J (6)(7)(9) (10) or (11) of Section 11.60.040 of this Chapter shall be guilty of a misdemeanor and is punishable as such in accordance with the provisions of section 1.02.040A of the Yucca Valley Municipal Code

(b) Any person who violates any other subsection or section of this Chapter shall be guilty of an infraction and is punishable as such in accordance with the provisions of section 1.02.040B. of the Yucca Valley Municipal Code

(c) Expulsion. In addition to any other penalty for violation of this Chapter, the Director may require the violator to immediately leave the Park or Facility and remain out of all Town Parks, and Facilities for the remainder of the day on which the violation occurred.

**11.60.080; SEVERABILITY;**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a final determination of a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this chapter. The Town Council declares that it would have enacted this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases might be declared invalid or unconstitutional.

**Section 2. NOTICE OF ADOPTION.** Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town, pursuant to Section 36933 of the Government Code.

**Section 3. EFFECTIVE DATE:** This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

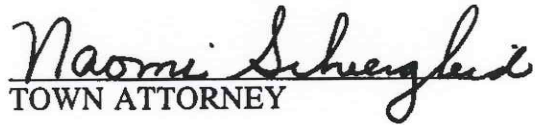
**APPROVED AND ADOPTED** by the Town Council and signed by the Mayor and attested by the Town Clerk this 11th day of August, 2005.

  
MAYOR


**ATTEST:**

  
TOWN CLERK

**APPROVED AS TO FORM:**

  
TOWN ATTORNEY

**APPROVED AS TO CONTENT:**

  
TOWN MANAGER



STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 171 as duly and regularly introduced at a meeting of the Town Council on the 23<sup>rd</sup> day of June, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 11<sup>th</sup> day of August, 2005, by the following vote, to wit:

Ayes: Council Members Cook, Leone, Luckino, Neeb and Mayor Mayes

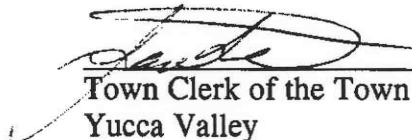
Noes: None

Abstain: None

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 12<sup>th</sup> day of August, 2005.

(SEAL)

  
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Town Clerk of the Town of  
Yucca Valley