ORDINANCE NO. 1

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE AUBURN AREA RECREATION AND PARK
DISTRICT PERTAINING TO CONDUCT IN PARKS

The Board of Directors of the Auburn Area Recreation and Park District ordains as follows:

That Ordinance Number 1 of the Auburn Area Recreation and Park District is adopted as follows:

SECTION 1. Authority and purpose. California Public Resources Code section 5786.1 empowers the District's Board to adopt and enforce ordinances necessary for the administration, government and protection of all property, improvements and facilities under its management or belonging to the District. The purpose of this ordinance is to establish a body of law denoting prohibited and required conduct on District property and provide for the enforcement and punishment for violations.

SECTION 2. Definitions. For purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"District Administrator" means the person appointed by the District Board to serve in such position, or his or her designee.

"Park" means all grounds, roadways, avenues, parks, buildings, and school facilities when they are owned or in use as recreational facilities, and including all areas under the control, management or direction of the District Board and its designees.

"Person" means a person or persons, association, partnership, joint venture, entity, firm and/or corporation.

"Special Use Permit" refers to a permit approved by the District for a specific purpose. This permit must be present at the permitted event or activity, and, upon request, must be presented to a District employee, City of Auburn or Placer County code or law enforcement official.

SECTION 3. Rules and policies to be obeyed. It shall be unlawful for any person to disobey or violate any of the rules, policies or regulations of the District Board governing the use and enjoyment of any park or governing the use and enjoyment of any building, structure, equipment, apparatus or appliances thereon, or any roadway, avenue, grounds or recreation center, or in or near the building, structure, equipment, apparatus or appliances to which the rule or regulation applies.

SECTION 4. Signs and notices to be obeyed. It shall be unlawful for any person to disobey any instruction, sign or notice properly posted by the District Administrator, or his or her designee, in accordance with District Ordinance or policy, in any park, or in

any building, structure, construction and/or erection thereon for the control, management, or direction of such park roadway, avenue, grounds, recreation center, building, structure, construction or erection.

SECTION 5. Conduct-General. It shall be unlawful for any person, within the limits of any park, or within any property or facility which is owned, leased, under the control of, or maintained or operated by the Auburn Area Recreation and Park District, to do any of the following:

A. Fires and Cooking. No person shall make or kindle a fire within any park except in stoves or other facilities specifically provided by the District or in a container commercially manufactured for such purposes, and used only in areas designated for such use. No person shall cook any meal within a park except in an area authorized and provided for such use. Only charcoal briquettes or other commercially made cooking products are allowed in District BBQ grills. No fire shall be lit or maintained within a park between the hours of 10 p.m. and 7 a.m. except by Special Use Permit. (Amended 3/28/19)

B. Closed to public. No person shall enter any park or area of any park which is closed to the public. Closed areas shall be designated by signs posted at all entrances thereto and at least every 500 feet along unfenced boundaries.

C. Firearms, weapons, and fireworks. No person shall carry or discharge any firearm, rifle, pistol, air rifle, including paint ball and air-soft versions, sling shot, bow and arrow or other similar device or weapon within or into a park or carry or discharge any fireworks, firecracker, rocket, torpedo or other type of explosive without a Special Use Permit, nor shall any person carry into or use any other object within a park with the intent of disturbing the peace of any person by means of noise or otherwise. This prohibition shall not apply to persons engaging in or traveling to target practice or competition conducted in accordance with appropriate standards of safety at an archery, skeet, target range or competition area authorized and provided by the District for such purpose; nor within the scope of official duties, nor as allowed by concealed carry weapon permit issued by a law enforcement agency. Any device carried into or used within a park in violation of this provision is subject to confiscation by any empowered law enforcement officer or duly authorized District employee, and, in the event thereof, shall be thereafter disposed of in accordance with the law, including without limitation any applicable District regulation.

D. Explosives, inflammable materials. No person shall use, carry, possess or ignite, explosives or highly flammable materials of any kind, including containers of gas, oil, or other fuel, except as necessary for vehicle or equipment use or to throw such materials into a park area from beyond park boundaries, without obtaining a Special Use Permit.

E. Intoxicants and opened alcoholic beverage containers. No person shall provide or consume intoxicants, nor shall any person possess any can, bottle or other

receptacle containing any alcoholic beverage that has been opened or a seal broken, in any park, or in any building or structure, thereon, not expressly designated as permitting such without first obtaining a Special Use Permit. Such permit shall be obtained and the fee therefore paid, regardless of the size of the gathering or assembly which desires the privilege of using a park area to provide and/or consume intoxicating beverages or materials. (Amended January 29, 2015.)

F. Noise. No person shall willfully make or continue a loud, unnecessary, deliberately annoying or disagreeable noise, or indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language within a park in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of reasonable persons of normal sensitivity who are lawfully present in the park or on nearby properties.

G. Amplified sound in parks. No person shall cause the amplification of sound within a park if the noise level caused thereby causes discomfort or annoyance to any considerable number of reasonable persons of normal sensitivity lawfully present in the park or residing nearby, disturbs the public peace or materially disturbs the quiet of such persons, except pursuant to a Special Use Permit. The Special Use Permit may impose reasonable conditions, in writing, in any permit including designating the location of each bandstand and gathering, and the position and volume capability of each loudspeaker so as to cause the least amount of disturbance to other persons, both within and outside the park.

H. Public use roads. The provisions of the California Vehicle Code shall be applicable in all parks upon any roadway, avenue or place which is publicly maintained and open to the use of the public for vehicular travel. Violations shall be enforced and prosecuted in accordance with the provisions thereof. Appropriate signs shall be posted advising of any additional vehicular travel restrictions in force and shall be enforced in accordance with governing law.

I. Non-public roads. No person shall drive or otherwise operate a vehicle in a park upon any surface other than those maintained and open to the public for purposes of vehicular travel. This provision does not apply to any wheelchair or electrically-driven vehicle, other than automobiles carrying a physically incapacitated person, or to vehicular use specifically authorized by a Special Use Permit.

J. Skateboards, skates and in-line skates. No person shall use a skateboard, skates or in-line skates in any park in an unsafe or hazardous manner so as to endanger the person, or others or in an area specifically prohibiting same. Any person using a skateboard, skates or inline skates in the park or in a skateboard facility must wear a helmet, elbow pads, and knee pads, and any person failing to do so will be subject to citation.

K. Bicycles. No person shall ride a bicycle within a park except in areas authorized for vehicular travel, or at a place especially authorized and provided for

bicycle riding. While elsewhere within a park, bicycles shall be dismounted and pushed when moving from place to place or ridden at a jogging pace on pedestrian pathways when such use does not interfere with pedestrian use or annoy or startle pedestrians of reasonable sensitivity.

L. Prohibition of animals in parks, with exceptions. No person shall cause, permit or allow any animal owned or possessed by him, or any animal in the custody or control of such person, to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon a bridle path, trail or center authorized and provided for such purpose; or upon a vehicular roadway.

2. Dogs may be permitted on all non-athletic fields while under the control of a competent person and restrained by a substantial chain or leash not exceeding six feet in length. Dogs may be allowed without a leash in areas specifically designated which are posted as such. Specially trained service animals which are being used by totally or partially blind, deaf, hearing impaired or physically or emotionally handicapped persons to aid and/or guide them in their movements shall be permitted in all areas, provided they remain with and are restrained by the people they serve, to include a leash or chain as described above.

3. Fowl or other animals turned loose upon permission of a Special Permit.

4. In connection with specific activities authorized by Special Permit, and while acting in accordance with all conditions attached to such authorization.

5. Animals confined in a designated area for vegetation control, as authorized by the District Administrator.

M. Responsibilities of animal owner. Each person who owns or has custody, possession, or control of an animal within a park shall not permit such animal to:

1. Annoy, harass, threaten, nip, maul or bite any person or persons;

2. Damage or destroy any property or thing of value, including vegetation;

3. Disturb the peace and quiet of others by loud barking or making of other annoying or alarming noises; and

4. Defecate without promptly collecting, removing and properly disposing of all such fecal matter.

N. Protection of animals in park. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any

pond, lake, stream, or water within a park, except at a place specifically designated and provided for such purpose. Law enforcement personnel, animal control officers, District employees and contractors acting within the scope of their official duties or District contract obligations are excepted from this prohibition.

O. Damaging property prohibited. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any manner any building, monument, fence, bench, or other structure within a park; District employees, contractors for the District acting within the scope of a contract with the District, and other people authorized by Special Permit are excepted.

P. Damaging, disturbing land prohibited. No person shall cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer from a park or from any place within a park; District employees, and contractors for the District acting within the scope of a contract with the District and other people authorized by Special Permit are excepted.

Q. Water activities. No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft or other device, on or in any pond, lake, stream or water within or into a park, except at such place or places designated and provided by the District for such use or when persons are engaged in preventing harm to a person or creature; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or cause the pollution to the water of a fountain, pond, lake, stream, or reservoir within a park.

R. Prohibited presence. No person shall be present in any park after dusk or before dawn or at times otherwise posted, except when lawfully in attendance at an event or authorized rental permitting such, or participating in an approved activity at a lit facility. All activities at lit facilities must obey Section BB. (Amended 3/28/19)

S. Waste liquids, refuse and littering. No person shall leave or deposit rubbish, litter, waste liquids or trash of any kind, except in receptacles provided for said purposes. Receptacles in District parks are intended solely for the purpose of park generated trash or rubbish. Under no circumstances may any person bring rubbish, litter, waste liquids or trash of any kind into a District park for the purpose of disposing into District park receptacles. (Amended 3/28/19)

T. Gambling. No person shall play or bet at or against any game in a park at which games are played, conducted, dealt, or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value, nor maintain or exhibit any gambling table or other instrument of gambling or gaming with a park. This prohibition shall not apply to simulated gambling games when conducted pursuant to a Special Use Permit.

U. Hazardous activities. No person shall engage in model airplane flying, propelling a rocket or missile of any type, driving of golf balls, archery or any game of a hazardous nature within a park, except at such places as shall be specifically designated and authorized by the District for such purpose, or in an otherwise unoccupied open area, in a manner that does not cause hazard to anyone, or conflict with another use, and as authorized by a Special Use Permit.

V. Posting of handbills, advertising. It is unlawful for any person to distribute, cause to be distributed, or suffer, allow or permit the distribution of any handbill, dodger, circular, booklet, card, pamphlet, sheet or written or printed notice advertising any commodity, article, merchandise, business activity, person or thing in or upon any park, grounds or recreation center, or to post or affix, cause to be posted or affixed or permit to be posted or affixed to any tree, shrub, plant, fence, building, structure, monument, wall, tablet, apparatus, bridge, post, hole, bench, gate or other physical object with any park, grounds or recreation center any handbill, dodger, circular, booklet, card, pamphlet, sheet or written or printed notice advertising any commodity, article, merchandise, business, person, thing or activity unless written permission is obtained from the District Administrator.

W. Meetings. No person shall hold any meeting, services, concert, exercise, parade, or exhibition in any park unless authorized by Special Permit, except that this subsection shall not be construed to deprive any person of a right protected by state or federal law or Constitution.

X. Concessions and profiteering. No person or commercial enterprise may use a park for financial gain unless authorized by Special Permit.

Y. Restroom use. No person, excepting children six years of age or younger accompanied in such facility by an adult, or persons requiring handicapped assistance, shall use any occupied restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex. An opposite sex adult may accompany a child into a restroom if the restroom is not occupied.

Z. Glass containers. No person shall transport into or dispose of within any park, a food or drink container made wholly or partially of glass, whether or not such container is empty, partially filled, or full; excepting baby bottles, medicine containers, or as otherwise authorized by Special Use Permit.

AA. Smoking; chewing tobacco, snuff; spitting. No person shall smoke, chew, dip, expectorate, partake or indulge in tobacco in any form in any District building or facility or in any area signed as prohibiting such. It shall be unlawful for any person to litter, extinguish, dispose of or expectorate tobacco in any form, except into an article retained on the person in a manner that does not create odor and is not visually obtrusive.

BB. Lights. No person utilizing an illuminated recreation area shall continue to do so after 10:45 p.m. of each day. The persons using such an area shall ensure that all

lights for the area are turned off no later than 10:45 p.m. unless authorized by Special Use Permit.(Proposed for amendment 3/28/19)

CC. Acts prohibited. No person shall deposit, by means of urination or defecation, any human waste material in any park other than in a public toilet or restroom designed to receive waste material. (Added January 29, 2015)

SECTION 6. Delegation of authority. The District Administrator may delegate authority to grant any permission required under this ordinance for a particular activity to an employee or employees of the District.

SECTION 7. Violations; penalties. Violation of a District ordinance is a misdemeanor unless the park ranger, Auburn City Police, Placer County Sheriff or duly authorized law enforcement officer issuing the citation specifies on the citation that the violation is an infraction.

A. Every violation determined to be a misdemeanor is punishable by a fine not to exceed $1,000 and or six months in the County Jail. Each incident in which a violation occurs is a separate offense.
B. Every violation determined to be an infraction is punishable by a fine not to exceed $100 dollars for a first violation, a fine not to exceed $200 for a second violation of the same ordinance within one year or a fine not to exceed $500 for each additional violation of the same ordinance within one year. Each incident in which a violation occurs shall be considered a separate offense.
C. Notwithstanding this section, any violation may be enforceable under any other law that exists at the discretion of the enforcing officer.
D. Any judge or commissioner of a judicial District laying wholly or in part within the District shall have jurisdiction over all prosecutions under this article for violations adopted by the Board of Directors.
E. Suspension, expulsion and appeals. In addition to any other penalty for a violation of this ordinance, the District Administrator, or his or her designees, including contractors, referees, umpires and other sports officials empowered to do so, may require the violator to immediately leave the park or facility and to remain out of the park or facility for the remainder of the day or for a longer period time based on the violation. It shall be a misdemeanor or infraction for any person so expelled to return to the park or facility the same day after having been lawfully ordered to leave, or for a person so ordered to not promptly leave.

Policies and procedures or suspensions, expulsions and appeals are as follows:

Sub-Section 1. Suspension

a. When a violation of District policies or rules (or of state or local law) threatens staff or disrupts of others' use of District facilities, property or

programs, District management staff may temporarily suspend a person from use of such facilities or property or participation in District programs. Such suspension may be temporary while District management staff conducts an investigation and/or may be for an extended period of time when warranted by the situation.

b. Unless there is an immediate threat to District staff or patrons, guests or facility users, any suspension, whether temporary pending investigation or for a period of time, will occur only after at least oral counseling in the form of one verbal warning and an explanation of the policy or rule violation. If the violation then continues, a suspension may be imposed in writing and provided personally to the person suspended, to his/parent or guardian if a minor, mailed to the person's last known address or emailed. The notice of suspension shall contain information regarding appeal of the suspension and a copy of this ordinance, as well as a description of the reason for such suspension.

c. The term of the suspension shall be commensurate with the nature and extent of the policy or rule violation. The suspension will end at the time set out unless the District Administrator continues the suspension for good cause.

d. Additional rule violations after suspension, specifically including but not limited to the policy or rule violations which were the basis of the suspension, may result in additional suspensions up to and including expulsion.

Sub-Section 2. Expulsion:

a. Expulsion is a permanent ban from all District facilities, property or programs. Expulsion may, but is not required to, follow a suspension, depending upon the nature and extent of the policy or rule violation. For example, physical violence toward District staff or patrons, guests or facility users or vandalism or theft of property is a basis for expulsion rather than suspension.

b. An expulsion shall be noticed in the same manner as a suspension. The notice of expulsion shall contain the procedures for notice of appeal of the expulsion, a copy of this ordinance and a description of the reason for the expulsion.

Sub-Section 3. Appeal of Suspension or Expulsion

a. A person may appeal an expulsion or suspension in writing, within ten (10) business days after receipt of notice of the suspension or expulsion. Any appeal must be in writing delivered to the District office at 471 Maidu Dr. #200, Auburn, CA 95603, Attn. District Administrator or sent via email. A phone call or non-written communication is not sufficient.

The written appeal should describe in the person's own words why they believe that the suspension should be terminated before the date of its expiration or why an expulsion should not be permanent. Any evidence should be provided along with the written appeal.

b. Meeting with the District Administrator: An informal appeal meeting with the District Administrator or designee will be conducted within ten (10) business days of receipt of an appeal. The District Administrator may have one or more other staff members participate in the meeting. The determination of the District Administrator shall be in writing delivered in the same manner as the original suspension or expulsion. In order to be able to appeal to the Board, the person must meet with the District Administrator.

c. Appeal to the Board: In the event that the person is not satisfied with the determination of the District Administrator, the person may appeal to the Board of Directors within then (10) business days of receipt of the District Administrator's determination by providing the written appeal to the District Clerk with a request for a Board hearing. Upon receipt of the appeal, the District Clerk shall add the item to the next regularly scheduled, available Board meeting agenda. At the Board's discretion, the appeal shall be heard in open session or the Board may designate an ad hoc committee to hear the appeal. The decision of the Board or its ad hoc committee shall be final.

Sub-Section 4. Reinstatement from Expulsion

a. In general, absent any additional conditions placed on the person's return, the person suspended may return to the use of District facilities, property or programs when the suspension ends. Reinstatement from expulsion may be requested no sooner than one (1) year after the effective date of the expulsion. The person does not have to have appealed the expulsion to request reinstatement.

b. To request reinstatement from expulsion, the person shall follow the provisions for appeal and prepare a letter to the District Administrator addressing the reasons for the expulsion and providing specifically how that person has addressed those issues. The letter shall be provided to the District Clerk.

c. The District Administrator shall respond in writing within two (2) weeks of receipt of the letter and may request a meeting with such person.

1. Any reinstatement shall occur only on the terms and conditions set out in the response from the District Administrator.

d. The person may request Board review of the District Administrator's determination in the same manner as an appeal to the Board. The Board

may appoint an ad hoc committee to hear the matter. The decision of the Board or its ad hoc committee is final. (Amended 10/29/24)

SECTION 8. Enforcement. The Board of Directors of the District may, by resolution, designate that class of District employees as park rangers, who shall be empowered to exercise such arrest and citation authority in accordance with state law for infraction and misdemeanor violations of District or county ordinances, or state law, committed within a District park or facility. The District Administrator shall cause to be administered a special enforcement training program designated to instruct each employee who will exercise such arrest and citation authority regarding the provisions of the statutes and ordinances to be enforced, the evidentiary prerequisites to proper procedures for making arrest, or otherwise prudently exercising such arrest and citation authority and the legal and practical ramifications and limitations attendant thereto.

The District Administrator shall have the primary responsibility for the enforcement of this ordinance and other ordinances of the District unless otherwise specifically stated therein. Each District park ranger, Auburn City Police, Placer County Sheriff or duly authorized law enforcement officer is hereby granted permission to enter upon both public and restricted areas of all park and park facilities within their respective jurisdictions to maintain public order or to prevent, remedy, or take other appropriate action with respect to violations of the provisions of this ordinance or of other applicable laws or regulations.

SECTION 9. Effective date. This ordinance shall become effective thirty (30) days after its adoption.

INTRODUCED and first read at a regular meeting of the Board of Directors of the Auburn Area Recreation and Park District on the 24th day of September, 2015.

FINAL PASSAGE AND ADOPTION by the Board of Directors of the Auburn Area Recreation and Park District was at a meeting thereof held on the 29th day of October, 2024, by the following vote:

Ayes: 5

Noes: 0

Absent: 0

Abstaining: 0

Scott R. Holbrook, Chairperson

Attest:

Cathy Warford, Clerk