



City of Mission Viejo

Recreation & Community Services Department

Frank Ury
Mayor

Wendy Bucknum
Mayor Pro Tem

Edward Sachs
Council Member

Cathy Schlicht
Council Member

Greg Rath
Council Member

September 27, 2016

Dear Applicant:

The City of Mission Viejo is now accepting applications for holiday or seasonal displays at the southwest and northwest corners of the intersection at La Paz Road and Chrisanta Drive. Enclosed please find an application, Design Criteria for Holiday Displays, the City of Mission Viejo Council Policy plus Parks & Recreation Facilities ordinances. Should you choose to participate, please read all information carefully and return a completed application, diagram showing specific details of your display that meet the enclosed design criteria, and a certificate of insurance, including endorsement page, naming the City of Mission Viejo as the additional insured for no less than \$1 million general liability and expiring no sooner than January 15, 2017. The Certificate Holder must read:

City of Mission Viejo
200 Civic Center
Mission Viejo, CA 92691

Also required is a \$250 security deposit payable to the "City of Mission Viejo". The deposit must be included with your application due on or before **4:00 p.m. on Thursday, November 3, 2016** to:

City of Mission Viejo Recreation and Community Services Department
Kaitlyn Luxton
200 Civic Center
Mission Viejo, CA 92691

A lottery to determine display locations of all qualified applicants received will be conducted on Friday, November 4, 2016 at 2:30 p.m. at the City Hall (200 Civic Center) reception desk located on the second floor. You are more than welcome to attend and observe the results of this lottery in person, however, attendance is not mandatory. All applicants will be contacted shortly thereafter regarding the results of the lottery and given further direction regarding the display set-up process.

If you have any questions, please call me at (949) 470-3043.

Sincerely,

Kaitlyn Luxton
Administrative Assistant
kluxton@cityofmissionviejo.org





**2016-17 HOLIDAY OR SEASONAL DISPLAY APPLICATION
LA PAZ ROAD & CHRISANTA DRIVE
FOR DISPLAY NOVEMBER 17, 2016 TO JANUARY 7, 2017**

- * Application deadline is 4:00 p.m., Thursday, November 3, 2016
- * Lighted display/signage must be fully functional by Thursday, November 17, 2016 or applicant will forfeit their opportunity to provide a display.
- * Display/signage must be removed by 5:00 p.m. Saturday, January 7, 2017 or City will remove at applicant's expense.

Today's Date _____

Organization/Individual: _____

Representative: _____

Address : _____

City: _____ Zip: _____

Work or Cell Telephone: () _____ Home Telephone: () _____

E-mail Address: _____

Description of Display (Attach diagram showing display/signage details): _____

One-time Celebratory Gathering (Date/Timeframe/Attendance/Description): _____

20-amp circuit power supply will be provided. All lighting, extension cords, installation, etc. is the responsibility of the applicant.

Certificate of insurance, including endorsement page, naming the City of Mission Viejo as additionally insured for no less than \$1 million general liability and expiring no sooner than January 15, 2017 must be submitted along with a \$250 security deposit payable to the "City of Mission Viejo." Allow approximately 2 weeks for return of security deposit.

The undersigned has read the Design Criteria for Holiday Displays and City of Mission Viejo Holiday or Seasonal Display Policy and on behalf of the Applicant agrees to be bound by this application and the terms and conditions contained herein and attached hereto, and hereby warrants and represents that he/she executes this application on behalf of the Applicant and has sufficient power, authority, and capacity to bind the Licensee with his/her signature. NOTE: Applicant hereby agrees to indemnify and hold harmless the City of Mission Viejo and any of the officers, agents, or employees from any liability, claim, or action for damages resulting or in any way arising out of such liability or other insurance for the protection of the public and the City as the City may require.

Applicant: _____ **Approved By:** _____
Representative's Signature City of Mission Viejo

Please send to: City of Mission Viejo Recreation & Community Services Department
Kaitlyn Luxton
200 Civic Center
Mission Viejo, CA 92691

Design Criteria for Holiday Displays

The following are the key elements utilized to evaluate whether a display meets the intent of the Council Holiday Display Policy:

1. The submittal must be 3-dimensional in appearance. It cannot just be a sign or advertisement for the applicant. The policy is very clear that the displays must "celebrate a season or commemorate an event". This 3-dimensional display should include plant material that is maintained by the various groups that softens the display elements.
2. The display could include paintings of a scene or a place relative to a season, figurines that are appropriately scaled for the space or symbols that celebrate a season. Please make sure the symbols do not just advertise a particular faith or organization as that will not be approved.
3. The display must be lighted by the Thursday (11/17/16) prior to Thanksgiving so the City can insure that the lights will be operational by the following Sunday for the lighting ceremony. If the applicant does not have the display lit by then, the City will light the display and the applicant will forfeit their deposit and be charged for the hourly labor to install it.
4. The applicant shall submit a detailed sketch and site plan showing the layout of the display. The sketch should indicate how the display is 3-dimensional. The submittal should provide color.
5. The City will install, per the policy, a sign in front of each display that is consistent with what has been installed in prior years, listing the name of the applicant/organization that sponsored the display. No other signage will be allowed.

Finally, the intent of the displays is to provide the highest quality of displays for the community to enjoy. The City would ask that each applicant take the time to develop a display that meets the criteria above and truly enhances the other displays.

City of Mission Viejo
COUNCIL POLICY



SUBJECT	RES. NO.	POLICY NO.	EFF. DATE	PAGE
HOLIDAY OR SEASONAL DISPLAYS ON PUBLIC PROPERTY	02-143 04-22 05-93	0700-6	9/16/02 2/2/04 (revised) 8/15/05 (revised)	1 of 4

PURPOSE

The purpose of this policy is to describe the procedure by which the privilege of using city-owned property for a temporary outdoor display may be granted to individuals and groups whose purpose is to provide a holiday or seasonal display in conjunction with the holiday or seasonal displays provided by the City of Mission Viejo at the intersection of La Paz Road with Chrisanta Drive and in Florence Joyner Olympiad Park during the period that begins on the Thursday before Thanksgiving and concludes on January 7 of the following year.

The reasons for placing holiday or seasonal displays on public property are celebration and commemoration, that is, to celebrate an important achievement, event, or the time of the year and to commemorate, or remember collectively, a joy, a loss, or a sacrifice. Placing holiday or seasonal displays on public property is one way of uniting a community that is becoming more diverse. It is also one way of creating a festive atmosphere that welcomes returning residents, makes visitors feel at home, encourages shopping, and increases the retail sales tax revenues on which cities depend.

Holidays are historical in origin and celebratory in purpose. Holiday celebrations are constitutional, whether they are religious or secular. Holiday displays are one aspect of these celebrations and have both a traditional and an educational value. If they are religious holiday displays, they enable those who believe to speak of and act on their beliefs. Religious holiday displays on public property in Mission Viejo acknowledge a communal understanding that religions are important to the residents of this planned community.

POLICY

The City of Mission Viejo shall permit holiday or seasonal displays on public property located on four corners of the intersection of La Paz and Chrisanta (the “four corners”) and at Florence Joyner Olympiad Park subject to the requirements of this policy.

These displays shall be permitted during the period beginning with the Thursday before Thanksgiving and concluding on January 7 of the following year. Holiday or seasonal displays shall not be allowed in these areas at any other time during the year unless specifically authorized by the City Council or by modification of this policy.

During this period, the southwest and northwest corners (“both corners”) of La Paz and Chrisanta (Exhibit A) shall be reserved for holiday or seasonal displays provided by qualified applicants. Florence Joyner Olympiad Park (Exhibit B) shall be reserved for holiday or seasonal displays provided by qualified applicants if the maximum number of spaces available at both corners is exceeded. Displays by individuals and groups shall be allowed at these locations only if the City also erects a holiday or seasonal display at the same location.

These two corners shall be divided equally by the number of qualified applicants to determine the size of the space allotted to each applicant. The maximum number of spaces allowed on one corner shall be four (4). Thus, the total number of spaces available at both corners shall be eight (8).

City of Mission Viejo
COUNCIL POLICY



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Applicants wishing to hold any celebratory gatherings connected with their displays are urged to become familiar with those sections of the Mission Viejo Municipal Code governing park use and special events before inviting members of the public to such gatherings.

If the number of applications received from qualified applicants desiring to have a presence at both corners is eight or fewer, the City Manager or his/her designee shall assign the eight available spaces in order by a double lottery system in which letters or numbers identifying the available spaces are drawn at random from one container and matched with applicant names drawn at random from another container.

If the number of applicants requesting displays at both corners exceeds eight, the City Manager or his/her designee shall contact each applicant to see if anyone might be interested in combining applications and display space allotment. If the number of applicants still exceeds eight, the City Manager or his/her designee shall conduct a lottery on the Friday immediately following the application deadline to determine which eight qualified applicants will use the eight exhibit spaces available at both corners. Qualified applicants who are unsuccessful in securing a presence at the four corners by lottery shall, nonetheless, be offered an opportunity to exhibit at Florence Joyner Olympiad Park.

Displays must be set up with all electrical and lighting fully functional by the Thursday before Thanksgiving, otherwise applicant(s) will forfeit their opportunity to provide a display and it will either be offered as determined in a random draw to the next eligible applicant or the city will provide an appropriate display.

The premier of the lighted display of the four corners will be on the Sunday evening after Thanksgiving.

Holiday or seasonal displays at both corners and at Florence Joyner Olympiad Park must comply with the following requirements:

Applications for display space shall be submitted to the Department of Recreation and Community Services, 200 Civic Center, Mission Viejo, California, 92691, between the hours of 9:00 a.m. and 4:00 p.m. until the Thursday that occurs three weeks before Thanksgiving. The application shall contain a statement that the applicant has read and understands the requirements of this policy and agrees to abide by all of its provisions.

To be eligible for a temporary outdoor display on city-owned property, the applicant, whether an individual or a group, must reside in Mission Viejo, be headquartered in Mission Viejo, and/or regularly provide services or volunteer support for an activity or effort that directly benefits the City of Mission Viejo or its residents.

Each applicant, whether an individual or a group, shall be required to submit with its application a certificate of insurance naming the city as an additional insured.

Each applicant, whether an individual or a group, shall be required to submit with its application sketches, drawings, or diagrams showing details of the display and signage.

City of Mission Viejo
COUNCIL POLICY



SUBJECT	RES. NO.	POLICY NO.	EFF. DATE	PAGE
HOLIDAY OR SEASONAL DISPLAYS ON PUBLIC PROPERTY	02-143 04-22 05-93	0700-6	9/16/02 2/2/04 (revised) 8/15/05 (revised)	3 of 4

Each applicant, whether an individual or a group, shall be required to post a security deposit of \$250 to ensure that its temporary displays at both corners or at Florence Joyner Olympiad Park are removed by 5:00 p.m. on January 7 and that these sites are cleared of all debris and restored by that same date to the condition that existed before the temporary outdoor use commenced. If the site is restored to the satisfaction of Director of Recreation and Community Services, the deposit shall be refunded to the applicant. Any holiday or seasonal display still remaining after 5:00 p.m. on January 7 shall be removed by the city at the applicant's expense and deducted from the applicant's security deposit. All such expenses beyond the security deposit amount will be billed to the applicant.

Holiday or seasonal displays must be constructed offsite. Site locations are for assembly only of holiday or seasonal displays. Each individual or group is responsible for storing its display during the off-season. Under no circumstances shall the City of Mission Viejo be responsible for storing any part or all of a display not removed by the January 7 deadline.

Holiday or seasonal displays shall be of a quality that meet city standards including being lighted and having a professional-looking lighted sign that does no more than describe the display and identify the applicant. Tents, canopies, exposed posts and signage that promote events, programs, activities, services, or memberships are not permitted.

Holiday or seasonal displays lighting must comply with the requirements of the Uniform Electrical Code for temporary lighting.

No portable generators shall be used.

Each applicant shall indicate whether a power supply will be needed for the display.

No live animals are permitted as a part of any holiday or seasonal display.

No live performances or live models are permitted as a part of any holiday or seasonal display, except for a one-time celebratory gathering connected with the display and specified in the application,

No music or amplified sound shall be permitted as an accompaniment to or as a part of any holiday or seasonal display.

Each holiday or seasonal display must be kept in a neat and clean condition throughout the entire display period.

If a holiday or seasonal display is damaged, the applicant shall repair the damage or replace the display within 12 hours of receiving notice from a city representative that the display is in unsatisfactory condition.

City of Mission Viejo



COUNCIL POLICY

SUBJECT	RES. NO.	POLICY NO.	EFF. DATE	PAGE
HOLIDAY OR SEASONAL DISPLAYS ON PUBLIC PROPERTY	02-143 04-22 05-93	0700-6	9/16/02 2/2/04 (revised) 8/15/05 (revised)	4 of 4

The City of Mission Viejo may label or identify the group of displays and/or each individual display with a sign that states: "This display is sponsored by (name of individual or group). It is not sponsored or funded by the City of Mission Viejo."

The City of Mission Viejo shall place a sign at the four corners indicating that additional displays are available at Florence Joyner Olympiad Park, if necessary.

An individual or group granted temporary outdoor use of city-owned property shall comply with these rules. Failure to do so may result in immediate revocation of the temporary use privilege and disqualification from consideration for such use in the future.

Title 13 - PARKS AND RECREATIONAL FACILITIES^[1]

Footnotes:

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Cross reference— Administration and personnel, tit. 2; business regulations, tit. 5; integrated waste management regulations, ch. 6.10; abatement of weeds, ch. 6.15; noise control, ch. 6.35; sanitary sewers, ch. 6.60; building and housing codes, ch. 8.02; grading and excavation code, ch. 8.10; planning and zoning, tit. 9; major thoroughfare and bridge fees, ch. 9.90; peace, morals and safety, tit. 11; traffic, tit. 12; streets and sidewalks, tit. 14.

CHAPTER 13.02. - OPERATIONAL POLICIES^[2]

Footnotes:

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Editor's note—Ord. No. 04-222, adopted March 1, 2004, amended ch. 13.02 in its entirety and enacted similar provisions as set out herein. The former ch. 13.02 derived from Ord. No. 88-16, §;s 2(13.02.010)—2(13.02.160), adopted Aug. 8, 1988.

Sec. 13.02.010. - Opportunities for use of recreational facilities.

- (a) The city council of the city finds that:
- (1) The city has developed an outstanding park and recreation system for its residents.
 - (2) Groups and individuals may be denied access to the parks and recreational facilities and recreational programs as a result of their extreme popularity.
- (b) Based on these findings, the city shall provide priority to residents of Mission Viejo in the use of park and recreational facilities and recreational programs, as set forth in this chapter, in order to allow residents the use of their popular park and recreational facilities.
- (c) Any and all individuals using the park and recreational system pursuant to the rules and regulations of this chapter shall be provided equal opportunity for use of any recreational facility and any recreational program without regard to physical limitation, age, race, color, national origin, religion, political beliefs or sex.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.020. - Reserved use.

- (a) Reserved use (defined as exclusive, permitted use for one or more occasions) of community, neighborhood and other recreational facilities shall require obtaining a use permit in a form established by the city. Permits shall be approved, conditionally approved or denied by the director of recreation and community services department ("director") or his or her designee in accordance with this section.

- (b) In determining whether or not to issue a permit, the director shall consider the following and any other factors deemed relevant:
 - (1) The suitability of the particular facility for the proposed activity.
 - (2) The effect of the proposed activity on the neighborhood surrounding the facility.
 - (3) The limitation on the availability of the facility for spontaneous recreational use or nonreserved uses by the public caused by the reserved use of the facility.
 - (4) Priority shall be given to groups composed of residents of the city, as defined by the council resolution establishing user group categories.
- (c) The director may place such reasonable conditions on the issuance of a permit as he deems necessary and proper to protect the public welfare and the facility including, but not limited to:
 - (1) Restrictions on the number and other designations of persons who may participate in such permitted activities.
 - (2) Restrictions on the days of the week and the time of day that the particular facility may be used by the permittee.
 - (3) Provisions for maintenance by the permittee of the sanitation, cleanliness, and appearance of the facility. At times, portable restrooms may be required for special events.
 - (4) All applicable fees shall be paid prior to use, unless other payment arrangements have been authorized.
 - (5) A certificate of insurance, naming the city as the additional insured, must be on file at the city prior to any contract or permits being approved. This shall not apply for infrequent use.
- (d) The director may revoke or suspend a permit upon finding:
 - (1) The permittee has violated one or more applicable conditions of approval of the permit or
 - (2) The information supplied to the city as part of the application for the permit is incorrect or
 - (3) Other good cause.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.025. - Organized play: permits required.

- (a) No person shall participate in any organized play on any park, soccer field, baseball field, softball field or other recreational facility owned, operated or controlled by the city without first receiving a permit which is issued by the recreation and community services department and which authorize the organized play at the particular site.
- (b) The term organized play as used in this section shall mean six persons or more engaging in a team sport athletic contest, such as, but not limited to, soccer, lacrosse, baseball, softball, football, basketball, or volleyball. This shall not apply for infrequent use.
- (c) In determining whether or not to issue a permit, the director, or designee of the recreation and community services department shall consider the following and any other factors he deems relevant:
 - (1) The suitability of the particular facility for the proposed play.
 - (2) The effect of the activity on the neighborhood.
 - (3) The limitation on the availability of the facility for spontaneous recreational use by the public caused by the permitted use of the facility.
 - (4) Priority shall be given to groups composed of residents of the city, as defined by the council resolution establishing user group categories.

- (d) The director, or designee, of the recreation and community services department may place such reasonable conditions on the issuance of a permit as he deems necessary and proper to protect the public welfare, including but not limited to:
 - (1) Restrictions on the number, age and other designations of persons who may participate in such permitted play.
 - (2) Restrictions on the season, days of the week and time of day that the particular facility may be used by the permittee.
 - (3) Provisions for the maintenance by the permittee of the sanitation, cleanliness and appearance of the facility. At times, portable restrooms may be required for special events.
 - (4) Provisions for security and the maintenance of law and order, including compliance with noise, parking, safety and other appropriate regulations. It is at the city's discretion to require security on the premises to enforce the policies of field use. If security is deemed necessary, it is the responsibility of the user group or individual to obtain security personnel at the user's expense. A letter of confirmation from the security agency must be submitted prior to field approval.
 - (5) Restrictions on the installation of apparatus or modification in any manner, either temporary or permanent, by the permittee to the sports field or adjacent structures.
 - (6) Provisions for the posting liability insurance by the permittee.
- (e) In the event that any of the conditions of the permit are violated by the permittee or for other good cause shown, the director, or designee, of the recreation and community services department may suspend or revoke the permit after notice to the permittee.
- (f) When a permit is issued for organized play at a park, soccer field, baseball field, softball field, or other recreational facility pursuant to this section for use of said facility at a particular time, and that facility is being used by one or more persons who do not hold a permit to use the facility at that particular time, the non-permit holders shall immediately vacate the facility upon arrival of the permit holders.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.030. - Neighborhood park unreserved use.

Use of all neighborhood park facilities (defined as a site that serves immediate residential areas) will be based on a first-come, first-served basis. No organized play shall be permitted in a neighborhood park unless a permit is issued pursuant to section 13.02.025.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.040. - Multiple facility reservations.

If more than one recreational facility is reserved (e.g., two sports fields) applicable fees and deposits shall be charged for each facility reserved.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.050. - City-sponsored uses.

Any use of recreational facilities scheduled for city-sponsored or cosponsored uses shall be deemed a use for city purposes, and shall be exempt from fees, deposits and permit requirements listed herein. Such determination shall be made by the city council.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.060. - User groups.

User groups are established and defined pursuant to the city's sports field use and allocation policy, as the same may be amended from time to time, and are hereby incorporated by reference.

(Ord. No. 04-222, 3-1-04; Ord. No. 16-310, § 1, 1-26-16)

Sec. 13.02.065 - Liability insurance.

- (a) The city requires each organized activity taking place at any city facility have insurance for said activity. Permittee shall procure and maintain for the term of the permit insurance against claims for injuries to persons or damages to property which may arise from or in connection with the activities described hereunder performed by the permittee, his agents, representatives, or employees. Insurance is to be placed with insurers authorized to do business in the state and acceptable to the city. This may not apply for infrequent use; however a one-time special event may be subject to requirement.
- (b) The certificate of insurance, naming the city as the additional insured along with an endorsement, is to be submitted prior to permit authorization. A 30-day written notice of cancellation clause is required.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.070. - Recurring use.

Recurring use is generally defined as repeated use of recreational facilities on a regularly scheduled basis (i.e., leagues, organized play, etc.). Renewals of permits are limited to applicants who are in good standing with all fees paid up to date.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.080. - Nonrecurring use.

Nonrecurring use is generally defined as infrequent use of recreational facilities or special event basis (i.e., annual picnics, private parties or company-sponsored events).

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.085 - Additional items.

The use of generators, pitching machines, bounce-house-type apparatus, climbing walls, portable toilets, dumpsters, or any other large equipment of similar function, use or applicability as determined in the sole discretion of the recreation and community services department is prohibited in any park or facility unless a permit is issued by the director of recreation and community services or designee. Liability insurance coverage may be required in the sole discretion of the city.

(Ord. No. 04-222, 3-1-04; Ord. No. 16-311, § 1, 1-26-16)

Sec. 13.02.090. - Exemption.

Due to special or unusual circumstances, the city council may exempt user groups from applicable fee requirements for the use of recreational facilities. It is the responsibility of the specific user group to formally request exemption from the city council. The request should specify the special or unusual circumstances that necessitate exemption.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.100. - Scheduling priorities.

Scheduling priorities shall be established and defined by city council resolution.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.110. - Sports fields and facilities.

It is recognized that recreational facilities and sports fields vary in type, location and ancillary improvements. However, applicable fee schedules shall generally apply equally to all sports fields and facilities depending on the level of service required for an individual facility.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.115. - Athletic activities.

No person shall conduct or participate in any sport or in any organized athletic activities within any recreational area other than in such areas as may be designated for such sports, games or athletic activities, or in any areas where the director has posted signs prohibiting such activities.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.120. - Fee payments.

If paid by check, the fees applicable to the use of the facility are due and payable in full, 14 days prior to the use of that facility. Less than 14 days, cash payment will be required, unless other payment arrangements have been authorized. When fees are due and payable at the time a permit is issued, refunds are permitted if sufficient notice is given to the city upon cancellation (seven days' notice for nonrecurring groups). Applicable fees and permits are required only when reserved use is requested.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.130. - Sales and uses.

Authorized user groups which desire to use facilities for fundraising purposes shall be allowed to do so subject to policies and fees requirements contained herein. Proposed uses which are determined by the city to be solely a commercial undertaking and without educational, recreational or cultural benefit to the community, shall be allowed only upon approval of the city council.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.135. - Park maintenance closure.

Director or designee of the maintenance services division of public works may close any park, field, or other recreational area or facility when such an area or facility needs to be reconstructed, renovated, refurbished, repaired or maintained, or the area or facility needs to be closed because of a hazardous condition that poses potential danger to citizens, city employees.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.140. - Inclement weather.

- (a) Inclement weather is generally defined as weather which, in the judgment of the city council or its designated representative, has left recreational facilities in a condition such that use of the facilities would present a risk of damage to the facilities or injury to the users.
- (b) The city shall have the authority to deny use of all or any portion of a facility to a user based on inclement weather. The city reserves the exclusive right to determine that a use of city facilities is precluded by inclement weather, and no refund of fees paid shall be made on grounds of bad weather or field condition unless the city so determines.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.150. - Denial of facility use.

The city shall have the authority, based on cause, to deny use of all or any portion of a facility to any group or individual who has abused the privilege of facility use, including failure to comply with the general policies and rules governing the use of community and neighborhood parks.

(Ord. No. 04-222, 3-1-04)

Sec. 13.02.160. - Establishment of fees.

The city council may establish fees for the use of public parks and recreational facilities by resolution. Any amendment of such fees shall also be by resolution of the city council.

(Ord. No. 04-222, 3-1-04)

CHAPTER 13.04 - USE REGULATIONS³

Footnotes:

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Editor's note—Ord. No. 4-222, adopted March 1, 2004, amended ch. 13.04 in its entirety and enacted similar provisions as set out herein. The former ch. 13.04 derived from Ord. No. 88-12, § 1(2-5-94, 2-5-95); adopted June 27, 1988; Ord. No. 88-16, §§ 3(13.04.010)—3(13.04.040), adopted Aug. 8, 1988; Ord. No. 97-174, § 22, adopted Aug. 18, 1997; and Ord. No. 99-200, §§ 2, 3, adopted July 6, 1999.

Cross reference— Smoking, ch. 6.40; offenses against property, ch. 11.16; bicycles, ch. 12.15.

Sec. 13.04.010. - Definitions.

The following words shall have the meanings indicated in this chapter unless the context clearly indicates a different meaning:

Amplified sound and/or sound-emanating equipment means music, sound wave, vibration or speech projected or transmitted by electronic equipment, including amplifiers, horns, megaphones.

Council means the city council or any person authorized by the council, pursuant to law, to act in its stead.

Knife or dagger means any knife, dirk, or dagger having a blade of three inches or more in length; any ice pick or similar sharp stabbing tool; any straight-edge razor or any razor blade fitted to a handle.

Organized play means six persons or more engaging in a team sport athletic contest, such as, but not limited to, soccer, lacrosse, baseball, softball, football, basketball, or volleyball. This shall not apply for infrequent use.

Park means any community park, neighborhood park, recreational facility, trailway, greenbelt, pathway, parcel, or contiguous parcels of land, which is owned, operated and or maintained by the city.

Playground means any park or recreational area specifically designed to be used by children that has play equipment installed, or any similar facility located on public or private school grounds, or on city, county, or state park grounds.

Smoke or smoking means the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.

Tot lot sandbox area means a designated play area within a public park for the use by children under five years of age. Where the area is not contained by a fence, the boundary of a tot lot sandbox area shall be defined by the edge of the resilient surface of safety material, such as concrete or wood, or any other material surrounding the tot lot sandbox area.

Vehicle means any device by which any person or property may be propelled, moved, or drawn, excepting a device moved by human power.

Vehicular travel means travel by a vehicle.

(Ord. No. 04-222, 3-1-04)

Sec. 13.04.020. - Duty to comply.

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

(Ord. No. 04-222, 3-1-04)

Sec. 13.04.030. - Rules and regulations applicable in city parks.

The following rules and regulations apply in all city parks unless expressly stated otherwise elsewhere in this title:

(a) *Operations of vehicles.*

(1) *Roads for public use.* The provisions of the vehicle code are applicable in the city parks with respect to any way or place of whatever nature which is publicly maintained and open to the use of the public for purposes of vehicular travel. All violations of such vehicle code shall be enforced and prosecuted in accordance with the provisions thereof.

(2) *Surfaces other than roads for public use.* No person shall drive or otherwise operate a vehicle in a park upon surfaces other than those maintained and open to the public for purposes of vehicular travel, except upon temporary parking areas as may be designated from time to time by the council, and further excepting vehicles in the service of the city, animal control vehicles, law enforcement vehicles, and motorized wheelchairs.

(b) *Solicitation prohibited.* No person shall practice, carry on, conduct or solicit for any occupation, business, or profession in any park; or sell or offer for sale any food, beverage, merchandise,

article, or anything whatsoever in any park. This section shall not apply to any person acting pursuant to a contract with the city or under a permit granted by the council.

(c) *Prohibition of animals, fowl or reptiles in the park.* No person shall cause, permit, or allow any animal, fowl, or reptile, owned or possessed by him/her or any animal in his/her care, custody, or control to be present in any park except:

- (1) Equine animals being led or ridden under reasonable control upon any bridle path or trail provided for such purpose.
- (2) Equine or other animals that are hitched or fastened at a place expressly designated for such purpose.
- (3) Dogs or cats when led by a cord or chain not more than six feet long, or when confined within the interior of a vehicle.
- (4) Dogs that have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements.
- (5) Small pets that are kept on the person of the possessor at all times.
- (6) In connection with activities authorized in writing by the council.
- (7) Animals, fowl, or reptiles turned loose at the direction of the council.

It shall be the mandatory duty of all persons owning, possessing, in control of, or otherwise responsible for a dog, cat, or an equine animal in a park to promptly collect, pick up, and remove all fecal matter left behind by such animal in or upon any park; provided, however, that this subsection (3) shall not apply to guide dogs for blind or disabled persons or to equine animals on bridle paths.

(d) *Amplified sound and/or sound-emanating equipment in parks.*

- (1) *Purpose.* The council enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety, and welfare of its citizenry. While recognizing that certain uses of sound amplifying or sound emanating equipment are protected by constitutional rights of free speech and assembly, the council nevertheless feels obligated to reasonably regulate the use of sound amplifying or sound emanating equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from the public nuisance of loud and unnecessary sound.
- (2) *Permit required for amplified sound or sound-emanating equipment.* It shall be unlawful for any person to install, use, and operate within a park a loudspeaker, horn, megaphone device, sound amplifying or sound emanating equipment for the purposes of giving instructions, directions, talks, addresses, or lectures, or of transmitting music to any persons or groups of persons in any park, or in the vicinity thereof, except when installed, used, or operated in compliance with one of the following provisions:
 - (a) By authorized law enforcement.
 - (b) Under a reservation or permit issued by the council or director, and when operated in accordance with terms of the reservation or permit.
- (3) *Granting or denial of permit.* In determining whether to grant or deny a permit, the council or director shall be guided by the following considerations:
 - (a) The constitutional free speech and assembly rights of all persons, including the applicant.
 - (b) The possible effects upon the peaceable passage or presence of persons in the park.
 - (c) The potential for disorder or unlawful injury to persons or property.
 - (d) The potential invasion of other persons' rights of privacy.

- (f) The possible unlawful breach or disturbance of the peace.
- (g) Any actual conflict with other scheduled park uses or events.

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

- (4) *Power source for amplifiers.* Amplifiers permitted in parks shall be operated only through a power source provided or approved by the city or with a battery.
- (e) *Prohibition of firearms, fireworks, BB guns, toy weapons.* No person shall carry or discharge firearms, firecrackers, rockets, torpedoes, or other types of explosives; or carry or discharge any gun, pistol, slingshot or similar device, or any bows and arrows, or carry or use any other object capable of propelling a projectile; or carry or use any object calculated to make a noise sufficient to disturb the peace or quiet of the park; or bring into any park any of the above objects or articles.
- (f) *Prohibition of dangerous weapons.* The provisions of the California Dangerous Weapons' Control Law are applicable in city parks and shall be enforced and prosecuted in accordance with the provisions thereof. No person shall carry on his person, in plain view, any knife or dagger.
- (g) *Exceptions to applicability.* The provisions of subsection (f) above shall not be deemed to prohibit the carrying of ordinary tools or equipment for use in a lawful occupation or for the purpose of lawful recreation.
- (h) *Damaging property.* 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.
- (i) *Damaging land.* No person shall cut, dig, or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer, except park maintenance personnel.
- (j) *Golf.* No person shall play or practice the game of golf, including chipping, putting, driving or any other type of play or practice, which includes the hitting of a golf or similar type ball with a golf or similar type club.
- (k) *Water.* No person shall swim, fish, bathe, wade, release pet animals in, or pollute the water of any fountain, pond, lake, stream or reservoir except by permission of the council.
- (l) *Fires and fireplaces.* No person shall kindle a fire except in fireplaces provided for that purpose or in barbecues approved by the council, except by permission of the council.
- (m) *Waste liquids and refuse.* No person shall wash dishes, or empty salt water or other waste liquids, or leave garbage, cans, bottles, papers or other refuse elsewhere than in the receptacles provided therefor.
- (n) *Loitering at night.* No person shall be or remain in any park between the hours of 11:00 p.m. and 7:00 a.m. of the following day without permission of the council. The provisions of subsection (d)(3) of this section shall govern the granting or denial of such permission.
- (o) *Meetings.* No person shall hold any meeting, service, concert, exercise, parade or exhibition in any public park without first obtaining a permit from the council. The provisions of subsection (d)(3) of this section shall govern the issuance or denial of a permit under this section.
- (p) *Alcoholic beverages.* No person shall consume any alcoholic beverage within any park.
- (q) *Controlled substances.* The provisions of the California Uniform Controlled Substances Act are applicable in city parks and shall be enforced and prosecuted in accordance with the provisions thereof.
- (r) *Glass containers.* No person shall possess any glass container in city parks.

- (s) *Smoking.* No person shall smoke a cigarette, cigar, or other tobacco-related product within 25 feet of any playground or tot lot sandbox area.
- (t) *Prohibition of skateboards; scooters:* No person shall ride or operate a skateboard or scooter in any park where restrictions are posted.

(Ord. No. 04-222, 3-1-04)

Sec. 13.04.035. - Skateboarding, roller skating prohibited in certain areas; skate facility regulations.

- (a) Skateboarding, roller skating, in-line skating, and similar activities are prohibited in city parks and recreational facilities unless specifically authorized in areas designated by this section. The skate facility in Beebe Park is hereby designated for skateboarding and in-line skating (the "skate facility"). The boundaries of the skate facility shall be defined by a fence and the signs required by this section.
- (b) Within the skate facility, it shall be unlawful for any person to:
 - (1) Ride, operate, or use a skateboard or in-line skates unless that person is wearing a helmet designed for skateboard and/or in-line skating use with a chin strap, elbow pads designed for skateboard and/or in-line skating use with plastic elbow caps, and knee pads designed for skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use.
 - (2) Ride, operate, or utilize a skateboard or in-line skates unless such equipment is in good repair at all times during use.
 - (3) Enter or use an amenity within the skate facility while another person is using it.
 - (4) Place or utilize additional obstacles or other material (including but not limited to ramps or jumps) within the skate facility.
 - (5) Use the skate facility amenities when the surface of the amenities is wet or other conditions exist which could adversely affect the safety of skateboarders or skaters.
 - (6) Enter the skate facility unless actively skateboarding or in-line skating in accordance with these regulations.
 - (7) Use, consume, or have within his or her custody or control, food or beverages within the skate facility.
 - (8) Use, consume, or have within his or her custody or control, alcohol, tobacco products, or illegal drugs within the skate facility.
 - (9) Enter or be upon the skate facility while under the influence of alcoholic beverages or illegal drugs.
 - (10) Use or possess glass containers, bottles or other breakable glass products within the skate facility.
 - (11) Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying), or any other activity which could endanger the safety of persons using the skate facility or spectators.
 - (12) Engage in graffiti, tagging or other defacing of city property or the property of others.
 - (13) Enter or be upon the skate facility at any time except during its hours of operation of 7:00 a.m. to dusk.
 - (14) Ride, operate, or utilize any device other than a skateboard or in-line skates (prohibited devices include, but are not limited to, bicycles or motor vehicles) on the skate facility.
- (c) The skate facility shall be posted with signs at the following locations:
 - (1) At each entrance to the skate facility.

- (2) On the fences of the skate facility, facing the interior of the skate facility. The signs shall be not less than two feet by three feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than one inch in height, the following language:

WARNING

Skateboarding and in-line skating are hazardous recreational activities. Use of this facility may result in serious injuries or death. The city does not assume any responsibility for injuries or death. Each person entering the facility assumes all risk of injury or death. California Health and Safety Code §§ 115800 and 115800.1.

It is unlawful for any person to ride, operate, or utilize a skateboard or in-line skates unless that person is wearing a helmet designed for skateboard use and/or in-line skating with a chin strap, elbow pads designed for skateboard and/or in-line skating use with plastic elbow caps, and knee pads designed for skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use. Any person failing to comply with this section shall be subject to citation and penalties pursuant to Mission Viejo Municipal Code sections 13.04.035 and 13.04.040.

(Ord. No. 04-222, 3-1-04)

Sec. 13.04.040. - Violations.

- (a) Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this chapter shall be prosecuted as a misdemeanor or an infraction as provided in section 1.01.200 of this Code and in accordance with the requirements of chapter 1.01 of this Code.
- (b) Every act prohibited by subsections (e) or (f) of section 13.04.030 of this chapter shall subject the possessor of the prohibited items to confiscation of those items.

(Ord. No. 04-222, 3-1-04)

Sec. 13.04.050. - Camper trucks and trailers hours of closure; vehicular parking and camping.

- (a) *Scope.* This section shall apply to all public lands or easements, which are owned, operated or maintained by the city.
- (b) *Unauthorized camping.* It shall be unlawful for any person to camp or sleep overnight between the hours of 11:00 p.m. of one day and 7:00 a.m. of the next day in a vehicle or otherwise, or to park a camper truck, camper trailer, tent trailer or other vehicle overnight between the hours of 11:00 p.m. of one day and 7:00 a.m. of the next day upon any lands or easements owned, operated or maintained by the city, except upon such portions thereof as may have been specifically designated and set aside by the city council or the director for such purposes.
- (c) *Removal from city-owned property.* A sign not less than 17 by 22 inches in size and lettering not less than one inch in height shall be posted at all of the vehicular entrances to the city land or easements to which the prohibitions of this section are applicable indicating the parking restrictions and further indicating that any vehicle parked in violation of this section will be subject to removal at the owner's expense, and containing the telephone number of the local traffic law enforcement agency.

(Ord. No. 04-222, 3-1-04)