

ORDINANCE NO. 439

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, REPLACING IN ITS ENTIRETY PARAGRAPH 4 OF SUBSECTION B OF SECTION 5.08.020 (EXEMPT ORGANIZATIONS, ACTIVITIES, AND PERSONS) OF CHAPTER 5.08 (BUSINESS REGISTRATION PERMIT) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), OF THE MOORPARK MUNICIPAL CODE AND REPLACING IN ITS ENTIRETY CHAPTER 12.16 (PARKS AND OPEN SPACE) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE MOORPARK MUNICIPAL CODE, AND MAKING A DETERMINATION UNDER CEQA

WHEREAS, the City Council has determined that Paragraph 4 of sub-section B of Section 5.08.020 (Exempt organizations, activities, persons) of Chapter 5.08 (Business Registration Permit) of Title 5 (Business Taxes, Licenses and Regulations) of the Moorpark Municipal Code should be revised; and

WHEREAS, the City Council has determined that Chapter 12.16 (Parks and Open Space) of Title 12 (Streets, Sidewalks and Public Places) of the Moorpark Municipal Code should be revised; and

WHEREAS, the Community Development Director has reviewed the contents of this Ordinance and determined that adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council has reviewed the Community Development Director's determination that this Ordinance is exempt from CEQA and concurs that the Ordinance does not have the possibility of have a significant effect on the environment and is therefore exempt from CEQA.

SECTION 2. Paragraph 4 of sub-section B of Section 5.08.020 of Chapter 5.08 of the Moorpark Municipal Code is hereby replaced in its entirety to read as follows:

"4. Individual vendors at a one-day or two-day special event, or at a sports tournament not exceeding four total days, within the city for which a temporary use permit or park rental permit has been issued."

SECTION 3. Chapter 12.16 of the Moorpark Municipal Code is hereby replaced in its entirety to read as it appears in Exhibit A to this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 5. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 6. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this 20th day of July, 2016.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

Exhibit A: Chapter 12.16

**Exhibit A**

**CHAPTER 12.16 PARKS AND OPEN SPACE**

**12.16.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this section.

“Dog park” is defined as a public park or area within a public park that is specifically established for dogs and their owners to exercise and play with the dogs off-leash in a controlled, fenced, and gated environment.

“Open space” means and includes any parcel or area of land or water that is essentially unimproved and devoted to an open space use as defined in Section 65560 of the California Government Code, and is owned, leased, used, operated, controlled, or maintained by the city as public property.

“Park” means and includes any land designated by city as a public park and also includes any public athletic field or court, bicycle motocross facility, community center, garden, golf course, greenbelt, gymnasium, lake, pathway, playground, pond, recreation center, recreation grounds, senior citizen or active adult center, skateboard facility, swimming pool, teen center, trail, water feature, and any other property owned, leased, used, operated, controlled, or maintained by the city for public recreational purposes, whether passive or active, including all facilities and structures thereon, and all off-street parking lots or parking areas which are used or intended to be used in connection therewith.

“Potentially dangerous dog” shall have the definition established by Section 31602 of the California Food and Agriculture Code.

“Protective gear” means helmet, elbow pads, and knee pads designed specifically for use by skateboarders and in-line skaters.

“Riding animal” means a horse, mule, donkey or similar equine animal.

“Skate facility” means portable or permanent facility specifically established for use by skateboards and in-line skaters that may contain apparatuses and structures including, but not limited to, ramps, curbs, jumps, inclines, and declines, which skate facility is also designed and intended specifically for use by skateboarders and in-line skaters and is located on city property and maintained by the city.

“Trail” means the network of City owned or operated non-motorized pathways used by pedestrians, bicyclists, or persons riding or walking with riding animals for recreation and transportation.

“Vicious dog” shall have the definition established by Section 31603 of the California Food and Agriculture Code.

-

**12.16.020 Hours of operation.**

No person shall enter or remain in any park or open space during the hours that the park or open space is closed. Parks and open space shall be closed from sunset to six (6:00) a.m., unless otherwise approved by city council. The city council may by resolution approve more or less restrictive hours of operation for a specific park and for certain facilities or structures, including restrooms, and the amended hours of operation for the park or facility shall be indicated by appropriate signage. The city manager or designated representative may close a park or extend the hours of operation for maintenance, for conditions which create a danger to public health or safety, or to accommodate a city sponsored special event. The hours of operation described above shall not apply to persons attending an authorized city-sponsored program or city employees and city contractors engaged in the performance of their official duties.

**12.16.030 Signs.**

The city manager or designated representative is authorized to place and maintain such signs or notices as deemed necessary to carry out the provisions of this chapter and to protect the public and ensure orderly and efficient use of any park or open space.

**12.16.040 Animal control.**

A. Any person owning or having charge, care, custody, or control of any dog, livestock or other animal shall be responsible for removal of debris, litter or contaminants caused by such animal and any neglect of such responsibility shall be construed as littering, as defined in Section 12.16.050 of this chapter.

B. Except as provided herein, no person owning or having charge, care, custody or control of any dog, livestock, or other animal shall cause, permit or allow the same to be in a park or open space unless such animal is restrained by a chain or leash, sufficient to restrain the animal, not exceeding six (6) feet in length and is in the charge, care, custody, or control of a competent person.

C. The requirement for an animal to be on-leash while in a park or open space shall not apply to the following:

1. A dog within a designated dog park, as authorized by Section 12.16.200 of this chapter.
2. A riding animal on a designated trail, as authorized by Section 12.16.220 of this chapter.
3. An animal used by a law enforcement agency in the performance of its official duties.
4. Animals participating in a show or program in connection with activities for which a park rental permit has been issued and in accordance with all conditions attached to such permit.

5. Animals participating in a show or program in connection with a city-sponsored event or program.

D. For city-sponsored events held upon any city park or open space, the city manager or designated representative shall have the authority to ban any dog, livestock, or other animal from being brought into the event area when it is determined that the presence of animals would create an undue risk to the health or safety of persons attending the event. Whenever animals have been banned from a city event, no person owning or having charge, care, custody or control of any animal may cause, permit, or allow the animal to be brought into the designated event area. This section does not apply to guide or service animals for the disabled, animals approved by the city as a contracted service for the event, or animals being used by a public officer in the performance of official duties. The prohibition set forth in this section to ban any dog, livestock, or other animal from city-sponsored event areas, as approved by the city manager or designated representative, shall not apply until signs have been placed in and about the event area, including at public entrances, where the activity is to be prohibited. The city manager or designated representative is authorized to place and maintain such signs consistent with the authority provided by Section 12.16.030 of this chapter.

**12.16.050 Littering prohibited.**

No person shall drop or deposit refuse, trash, hazardous waste, contaminants or litter in any park or open space, except in receptacles provided for this purpose, nor place in said receptacles any refuse brought from private property.

**12.16.060 Alcoholic beverages prohibited.**

No person shall consume any alcoholic beverages in any park or open space, except as permitted within the city community center building with the issuance of appropriate city permits.

**12.16.070 Excessive noise prohibited.**

No person shall make excessive noise through the use of amplifying equipment, or any other means in any park or open space that tends to distract or disturb patrons or nearby residents. No person shall use amplified sound without a park rental permit issued by the city. Persons with a city issued park rental permit authorizing use of sound amplification equipment shall keep the sound volume of such equipment at a level that avoids disturbing other people using the park or nearby residents. This Section does not apply to amplified sound and authorized noise-generating activities at a city-sponsored event.

**12.16.080 Public conduct.**

No person shall engage in threatening, abusive, or indecent language or engage in any disorderly conduct or behavior tending to a breach of the peace and interfering with the enjoyment or other persons in any park or open space. No person shall engage in conduct or behavior so as to constitute a safety hazard to any other person within any park or open space.

**12.16.090 Duplicating keys prohibited.**

No person shall duplicate keys used by the city for padlocks, door locks or locks of any type in any park or open space.

**12.16.100 Camping and lodging prohibited.**

No person shall loiter, camp or lodge in any park or open space.

**12.16.110 Vending prohibited.**

No one shall vend any food, merchandise or product in any park or open space without first obtaining a permit from the city.

**12.16.120 Fire control and barbecues.**

A. No person shall make or kindle a fire for any purpose, except in places designated for this purpose, in any park or open space. A person starting a fire in an authorized place shall be responsible for assuring that the fire is thoroughly extinguished before leaving the immediate area.

B. Charcoal or wood barbecuing is permitted only in the city installed barbecue grills.

C. Personal/portable barbeques are limited to propane with a maximum cylinder size of 40 lbs. Personal/portable barbeques must be in good working condition and hoses and regulators must be UL listed. Personal/portable barbecues must have legs and be placed on the ground at least thirty (30) feet away from any flammable material, including trees, brush, woodchips, or buildings. Personal/portable barbecues may not be used in any way so as to scorch, burn, or otherwise damage turf, tables, or other park equipment or property. Grease must be collected in a metal container and disposed of in a trash receptacle.

D. At least one individual eighteen (18) years or older must be responsible for and attend to a barbecue at all times while it is in use.

E. For city-sponsored events held at any city park or open space, the city manager or designated representative shall have the authority to prohibit use of city installed barbeques and bringing personal/portable barbeques to such events. The prohibition shall not apply until signs have been placed in and about the event area, including at public entrances, where the activity is to be prohibited. The city manager or designated representative is authorized to place and maintain such signs consistent with the authority provided by Section 12.16.030 of this chapter.

**12.16.130 Damaging of property prohibited.**

No person shall cut, break, injure, tamper with, deface, remove or disturb any tree, shrub, plant, rock, building, wall, fence, bench, sign structure, apparatus or property in any park or open space.

**12.16.140 Fireworks and weapons prohibited.**

All fireworks are prohibited in any park or open space in the city, consistent with Chapter 8.64, Fireworks Prohibited, with the exception of public displays and theatrical/special effects authorized by a valid Ventura County Fire Protection District Fire Code (VCFC) permit and applicable city temporary use or park rental permit. No person shall discharge any weapon, firearm, airguns, or slingshots in any park or open space, except in areas specifically designated for such purposes.

**12.16.150 Vehicles, riding animals and other conveyances.**

A. All persons shall operate, ride, or drive an automobile, bicycle, motorcycle, truck, trailer, wagon, motor scooter, mobility scooter, powered wheel chair, animal, or other conveyance at all times with reasonable regard to the safety of others in any park or open space.

B. No person shall operate, ride or drive an automobile, bicycle, motorcycle, truck, trailer, wagon, motor scooter, mobility scooter, powered wheel chair, animal, or other conveyance on other than roads or paths designated for that purpose in any park or open space, except a disabled person may ride or drive a mobility scooter or powered wheel chair at a maximum speed limit of four (4) miles per hour on areas designated for pedestrians. This subsection does not apply to city employees and city contractors engaged in authorized city business, emergency personnel engaged in the performance of their official duties, or other use as may be approved by a park rental permit or with the written authorization of the city manager or designated representative.

C. No motor vehicle, animal or other conveyance shall be parked or fastened in other than an established or designated parking or hitching area in any park or open space.

D. No person shall roller-skate, roller-blade, skateboard, hoverboard, or use a similar conveyance on other than sidewalks or paths designed for pedestrians. No person shall roller-skate, roller-blade, skateboard, hoverboard, or use a similar conveyance on court surfaces intended for other sport activities designated and posted by the city for that purpose.

**12.16.160 Requirement and enforcement of park rental permits.**

A. The city rents portions of its parks, including park facilities and structures. The city has the ability to issue and enforce park rental permits. Standard conditions of approval, fees, surety, liability, and insurance requirements for park rental permits shall be established by resolution of the city council. The city council shall also establish by resolution the parks that may accommodate attractions, equipment, or temporary structures, subject to approval of a park rental permit or park use agreement.

B. No person shall interfere with an authorized permitted rental of a city park, including facilities and structures.

C. No person or group shall hold a gathering at a city park which exceeds attendance limits as established by city council resolution without first obtaining a permit for such gathering from the city.

D. No person or entity shall engage in any for-profit or fee based activity or filming of any kind, with the exception of filming by an individual when such activities are not for commercial purposes and are for personal use, in any city park without first obtaining a permit from the city, regardless of the size of the activities or number of participants.

E. No person or group shall use amplified sound equipment; locate attractions, equipment or temporary structures; bring in a contract performer or contract services provider; or conduct filming for more than personal use in a park or open space, without obtaining a city issued park rental permit. Tents and membrane structures in excess of two hundred (200) square feet and canopies in excess of four hundred (400) square feet require a valid Ventura County Fire Protection District permit and city park rental permit.

F. The city manager or designated representative shall have the authority to issue and enforce park rental permits; determine special conditions of approval; and determine which attractions, equipment, temporary structures, contract performer or contract services provider may be approved with a park rental permit in compliance with the provisions of this chapter and any applicable city council resolution.

**12.16.170 Park use agreements.**

Nothing in this chapter is intended to preclude the city council from approving a written park use agreement, including league sports use agreements, when such agreements are consistent with the provisions of this chapter.

**12.16.180 Prohibited activities and uses.**

A. No person shall engage in the activities of golf, archery, horseback riding, go-cart riding, motorcycle or motorized off-road vehicle use, hang gliding, use of motor-driven and/or remote controlled model airplanes, use of rockets and any other similar projectiles or flying objects, and use of drones and unmanned aerial vehicles in any park or open space, except in areas specifically designated for such purposes, and posted in accordance with Section 12.16.030.

B. Prohibited activities and equipment include trampolines, pony rides, animal shows, and mechanical rides, except as may be approved by the city manager or designated representative for a city sponsored or co-sponsored event.

C. No person shall participate in any sport or activity so as to constitute a hazard to any other person within any park or open space.

D. No person shall sit, stand, walk, or climb upon any tree, fence, wall, or other property not designated for such purposes.

E. No person shall use a park facility or equipment for an activity which is inconsistent with the intended use or design of the facility or equipment.

F. No person shall play baseball except on fields specifically designated for this activity.

G. Notwithstanding the foregoing, league sports or activities conducted pursuant to a park use agreement with the city or park rental permit may be conducted in accordance with the standards of the sport.

**12.16.190 Skate facility.**

The following provisions for skate facility use are in addition to the other requirements of this chapter. Section 12.16.020, Hours of operation, Section 12.16.040, Animal control, and Section 12.16.160, Requirement and enforcement of park rental permits, are modified by the following skate facility use requirements.

A. Only individuals riding skateboards and in-line skates are authorized to use the city's skate facility. No bicycles, scooters, or motorized vehicles are permitted to be operated in the skate facility.

B. All users of the city's skate facility must wear protective gear including helmet, elbow pads, and knee pads at all times while using said facility. Appropriate signage shall be displayed at the skate facility informing users of the requirement to wear such protective gear and that a user failing to do so will be subject to citation pursuant to Section 12.16.230.

C. Skate facility age restrictions for users may be established by city council resolution.

D. Skate facility hours of operation and provisions for closure for city sponsored events or for potentially hazardous conditions shall be established by city council resolution, and hours of operation for a skate facility may vary from the hours of operation established by Section 12.16.020.

E. No person owning or having charge, care, custody or control of any dog, livestock, or other animal shall cause, permit, or allow the same to be brought into, allow to be loose within, or run at large upon the skate facility. Even with a chain or leash, such animals are prohibited within the skate facility.

F. No private rental of a skate facility is permitted.

G. No formal or organized contests or activities of any kind shall be held in a skate facility with the exception of a city sponsored event.

H. Ramps, jumps, or other obstacles, equipment, or structures may not be brought into the skate facility, unless written approval is obtained from the city manager or designated representative in conjunction with a city sponsored event.

I. All food and beverages are prohibited in a skate facility except water in a plastic bottle or container, unless written approval is obtained from the city manager or designated representative in conjunction with a city sponsored event.

**12.16.200 Dog park.**

The following provisions for dog park use are in addition to the other requirements of this chapter. Section 12.16.040, Animal control, and Section 12.16.160, Requirement and enforcement of park rental permits, are modified by the following dog park use requirements.

A. Hours of operation for the dog park shall be established by city council resolution.

B. All dogs that are brought into the dog park must have a current dog license and must be wearing a collar with a current license tag as required by Section 6.16.010, Licenses required, and Section 6.16.070, Tag issuance.

C. All dogs that are brought into the dog park must be healthy with no contagious conditions, parasite free, and vaccinated as required by Section 6.20.010, Vaccination required.

D. Potentially dangerous dogs, vicious dogs, female dogs in heat, and puppies under four (4) months of age are prohibited from entering the dog park. Dogs exhibiting threatening or aggressive behavior must be immediately removed from the dog park. In the event of a dog bite or other injury caused by a dog, the person having charge, care, custody or control of the dog that caused the injury must provide current license tag information and a telephone number to the injured party.

E. The city council may by resolution prohibit any breed or type of dog from entering the dog park.

F. Separate areas for use by small dogs and large dogs may be designated at the dog park. Such areas will be separated by fencing and signage shall indicate the minimum and/or maximum weight and/or size of dog allowed in the designated area. Dogs are restricted to use of the area designated for their size.

G. Dogs shall be taken off-leash in the double gated holding area at the dog park entrance. Dogs shall be off-leash once inside the fenced area of the dog park. All other provisions of Section 6.08.050, Leash requirements, and Section 12.16.040, Animal control, shall be enforced. All persons owning or having charge, care, custody or control of any dog in the dog park must carry a leash.

H. A maximum of four (4) dogs per person age sixteen (16) or older shall be allowed inside the dog park at any one time. Dogs may not be left unattended in the dog park, and close supervision of all dogs is required.

I. No children under six (6) years of age are permitted in the dog park. Children age six (6) to age fifteen (15) are permitted in the dog park with adult supervision.

J. All persons bringing a dog into the dog park shall be responsible for cleaning up after their dog, disposing of dog feces in the designated dog waste receptacles, and filling and repairing holes dug by their dog.

K. All human and dog food, including food products, are prohibited in the dog park.

L. Use of noise amplification equipment, including bullhorn, air horn, or similar device which results in noise disturbance, is prohibited in the dog park.

M. Commercial use of the dog park is prohibited, including dog training classes, dog grooming, and solicitations or advertisement for pet related services.

N. No private rental of the dog park is permitted.

O. No private equipment, attraction, or structure may be brought into the dog park.

**12.16.210 Parking restrictions and fees.**

A. Parking restrictions for parks and open space shall be established by resolution of the city council. Violations of any such restrictions shall be prosecuted as an infraction unless otherwise indicated by city council resolution.

B. The City Manager or his/her designee shall have the authority to establish and charge a fee for parking at Arroyo Vista Community Park when charging such a fee is in the best interest of the city. When a parking fee is charged, a sign stating the fee amount and the activity for which the fee is being charged shall be placed at the park entrance. The city manager or designated representative is authorized to place and maintain such signs consistent with the authority provided by Section 12.16.030 of this chapter.

**12.16.220 Trails**

The following provisions for trail use are in addition to the other requirements of this chapter.

A. No person shall enter or exit a trail except at designated entry and exit points. This provision does not apply to law enforcement and emergency personnel engaged in the performance of their official duties or city employees and city contractors engaged in authorized city business.

B. All persons shall observe posted right-of-way restrictions and “trail courtesy” right-of-way regulations. Unless otherwise posted, pedestrians shall yield to equestrians and bicyclists shall yield to equestrians and pedestrians.

C. Unless otherwise posted, the speed limit on trails is fifteen (15) miles per hour.

D. A person may only lead or ride a riding animal on designated trails. No person owning or having charge, care, custody or control of any riding animal shall leave said animal unsupervised or unattended at any time. Riding animals must be adequately and safety equipped

for riding. Untrained, unmanageable, or vicious riding animals are prohibited from entering or using trails.

E. Trails shall only be used by pedestrians, bicyclists, and persons riding or walking with dogs or riding animals. Animals on trails are subject to the requirements of Section 12.16.040.

**12.16.230 Violation and Penalty**

A. Any person who violates any provision of this chapter is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 of this code, provided, however, that a fourth or additional violation by the same person regardless of the time of occurrence, shall constitute a misdemeanor.

B. Notwithstanding sub-section A, a violation of Sections 12.16.060, 12.16.120, 12.16.130, or 12.16.140 of this chapter is a misdemeanor and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 of this code.

C. In addition to the provisions of sub-sections A and B, the City may issue an administrative citation for violations of this chapter in accordance with the provisions of Chapter 1.16 of this code.