

## ORDINANCE 1998-1

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

- WHEREAS, The Board wishes to provide quality parks and recreation services to it's constituents;
- WHEREAS, The Board wishes to ensure access to parks and recreation facilities for members of the community;
- WHEREAS, The Board desires to provide facilities for public use, special events, and events of community-wide significance;
- WHEREAS, The Board on February 12, 1998 held a duly noticed hearing to consider first reading of this ordinance; and
- WHEREAS, Notice of this hearing was posted and published in accordance with state law and copies of the draft ordinance have been made available for public inspection prior to the February 12, 1998 hearing on this ordinance.
- WHEREAS, The Board on March 12, 1998 held a duly noticed hearing to consider second reading of this ordinance; and
- WHEREAS, Notice of this hearing was posted and published in accordance with state law and copies of the draft ordinance have been made available for public inspection prior to the March 12, 1998 hearing on this ordinance.

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

**ARTICLE IV- PARKS AND RECREATION**

**REGULATION 40.- Recreation and Parks Advisory Committee**

**Rule 40.01. MEMBERSHIP.** The McKinleyville Community Services District Recreation and Parks Advisory Committee shall consist of nine (9) members who shall serve without compensation selected as follows:

- a. One (1) member shall be a member of the District Board.
- b. One (1) member shall be a member of the McKinleyville Area Fund Board of Directors nominated by the McKinleyville Area Fund Board of Directors.
- c. Seven (7) members shall be resident electors of the District representing to the extent possible various recreational interests of the community including but not limited to business, environment, equestrian, sports, seniors, trails, and youth. Recommendations for appointment may be made by the then current members of the committee.

**Rule 40.02. APPOINTMENT.** The committee members shall be appointed as follows:

- a. The Board of Directors shall announce each vacancy and shall state they are seeking applicants, setting forth the qualifications, if any required.

b. The Board of Directors shall interview each applicant, after which a majority of the Board of Directors, may select the most qualified to fill the vacancy.

**Rule 40.03. MEMBER QUALIFICATIONS.** All members shall be resident electors of the McKinleyville Community Services District.

**Rule 40.04. TERMS OF OFFICE.** The committee members shall serve terms as follows:

- a. Appointment of District Board Members shall be for a term of two (2) years with no individual serving more than one term in succession.
- b. Appointment of McKinleyville Area Fund members and community members shall be for a term of four (4) years with no individual serving more than one term in succession.
- c. Terms of the eight non-Board of Director committee members shall be staggered so that no more than two (2) terms shall expire in any given year.
- d. The annual expiration date of appointment shall be December 31st.

**Rule 40.05. REMOVAL.** Members of the committee may be removed by a majority vote of the District Board of Directors.

**Rule 40.06. ABSENCES.** If any member of the committee is absent without prior notification to the Parks and Recreation Director for three (3) regular consecutive meetings, the Parks and Recreation Director shall certify that fact to the Board of Directors and the Board of Directors shall thereafter declare the position on the committee to be vacant and proceed to fill the position by appointment.

**Rule 40.07. ELECTION OF OFFICERS.** The committee, shall, as soon as practicable, after the time of the annual appointment of a member or members to such committee, elect its' officers. No member shall hold the same office for more than two (2) consecutive years.

**Rule 40.08. OFFICERS.** The committee shall elect a Chairperson and Vice-Chairperson from among it's members.

**Rule 40.09. MEETINGS.** The committee shall hold regularly scheduled meetings in the Board of Directors Chambers of the District Office, or at such other place within the District as may be designated by the committee, and may hold such additional meetings as it may deem necessary or expedient. All meetings must be noticed in compliance with state and federal laws.

**Rule 40.10. TIME/LOCATION OF MEETINGS.** The time of the regular meetings shall be as established from time to time by the committee members.

**Rule 40.11. QUORUM.** A majority of the committee shall constitute a quorum for the purpose of transacting business of the committee.

**Rule 40.12. RECORDS.** Written records of all the proceedings, findings, determinations and transactions of the committee shall be kept, which record shall be a public record and a copy of which record shall be filed with the District Secretary.

**Rule 40.13. POWERS AND DUTIES.** The Recreation and Parks Advisory Committee shall have the following powers and duties:

- a. To serve in an advisory capacity to the Board of Directors and District staff in all matters pertaining to public recreation, parks, and their respective facilities ;

- b. To make recommendations to the Board of Directors and District staff with respect to the provisions of the annual budget for recreation and parks purposes;
- c. To recommend to the Board of Directors acceptance or rejection of offers of donations of money, personal property and real property to be used for recreation and parks purposes;
- d. To recommend to the Board of Directors a comprehensive recreation and park services program for the inhabitants of the District, to promote and stimulate public interest therein, and to solicit to the fullest extent the cooperation of school authorities and other public and private agencies interested therein;
- e. To recommend for adoption by the Board of Directors rules and regulations for the use and improvement of the District's recreation services and parks and their respective facilities;
- f. To recommend to the Board of Directors and District staff policies for the acquisition, development and improvement of recreation and park areas, and;
- g. To perform such other duties relating to recreation and park matters as may be prescribed by the Board of Directors.

## **REGULATION 41.- RECREATION AND PARKS SYSTEM**

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

- a. Willfully mark, deface, injure, tamper with, or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, bleachers, ball fields, water lines, paving or paving materials or other public utilities or parts thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, or recreation and parks system property or appurtenances whatsoever, either real or personal.
- b. Litter, soil or defile buildings, structures, grounds, equipment or other recreation and parks system property or appurtenances whatsoever. Trash, litter and other debris must be deposited into the proper receptacles.
- c. Remove any soil, rock, stones, turf, trees, shrubs, or plants, down timber or other wood or materials or make any excavations by tool, equipment or any other means or agency.
- d. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public utility into, upon or across such land except by District permit.
- e. Trespass upon any area where prohibited.
- f. Hunt, molest, or otherwise harm wildlife and plant life within the recreation and parks system.
- g. Announce, advertise or call the public attention in any way to any article or service for sale or hire, except by District permit.
- h. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever within the recreation and parks system without permission from the District.
- i. Use any system for amplifying sounds, whether for speech or music or otherwise within the recreation and parks system unless a permission is first secured from the District.
- j. Discharge any weapon of any type within the recreation and park system boundaries for any reason.
- k. Make fires of any type for any reason in any area that is not properly equipped and designated to contain a fire.

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

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

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

- a. Fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of motorized vehicles together with such regulations as are contained in this ordinance.
- b. Fail to obey all law enforcement officers and District employees who are hereafter authorized and instructed to require persons within the boundaries of the recreation and park system to adhere to the provisions of these regulations.
- c. Fail to observe carefully all traffic signs, parking signs, and all other signs posted for the proper control of traffic and to safe guard life and property.
- d. Operate a motorized vehicle, other than MCSO-authorized vehicles, within the boundaries of the facility except in those areas designated for parking or in areas designated as driveways.

**Rule 41.04. OPERATION OF NON-MOTORIZED VEHICLES- PROHIBITED ACTS. NO PERSON SHALL:**

- a. Fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of non-motorized vehicles together with such regulations as are contained in this ordinance.
- b. Fail to obey all law enforcement officers and District employees who are hereafter authorized and instructed to require persons within the boundaries of the recreation and park system to adhere to the provisions of these regulations.
- c. Fail to observe carefully all traffic signs, parking signs, and all other signs posted for the proper control of traffic and to safe guard life and property.
- d. Operate non-motorized vehicles on any sidewalks, on pathways designated for pedestrian traffic only, and within in turf and landscaped areas.

**Rule 41.05. CONDUCT- ALCOHOLIC BEVERAGES.**

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

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

**Rule 41.07. OVERNIGHT USE PROHIBITED.** There is to be no camping or loitering on the grounds or in public buildings or structures between sunset and sunrise.

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

## **REGULATION 42. - OPERATION OF PIERSON PARK**

**Rule 42.01. GROUP BARBECUE COMPLEX.** The group barbecue complex is defined as the area encompassed by the gazebo located in the central portion of the park. Individuals or organizations desiring organized use of any portion of the group barbecue complex for an organized function may do so by facility usage permit only.

**Rule 42.02. HORSESHOE PITS.** The public may use the horseshoe pits on a first-come basis. Any individual or organization desiring to use the horseshoe pits for an organized function may do so by facility usage permit only.

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

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

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

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

## **REGULATION 43.- OPERATION OF HILLER PARK**

**Rule 43.01. PICNIC AREA USE.** The picnic area is defined as the area of the park east of the western perimeter of the volleyball court. Individuals or organizations desiring organized use of any portion of the picnic area in Hiller Park for the purpose of holding organized functions may do so by facility usage permit only.

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

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

## **REGULATION 44.- OPERATION OF LARISSA PARK**

**Rule 44.01. FIRES.** No fires shall be allowed at any time.

**Rule 44.02. PETS.** Pets must be on leash at all times.

## **REGULATION 45.- PERMITS, FEES, AND DEPOSITS**

**Rule 45.01. FACILITY USAGE PERMITS REQUIRED.** A valid facility usage permit is required for individuals or organizations to use any indoor facility or any outdoor facility for organized functions, to use any system for amplifying sounds, or to sell or serve alcoholic beverages at an organized function..

**Rule 45.02. FACILITY USAGE PERMIT PROCESS.** Any individuals or organizations seeking issuance of a facility usage permit hereunder shall file a request for permit to use District facilities on the appropriate reservation form provided by the District. All requests must be filed with the District along with the required facility usage deposit, usage fees, proof of appropriate insurance coverage, and fees for other services at least ten (10) working days prior to the actual event date. The Parks and Recreation Director, under direction of the Board, may impose additional conditions for approval.

**Rule 45.03. FACILITY USAGE FEES.** Facility usage fees, as established and adopted by the District Board shall be charged for and must accompany each facility usage permit request required hereunder for said facility usage permit request to be fully and properly executed by the District.

**Rule 45.04. DEPOSIT.** A facility usage deposit, as established and adopted by the District Board must accompany each facility usage permit request for any facility usage permit required hereunder. The facility usage deposit shall be refunded to the applicant within fifteen working days if the facility is restored to pre-use conditions. If District cleanup is required to restore the facility to pre-use conditions or damage is noted to the facility, any refund will be less the expense associated with returning the facility to pre-use conditions.

**Rule 45.05 INSURANCE.** A facility usage permit request shall not be considered fully executed unless the individual or organization seeking issuance of a facility usage permit obtains and furnishes liability coverage for the event which is acceptable to the District. The Parks and Recreation Director may impose additional conditions for approval.

**Rule 45.06. PERMITS FOR USE OF FACILITIES.** The District shall only grant a facility usage permit for organized use of a facility when each of the following findings can be made:

- a. The requested area of the recreation and parks system for which the facility is located within is available during the period for which the facility usage permit is requested;
- b. The expected attendance does not exceed the capacity of the facility or area;
- c. The use for which the facility usage permit is sought complies with the use established for the facility or area requested.

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

- a. The individual or organization seeking permission for use of a sound amplification system must file, with the District, a facility usage permit request for the facility in which use of the sound amplification system is requested.

- b. The sound amplification system proposed will not unduly inconvenience or disturb neighboring properties or other recreation and parks system facility users.
- c. The maximum noise from use of the sound amplification system complies with Humboldt County's Noise Regulations;
- d. The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which sound amplification systems are utilized, the following requirements shall also be required:

- a. A District supervisor will be assigned to be present throughout the event.

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

- a. The individual or organization seeking permission for sale or service of alcoholic beverages must file, with the District, a facility usage permit request for the facility in which the sale of alcoholic beverages is requested;
- b. If applicable, the individual or organization seeking permission has a valid permit from the Alcohol Beverages Commission to sell alcohol;
- c. If applicable, the individual or organization seeking permission has secured outside security services;
- d. The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which alcohol is served or sold, the following requirements shall also be required:

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

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

- a. The individual or organization seeking permission for use of District-owned equipment must be requesting said equipment in conjunction with an event at a District facility which is being sponsored by the individual or organization;
- b. The individual or organization must file, with the District, a facility usage permit request for the facility in which the equipment will be utilized;
- c. The requested equipment is available during the period for which use of the equipment is requested;
- d. The individual or organization requesting use of MCSD-owned equipment furnishes the District with appropriate liability coverage.

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

**REGULATION 46.- ENFORCEMENT.**

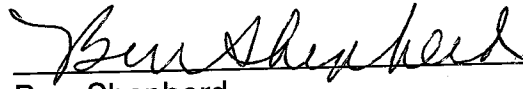
**Rule 46.01. VIOLATIONS.** Any violation of these rules and regulations relating to the use of District facilities located within the recreation and parks system is a misdemeanor, punishable by law.

On the motion of Director Walund and seconded by Director Murphy, the foregoing ordinance is duly accepted on second reading this 12th day of March, 1998 by the following vote:

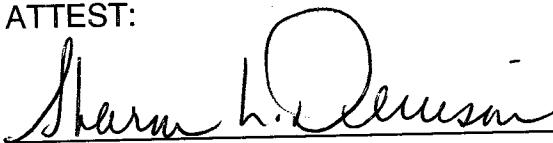
AYES: GEIST, HARLING, MURPHY, SHEPHERD, WALUND

NOES: NONE


ABSENT: NONE

  
Ben Shepherd  
President, Board of Directors  
McKinleyville Community Services District

ATTEST:

  
Sharon Denison  
Secretary, Board of Directors  
McKinleyville Community Services District

I, SHARON L. DENISON, Secretary to the Board of Directors of the MCKINLEYVILLE COMMUNITY SERVICES DISTRICT, hereby certify that the foregoing is a full, true, and correct copy of an ordinance duly adopted this 12<sup>th</sup> day of March, 1998.

  
Sharon Denison  
Secretary to the Board of Directors  
McKinleyville Community Services District