

## CHAPTER TWO: PROHIBITED ACTIVITIES

### Subchapter 2.07: Prohibited Activities at Parks and Recreational Facilities

#### 2.07.010 Purpose; Application

(a) The purpose of this subchapter is to regulate the use of parks and other recreational facilities of the Town for the optimum use and enjoyment of residents of the Town of Colma as well as persons residing or owning property in the vicinity of the facilities.

(b) This subchapter shall apply to all parks and recreational facilities of the Town of Colma including but not limited to the Sterling Park Recreation Center, the Colma Historical Park and Community Center, and the Dog Park.

[History: Ord. No. 736, 12/10/14]

#### 2.07.020 Definitions

For the purpose of this title, unless otherwise apparent from the context, certain words and phrases used in this subchapter are defined as follows:

Alcoholic Beverage shall have the meaning ascribed thereto in the Alcoholic Beverage Control Act (Business and Professions Code, section 23000 et seq.,) as the same may from time to time be amended).

Amplified Sound means music, speech or other auditory impression projected or transmitted by equipment intended to increase the range, volume, distance or intensity thereof.

Applicant means the person sponsoring the activity for which a permit is requested.

Colma-sponsored activity or event means any program, activity or event sponsored by the Town of Colma.

Department means the Department of Recreation Services of the Town of Colma.

Director means the Director of the Department of Recreation Services of the Town of Colma or the authorized representative of the Director.

Drug Free Zone means an area subject to enhanced penalties under California Health and Safety Code section 11353.1, for controlled substance violations.

Jumper Structure means an air inflated structure delivered to a facility that is used for recreational or other entertainment purposes. Typically these structures require the use of a fan or similar device to keep the structure in an inflated condition.

Park means any public area of the Town of Colma having facilities for rest or recreation by the public. A park includes all recreational facilities thereon and on-site parking lots and roads.

Permittee means the person sponsoring the activity for which a permit has been granted.

Person means any individual, group, firm, partnership, association, corporation, company or organization of any kind.

Picnic Area means a designated area in a park with tables set aside for the purpose of the consumption of food and beverages.

Playground means any park or recreational area specifically designed to be used by children that has play equipment installed.

Recreational Facility means any park, playground, building, or structure of the Town of Colma used for rest and recreational purposes by the public.

Recreational Facility Permit means a written document issued by the Director for the permitted use or exclusive use of a park or facility as provided for and defined in this Chapter including facility rentals, playing fields and picnic reservations.

Special Event means any event that is scheduled to take place within a Park or Recreational Facility which may require special accommodations, regulation, or waiver of the normal rules or controls, or is likely to generate a crowd of spectators sufficient in size to obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic, or which may generate a crowd of sufficient size to restrict access to parks, recreation areas or other public areas, or any event which is likely to result in the need, for public safety reasons, for police regulation, monitoring and control.

Trash means any debris, refuse, garbage, rubbish, junk or waste that is to be discarded to a waste receiving container or site.

Vehicle means any wheeled conveyance, whether motor-powered, animal-drawn or human-powered, excepting vehicles commonly known as baby carriages, bicycles and vehicles authorized to serve Town parks. The term shall include any trailer in tow of any size, kind or description.

[History: Ord. No. 736, 12/10/14]

### **2.07.030 General Park Rules; Closing**

(a) Compliance. No person shall enter or remain on or in any Park or Recreational Facility unless he or she complies with all the applicable regulations set forth in this subchapter.

(b) Hours of Public Use. All Parks and Recreational Facilities, including any parking lot serving those facilities, shall be closed to the public between sunset and sunrise the following morning, except that a Park or Recreational Facility, and any immediate parking lot serving that Park or Recreational Facility, may remain open during any recreation program conducted or authorized therein or thereon by the Department or during any private use for which a Recreational Facility Permit has been granted, and for one hour after the completion thereof.

(c) No Loitering. No person shall enter or remain on or in any Park or Recreational Facility before, beyond or after the hours of public use or after it has been closed by the Town, by permit or permission of the City Manager, Chief of Police, or Director.

(d) Emergency Closure. The City Manager, Chief of Police, or Director or designated representative shall close any Park or Recreational Facility immediately upon determining the existence of an emergency, as defined in Section 1.17.020 of this Code, in or upon such Park or Recreational Facility.

(e) Use of Areas and Scheduling. The Director shall have the authority to regulate and schedule the activities in all Parks and Recreational facilities, when necessary, to prevent congestion and to secure the maximum use of those facilities for the comfort and convenience of all and may limit the length of time such facilities are used to avoid crowding. Visitors shall comply with any directions given to achieve this end. Parks shall be used on the basis of "first come, first serve" except in areas reserved for private use in accordance with subchapter 2.01 of the Colma Administrative Code.

#### **2.07.040 Removal**

(a) The Director may direct a person to leave any Park or Recreational Facility if the Director reasonably believes that the person is committing a prohibited act on or in the Park or Recreational Facility or that the person has entered the Park or Recreational Facility with the purpose of committing such an act.

(b) No person shall re-enter the same day, or remain on or in, any Park or Recreational Facility after having been ordered to leave by the Director.

#### **2.07.050 Drug Free Zone**

The Sterling Park Recreation Center and the Colma Community Center are covered under the provisions of California Health and Safety Code section 11353.1, which enhances penalties for controlled substance violations within one thousand feet (1,000') of grounds or facilities open for use by minors.

[History: Ord. No. 736, 12/10/14]

#### **2.07.060 Prohibited Acts**

No person shall engage in the following prohibited acts or uses in a Park or Recreational Facility:

- (1) Unlawfully causing, attempting to cause, or threatening to cause physical injury to another person or unlawfully using force or violence upon the person of another;
- (2) Possessing, selling, or otherwise furnishing any firearm, knife, explosive, or other dangerous object, unless in the case of possession of any object of this type, the person had obtained written permission to possess the item from the City Manager or Director, or except for peace officers authorized to possess such an item;
- (3) Committing or attempting to commit any felony or misdemeanor;
- (4) Causing or attempting to cause damage to any Park or Recreational Facility;
- (5) Committing an obscene act;

- (6) Engaging in loud or boisterous conduct, including using profanity or vulgarity;
- (7) Willfully or repeatedly defying the valid authority of the Director;
- (8) Possessing an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm;
- (9) Harassing, threatening, or intimidating any other participant or guest;
- (10) Unlawfully making any threats against any Colma official or Colma property;
- (11) Committing any other act that may reasonably be expected to have the effect of materially disrupting participation of, creating substantial disorder at, or creating an intimidating or hostile environment at a Colma-sponsored activity or event;
- (12) Consuming, possessing or keeping on or about his or her person any alcoholic beverage or any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, or the seal thereof has been broken, or the contents thereof have been partially removed, in any Park or Recreational Facility, except as set forth in subchapter 2.01 of the Colma Administrative Code;
- (13) Making, kindling or leaving any fire in any Park or Recreational Facility;
- (14) Playing, practicing or in any way engaging in the game of golf, art of archery or any potentially harmful activity including the use of powered model airplanes, model rockets, or model racing cars except in areas specifically designated for such specific purposes;
- (15) Bringing, landing, or causing to descend any form of apparatus used for aviation purposes including but not limited to bungee jumping;
- (16) Throwing objects at, feeding, capturing, removing, hunting, abusing, molesting, injuring, frightening, trapping, killing, teasing, or hurting any wild or domestic fowl, animal, reptile, fish or bird or fowl, including the eggs or nest or young of any reptile, wild animal, or bird, except in conformance with federal or state regulations and/or permits;
- (17) Riding, blocking pathways or leaving abandoned, a bicycle except in areas designated for such purpose;
- (18) Cleaning, washing, polishing, greasing or repairing any automobile or other vehicle;
- (19) Smoking within twenty feet (20') of main entrances or exits to any Park or smoking, lighting or carrying a lighted pipe, cigar, cigarette or other smoking device of any kind in any Park or Recreational Facility;
- (20) Interfering with any Town-granted reservation for the use of any table, space or facility that is managed by the Town of Colma.

(21) Allowing any pet or other animal within the control or possession of a Person using the Park to access, use, or otherwise interact with any portion of the Park which includes a Playground.

[History: Ord. No. 736, 12/10/14; Ord. 810, 4/27/22]

### **2.07.065 Bark Park Regulations.**

This section shall apply to the Town of Colma's Dog Park, known as the "Bark Park," in addition to all other regulations of this CMC Chapter 2.07. For the purposes of this section, the term "Responsible Person" shall mean any person age eighteen (18) years or older who owns, has a proprietary or possessory interest in, harbors or has the care, charge, control, custody or possession of any dog.

(a) Pursuant to Government Code section 831.7, the Town shall not be held liable for injury or death of a person or pet resulting solely from the actions of a dog in a dog park. Each Responsible Person is solely responsible and liable for the actions of their dog.

(b) Consuming, possessing or keeping on or about his or her person any alcoholic beverage pursuant to Section 2.07.060(12) is hereby prohibited in the Bark Park.

(c) Smoking, lighting or carrying a lighted pipe, cigar, cigarette, or other smoking device of any kind in the Bark Park is prohibited consistent with Section 2.07.060(19).

(d) The Bark Park is open from sunrise to sunset pursuant to Section 2.07.030. No dogs or persons are permitted in the Bark Park from sunset to sunrise.

(e) All dogs must be vaccinated for rabies and legally licensed prior to use of the Bark Park as required by CMC Chapter 8.01. Any Responsible Person must be able to produce evidence of vaccination and licensing upon request by proper authorities.

(f) No person shall place or allow to be placed in the Bark Park any dog that has been designated as a Dangerous or Vicious Animal pursuant to CMC Chapter 8.01 or any similar animal control regulation.

(g) Dog bites shall be reported immediately to the Colma Police Department or San Mateo County Animal Control at 650-997-8321 or 650-340-8200 or as provided in CMC 8.01.260.

(h) Dogs under the age of four (4) months are not permitted in the Bark Park pursuant to section 121690 of the Health and Safety Code.

(i) Children fifteen (15) years of age and younger must be accompanied and supervised by a responsible adult while in the Bark Park.

(j) No food of any kind is allowed in the Bark Park to ensure the public safety and welfare of both dogs and people in the Bark Park as food can lead to dog fights.

(k) No Responsible Person shall have more than three (3) dogs at once in the Bark Park to ensure proper handling of each dog and to ensure the public health, safety and welfare.

- (l) Dogs shall not be kept on a leash inside the Bark Park. The Bark Park is an "off leash" area. Choke chains, prong collars, and head collars (Halti, Gentle Leader, etc.) are recommended to be removed before letting a dog loose in the Bark Park.
- (m) Each Responsible Person is responsible for repairing damages to the Bark Park or Bark Park facilities caused by their dog(s) (e.g. filling in holes, etc.).
- (n) It shall be unlawful for a Responsible Person in the Bark Park not to immediately pick up and properly dispose of the feces of their dog(s). Proper disposal shall include the placement of such feces in a bag or other container and its disposal in a trash receptacle.
- (o) No person shall place or allow to be placed a female dog in heat or pre-heat in the Bark Park.
- (p) No person shall place or allow to be placed a sick dog in the Bark Park. Sickness includes any animal disease that is dangerous or transmittable to humans or other animals, including, but not limited to, kennel cough, Giardia, and rabies.
- (q) Responsible Persons shall, at all times, take all reasonable precautions to prevent their dog(s) from biting, attacking or attempting to bite or attack any person or dog. A Responsible Person shall immediately remove his or her dog from the Bark Park if it bites, attacks or attempts to bite or attack any person or dog. A Responsible Person whose dog is bitten or attacked shall immediately remove his or her dog from the Bark Park.
- (r) Any dog which has been repeatedly aggressive or attempted to attack or bite another dog or a person, or whose Responsible Person fails on more than two (2) occasions to abide by the reasonable rules and regulations applicable to the Bark Park may be barred from further use of the Bark Park by notice and order of the City, in its discretion.

#### **2.07.070 Special Events Permit**

- (a) No person shall conduct or cause to be conducted, participate or engage in, hold, manage, permit or allow another to conduct any Special Event, other than a Spontaneous Special Event as defined in section 5.16.020 of the Colma Municipal Code, within a Park or Recreational Facility, without first having obtained a valid permit pursuant to subchapter 5.16 of this Code.
- (b) Notwithstanding section 5.16.050(b) of the Colma Municipal Code, the Director after consulting with the City Attorney is authorized to issue a permits for a special event occurring in and around a Park or Recreational Facility.

[History: Ord. No. 769, 1/11/17]

#### **2.07.080 Recreational Facility Permit Required**

- (a) A Recreational Facility Permit is required for the following events or activities in any Park or Recreational Facility:

- (1) A private event held at the Sterling Park Recreation Center or the Colma Historical Park and Community Center, as set forth in greater detail in subchapter 2.01 of the Colma Administrative Code;
- (2) Any activity involving twenty-five (25) or more people;
- (3) Use of any structure over twelve feet (12') in any dimension including but not limited to shade structures;
- (4) Use of a jumper structure;
- (5) Use of a portable barbeque;
- (6) Use of any sound amplifying equipment;
- (7) Use of any live music;
- (8) Advertising or sale of merchandise;
- (9) Sale of services or product, or use of facilities for profit or financial gain;
- (10) Filming in a park or facility for commercial use.

(b) An application for a Recreational Facility Permit shall be signed by the Applicant or an authorized representative of the Applicant. The Director or his or her designee will evaluate all written requests for events with approval made on a case-by-case basis.

(c) The permittee shall be responsible for compliance with all the provisions of this chapter and the regulations established by resolution or by the Director and for all damages resulting from the conduct of the activity sponsored by the permittee. The Director may require a permittee to provide public liability and property damage insurance with endorsements as may be appropriate to protect the park areas and facilities and the public using such areas and facilities.

(d) The Director shall consider, but is not limited to, the following factors in setting the security requirements for an activity held in a park or recreational facility: the maximum capacity of the park or facility, the nature and type of activity to be held, the hours during which the activity will be held, and any prior incidents by applicant or permittee or history of similar events or activities.

[History: Ord. No. 736, 12/10/14]

### **2.07.090 Misrepresentations**

Each person who knowingly misrepresents the identity or qualifications of himself, herself, or another person, for the purpose of obtaining a Colma Identification Card, admission to a Colma-sponsored event, or use of a Town facility, shall be guilty of a misdemeanor.

## **2.07.100    Violations And Penalties**

(a)    A violation of section 2.07.090 or paragraph 2.07.040(b) of this subchapter is a misdemeanor, punishable as set forth in subchapter 1.05 of the Colma Municipal Code.

(b)    A violation of any other provision of this subchapter is an infraction, punishable as set forth in subchapter 1.05 of the Colma Municipal Code.

(c)    A violation of this subchapter shall also be deemed to be a public nuisance under section 2.01.060 of the Colma Municipal Code, and may be abated pursuant to the procedures set forth in subchapter 2.01 of the Code. Notwithstanding any other provision in subchapter 2.01: the authority granted the Code Enforcement Officer in subchapter 2.01 may also be exercised by a Colma peace officer; and, only a Colma peace officer may write and issue Administrative Citations for a violation of this subchapter.

[History: Ord. No. 736, 12/10/14]

[References: GOV'T CODE §§ 36900, 36901]