

CHAPTER 2. COMMUNITY PROGRAMS

Subchapter 2.01 - Recreation and Leisure Services Programs,

Events and Activities

General

2.01.010 Residency Requirements

(a) In order to participate as a resident in the Colma programs, activities and events described in this subchapter ("Colma Sponsored Event"), a person must (i) be a resident of the Town of Colma at the time of registering for the event; (ii) have been a resident of the Town of Colma continuously for at least thirty (30) days prior to the activity or event, and (iii) have a Colma Identification Card in his or her possession while at the activity or event.

(b) A person's residence is that place which a person occupies with intent to be his or her place of abode; residency requires more than a temporary visit. A person can have only one residence. An unmarried minor child has the same residence as his parents. An unmarried minor child who is entrusted to the joint legal custody of both parents shall be considered a resident in the home of a parent who is a Colma resident.

[History: Res. 99-31, 7/14/99; Res. 2004-34, 5/12/2004; Res. 2005-01; 1/12/2005; Res. 2005-49, 8/24/05]

2.01.015 Employees and Certain Independent Contractors

(a) Whenever employees and their respective guests are eligible to attend a Colma-sponsored event, the participation fee shall be the same as the participation fee of residents.

(b) Whenever employees are eligible to attend a Colma-sponsored event along with residents, preference shall be given to residents.

(c) Independent contractors and consultants who are "designated persons" in the Town's Conflict-of-Interest Code, and their fellow employees who provide services to the Town of Colma, are eligible to participate in Colma programs, activities and events to the same extent, and for the same fee, as Town employees

[History: Res. 2005-49, 8/24/05]

2.01.020 Colma Identification Card

The City Manager shall issue a Colma Identification Card (herein referred to as a "Colma ID") to each eligible resident upon proof of identification and proof of residency, as provided in these Guidelines. A Colma ID for an adult shall be valid for one year from date of issuance, and a Colma ID for a child shall be valid for one year from date of issuance.

[History: Res. 99-31, 7/14/99, Res. 2002-35, 6/12/02; Res. 2004-75, 10/13/04]

2.01.030 Proof of Identification and Residency of an Adult

(a) *Rule.* An adult must apply in person for a Colma Identification Card, must execute an affidavit or declaration of residency, and must present satisfactory proof of identification and his or her residency within the Town of Colma for more than thirty days.

(b) *Proof of Identity.* Proof of identification of an adult may be established through a recognizable picture identification document issued by an agency of the United States or any state or local governmental entity, including but not limited to the following:

- (1) Previous Colma ID card, issued after August 22, 2007;
- (2) U.S. passport which is not mutilated, altered, or damaged;
- (3) Naturalization Certificate;
- (4) Current, valid state driver's license;
- (5) Current, valid government ID (city, state or federal);
- (6) Current, valid military ID for service personnel or dependents; or
- (7) U.S. Visa.

(c) *Proof of Colma Residency, Adult.* An adult may prove his or her residency within the Town of Colma with two or more of the following documents, or their equivalents, provided that each document is dated not more than 30 days old and is addressed to the person in the Town of Colma:

- (1) California vehicle registration,
- (2) California sample voter ballots and similar voter information;
- (3) Check, warrant or notice of direct deposit from a governmental agency or the person's employer,
- (4) Utility bill (e.g., PG&E, AT&T Broadband, Pacific Bell); or
- (5) Credit card bill, bank statement or any similar document from a service provider.

(d) *Proof of Colma Residency, Spouse.* A spouse or domestic partner living with a Colma resident who has established residency under subsection (c) but who cannot independently prove Colma residency under subsection (c) may establish his or her residency by:

- (1) Certificate of marriage to a Colma adult resident;
- (2) Court order establishing marriage to a Colma adult resident, or
- (3) Any similar document establishing the relationship to the Colma adult resident.

[History: Res. 99-31, 7/14/99; Res. 2002-35, 6/12/02; Res. 2004-75, 10/13/04; Res. 2007-46]

2.01.035 Repealed

[History: Res. 99-31; 7/14/99; Res. 2002-35, 6/12/02; Res. 2004-75, 10/13/04, Res. 2007-46]

2.01.040 Proof of Identification and Residency of a Child

(a) *Rule.* A child must apply in person for a Colma Identification Card and must be accompanied by at least one parent or guardian. The child's parent or guardian must execute an affidavit or declaration of the child's residency and must present satisfactory proof of identification of a child, relationship of the child to his or her parent or guardian, and Colma Identification Card of the child's parent or guardian.

(b) *Proof of Identification.* A parent or guardian may prove the identity of his or her child or ward with any one of these documents:

- (1) Previous Colma ID card, issued after August 22, 2007;
- (2) Certified U.S. birth certificate; or
- (3) Valid U.S. passport; or
- (4) Report or Certification of Birth Abroad from the U.S. State Department; or
- (5) Certificate of Citizenship or Naturalization from U.S. Customs and Immigration Service.

[History: Res. 99-31, 7/14/99, Res. 2007-46]

(c) *Proof of Relationship to Parent or Guardian.* The parent or guardian of the child must submit one of the following:

- (1) Certified U.S. birth certificate of child (with parents' names); or
- (2) Certified foreign birth certificate of child (with parents' names and translation, if necessary); or
- (3) Report or Certification of Birth Abroad of child (with parents' names) issued by the U.S. State Department; or
- (4) Adoption Decree (with adopting parents' names); or
- (5) Court Order establishing custody; or
- (6) Court order establishing guardianship.

(d) A certified birth certificate has a registrar's raised, embossed, impressed or multicolored seal, registrar's signature, and the date the certificate was filed with the registrar's office, which must be within one year of the birth

(e) If the parent's or guardian's name is other than that on the documents described in subsection (c), evidence of legal name change is required.

2.01.050 Information; Responsibility

(a) Generally, information on available activities or events will be sent to all residents in the LiveWire newsletter, posted on the bulletin board at the Sterling Park Recreation Center, or through seasonal brochures mailed to each Colma household.

(b) Colma staff will make all reasonable efforts to notify residents of changes or cancellations of events, selection of attendees, etc. Generally, notification to attendees of their selection will be by phone or mail. However, the resident or attendee, not staff, shall be responsible for obtaining information about changes, cancellations, selection of attendees, etc.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00]

2.01.055 Ticket Distribution.

(a) Generally, tickets will be available for pick-up at the Colma Community Center during normal business hours during the week prior to a sponsored event. Each resident must pick up his or her ticket in person with a Colma ID. Staff will keep track of ticket-holder and periodically report to the City Council on "no-shows" or unclaimed tickets.

(b) Generally, tickets for trips and theater events will be sold at the Colma Community Center on a specific time and date that will be advertised in the *LiveWire*. Residents may not purchase tickets or register for space prior to the advertised sale date.

(c) Residents may purchase for another resident provided that the resident registering or purchasing the ticket(s) has the Colma ID for those residents for whom they are purchasing ticket(s).

(d) On a weekend, the Recreation Center worker on duty may be available to assist in finding replacements to events.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Amended Res. 2002-35, 6/12/02, Res. 2006-01, 1/11/06; Res. 2012-09, 3/14/12]

2.01.060 Selection Policies

(a) In selecting residents to participate in any activity or event, the Town will not discriminate on the basis of race, color, national origin, ancestry, sex, sexual orientation, age, religion, creed, physical or mental disability, medical condition, marital status, citizenship status, military service status, political affiliation, or any other characteristic protected by state or federal law or local ordinance.

(b) Whenever there is a choice of event, seat location, date of participation, etc., residents will generally be asked to list their 1st, 2nd and 3rd choices, and staff will make every reasonable

effort to accommodate the resident's preference. Staff may, however, make such assignments based on staff's determination of the facts and circumstances.

(c) Generally, a sign-up period will be established for each event or activity, and notice of the sign-up period will be given to residents. Signups for residents will generally begin on a date one to three weeks after notice of the event is given, and signups for regular, full-time employees will begin one week later. Except as provided below, tickets will be made available on a first-come first served basis.

(d) A lottery selection system will be used for selection of tickets to popular or special events or activities that are specifically identified in an announcement as being subject to a lottery selection system. For such events and activities, a lottery or other random system will be held in public view to determine who can attend.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Res. 2012-09, 3/14/12]

2.01.065 Accessibility. Staff shall make all reasonable efforts to establish and schedule community events and activities so that each resident, including residents with disabilities, will have, over time, a reasonable opportunity to participate in all types of events and activities. However, nothing herein shall prevent the establishment or scheduling of events and activities that appeal to a particular age group or to the family unit.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Res. 2010-09, 2/10/10]

2.01.068 Classification of Recreation Programs (EFFECTIVE JULY 1, 2012).

(a) Each Recreation program shall be classified as a Priority Group 1 program, a Priority Group 2 program, or a Priority Group 3 program. Programs that satisfy at least four of the criteria described in this section will be placed in Priority Group 1; programs that meet at least three of the criteria will be placed in Priority Group 2; and programs that satisfy only one or two of the criteria will be placed in Priority Group 3.

(b) The criteria for classifying a recreation program are:

(1) *Community Based (CB)*, A Community Based program is a program, event or activity that brings large populations of the Town together at the same time to interact in a social or recreational activity, thereby creating a sense of community. Examples of Community Based programs are the Town Picnic, Outdoor Movie Night and Family Field Day & BBQ, etc.

(2) *Cost Efficient (CE)*. A Cost Efficient program is a program where the cost of each participant is lower than average per participant cost. Typically, a program, event of activity for a specific group or population that is supervised by Town staff at Town facilities is cost-efficient. Examples of Cost Efficient programs are Breakfast with Santa, Day Camp, Parents Night Out, etc. and some contract programs at Town Facilities.

(3) *Neighborhood Improvement (NI)*. A Neighborhood Improvement program is a program that serves, benefits, or improves the community as a whole; such as the Community Action Team program, Health Fair, Town wide garage sale, and clean-up day, etc.

(4) *Core Service (Population in Need) (CS)*. A Core Service program is a program that serves the populations in need, such as the Youth, Teen, Senior and Disabled populations.

(5) *Educational and Enrichment (E&E)*. Educational & Enrichment programs are programs that provide a specific or special benefit of further educating or improving oneself. These programs and services are typically offered on the open market and are not considered core government services.

(6) *Entertainment (ENT)*. Entertainment programs are programs that are developed where the principal purpose is to have fun and typically do not fit in with the other criteria by definition. Like E&E programs, these programs and services are typically offered on the open market and are not considered core government services. Examples of these programs are attendance at sporting events and theater shows, as well as outings to amusement parks.

(c) The City Manager shall adopt reasonable and transparent procedures for classifying a program as a Priority Group 1, 2 or 3 program.

[History: Res. 2006-01, 1/11/06, Res. 2011-48, 12/14/11]

2.01.070 Participation Fees (EFFECTIVE JULY 1, 2012).

(a) *Purposes*. The purposes of charging a Participation Fee are to (i) encourage actual participation in the event by having the participant “buy into” the program or activity; (ii) make the program more “fair” by transferring at least part of the cost of each program to those who benefit most from the program; and (iii) defray the cost of administering recreational programs which will, in the long run, result in more programs being made available to residents.

(b) *Policies*. The fee for participating in a recreation program shall be consistent with the following policies:

(1) Program participation fees shall be based on the Town’s estimated and reasonable costs of providing these services or operating these facilities;

(2) Only the direct, variable costs of providing the program or service will be used in determining the participation fee;

(3) Program users should pay for a significant portion of the cost of providing the program or facility; and

(4) The fee for participating in any particular program shall be set by determining how recreation programs and services meet the six criteria described in section 2.01.068 and then applying the applicable criteria to the rate structure described in this section.

(c) Unless otherwise specified for a particular event or activity, there will be no participation fee for residents to participate in a Priority Group 1 program or activity.

(d) The participation fee for a resident to participate in a Colma-sponsored event or activity shall be determined as set forth within the Master Fee Schedule:

| <i>For a Program or Activity in:</i> | <i>Applicable Percentage</i> | |
|--------------------------------------|------------------------------|---|
| | <i>Adults</i> | <i>Seniors, Youths and Disabled Persons</i> |
| Priority Group 1 | Free | Free |
| Priority Group 2 | 25% | 15% |
| Priority Group 3 | 60% | 30% |

(e) Non-residents may participate in the programs or activities designated in this subchapter by paying the estimated reasonable cost thereof.

(f) For purposes of determining the participation fee, a senior is any person 55 years of age or older; a youth is any person under the age of 18 years old; and a Disabled Person is an individual who has a physical or mental impairment that substantially limits one or more of his or her major life activities. Proof of eligibility as a senior or youth may be established by a birth certificate. Proof of eligibility as a Disabled Person may be established by a doctor's certificate or the issuance of a Disabled Person's Parking Placard by the California Department of Motor Vehicles.

(g) A Town employee who is requested to work at an event or activity in any capacity shall not be required to pay the participation fee for the event or activity.

(h) Transportation, meals may be provided and paid for by the Town as a part of a Town-sponsored event or activity provided that (i) the transportation, meals is determined by the City Manager to be a necessary and integral part of the activity, and (ii) a significant portion of the prospective attendees would not be able to attend unless transportation or meals were also provided as a part of the Town's costs. Where transportation or meals is provided and paid for by the Town, the estimated cost of those services shall be included in determining the participation fee described in § 2.01.070.(a)

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Res. 2001-31, 9/11/01; Res. 2005-49, 8/24/05, Res. 2006-01, 1/11/06; Res 2011-48, 12/14/11]

2.01.072 Repealed

[History: Res. 2006-01, 1/11/06]

2.01.074 Unused Ticket Policy.

(a) The following policies shall apply to those Town-sponsored programs, events or activities, ("program" or "programs") specifically designated in this Chapter.

(b) The person to whom a ticket has been issued ("Holder") to a program produced primarily by in-house staff shall be responsible for the cost of the ticket or eligible to a refund as follows:

- (1) If the Holder returns the ticket to the Director of Recreation Services on or before the Ticket Return Date, the Town shall refund any Participation Fee paid by the Holder;
 - (2) If the Holder returns the ticket after the Ticket Return Date and the Town is unable to find an eligible person to use the ticket, or if the Holder fails to return the ticket before the date of the program, the Holder shall forfeit the participation fee, but shall not be liable for the full cost of the ticket or program;
 - (3) The Ticket Return Date shall be the date that the Town has incurred significant in-house expenditures for the program, as determined by the City Manager.
- (c) The person to whom a ticket has been issued ("Holder") to a program for which the Town must enter into contracts with or purchase tickets from a third party, such as sporting events, trips, theatrical events or classes conducted by independent contractors, shall be responsible for the cost of the ticket or eligible to a refund as follows:
- (1) If the Holder returns the ticket to the Director of Recreation Services on or before the Ticket Return Date, the Town shall refund any Participation_Fee paid by the Holder;
 - (2) If the Holder returns the ticket after the Ticket Return Date and the Town is unable to find an eligible person to use the ticket, or if the Holder fails to return the ticket before the date of the program, the Holder must reimburse the Town for the cost of the ticket less the participation fee actually paid by the Holder for the ticket;
 - (3) The Ticket Return Date shall be the date that the Town has become financially liable to another party under a contract or for the cost of the ticket.
- (d) The City Manager may establish an earlier or a later Ticket Return Date than specified above after making a finding that a different Ticket Return Date would probably increase registration for the program without significantly increasing the risk of ticket cancellations.
- (e) Nothing herein shall require staff to make more than a reasonable effort to find a replacement to use a returned ticket or to seek cancellation of a ticket that has been returned.
- (f) Staff shall notify the Holder of the Ticket Return Date for the program at the time the Holder pays the Participation Fee for a program, event or activity.
- (g) A request to be excused from paying for an unused ticket or refund of the participation fee should be made within thirty (30) days after the event. The request must be in writing and must contain a statement of the facts supporting the request.
- (h) The City Manager may grant, in whole or in part, a request to excuse payment of the full cost of the ticket or for refund of the participation fee upon a finding that (a) there was good cause for non-attendance by the ticket holder, e.g. the occurrence of some event beyond control of the ticket holder or the occurrence of an unforeseen event; (b) the ticket holder used due diligence in notifying the Town of his or her inability to attend the event; and (c) payment of the full cost of the ticket or payment of the participation fee would cause undue hardship to the ticket holder.

(i) The City Manager may grant a request to be excused from paying for the remaining cost of the ticket without granting a request for a refund of the participation fee.

(j) The ticket holder must pay the Town within ninety (90) days after the request for reimbursement was mailed, unless the City Manager extends the time for good cause. Failure or refusal to pay the Town in accordance with this section shall, with or without notice, render the person ineligible to obtain a ticket to, or attend; any other Colma Sponsored Event until one hundred and eighty (180) days after the reimbursement is paid in full. Ineligibility shall be in addition to any other remedy provided by law.

(k) If the ticket holder is a minor, the above Unused Ticket Policy shall be applied to the ticket holder's parent or guardian.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Res. 2002-35, 6/12/02; Res. 2004-88, 12/8/04, Res. 2006-01, 1/11/06]

2.01.080 Temporary Guidelines

The City Manager is hereby granted the power to issue Temporary Guidelines that are in addition to, or an amendment of, or a repeal of any of these Guidelines. Said Temporary Guidelines must be posted on the three official bulletin boards of the Town of Colma, shall become effective ten days after such posting, and shall remain in effect for 90 days.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00]

2.01.085 Rules and Regulations.

The City Manager is authorized to promulgate rules and regulations that are consistent with these Guidelines. Specifically, but without limitation, the City Manager may adopt rules and regulations governing the following:

(a) The use of Town facilities, e.g., house of operation, decorations, use of candles, fireworks, or other flammable materials, use of rice, confetti, or other similar materials used in celebrations, and barbecues.

[History: Res. 2004-75, 10/13/04]

2.01.090 Guidelines Only Directory

These Guidelines, and any Temporary Guidelines issued by the City Manager, are directory, not mandatory. Failure of the Town to adhere to the Guidelines shall not be grounds for a legal action against the Town.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00]

2.01.095 Severability. Each of the provisions of this Subchapter is severable from all other provisions. If any section, subsection, paragraph, sentence, clause or phrase of this Subchapter is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

2.01.096 Appeals. A decision to deny a Colma Identification Card may be appealed to the City Council pursuant to section 1.02.140 of the Colma Municipal Code.

Sponsored Events

2.01.100 Policies. The City Council hereby directs that recreational programs, events and activities should meet these policies. As used herein, the work "program" shall refer to a recreational concept or category of events (such as "classes" or "cultural events") while the terms "events" and "activities" shall be used to refer to specific events or activities within a program (such as a Cooking Class or the event, "Beauty and the Beast.")

(a) Program Policies

- (1) Programs should encompass the total needs of the individual, including education, culture, fitness, social interaction, personal relaxation, and self-improvement;
- (2) Programs should be designed to meet all demographic and age needs of Colma residents, and so as to be accessible to all residents including those with disabilities;
- (3) Programs should provide participants with exposure to positive images of diversity;
- (4) There should be a mix of equity-based programs (programs targeting everyone equally) and need-based programs (programs targeting special needs of different age or demographic groups); and
- (5) Programs that extend beyond individual leisure or passive activities are encouraged.

(b) Fiscal Policies

- (1) To the extent feasible and consistent with other budgetary needs, programs should be subsidized by the Town;
- (2) In planning new or expanded programs, consideration should be given to sustainability.
- (3) In planning new or expanded programs, consideration should be given to setting aside funds for new or expanded recreational facilities; and
- (4) Programs should be fiscally responsible and cost-effective.

(c) Operational Policies

- (1) Programs and activities should be easily accessible to Colma residents;

- (2) All programs held within the Town of Colma should be held in locations accessible to persons with disabilities, and, where the nature of the program requires that it be held in a non-accessible location, reasonable accommodations shall be made in response to requests for reasonable accommodation pursuant to Division 6 of Chapter 1-02 of the Colma Municipal Code, in order to enable persons with disabilities to participate unless such accommodation would fundamentally alter the program or result in an undue financial or administrative burden on the Town;
- (3) Programs and activities should be scheduled at times convenient to Colma residents, and should be offered at different times so that citizens with jobs, families, or other factors are not barred from attending;
- (4) Programs should be continuous throughout the year with special events and programs added every season to add variety or to encourage participation in regular programming;
- (5) Programs should be consistently offered and regularly scheduled;
- (6) All employees and volunteers working in the Parks and Recreation Department should be (A) be fingerprinted and background-checked; (B) properly oriented; (C) provided training in working with program clients, the Town's standards of conduct, these Guidelines, and best practices in the field; and (D) regularly reviewed; and
- (7) Staff should continuously monitor the recreation program. Such monitoring should include: maintaining detailed records to help determine user patterns, e.g., sign-in sheets and rosters; conducting ongoing and periodic surveys to determine user patterns, needs and desires; and conducting a comprehensive profile study approximately every five years, such as was conducted by the Colma Recreation Advisory Committee in 1998.

[History: Res. 2000-73; 12/13/00; Res. 2010-09, 2/10/10]

2.01.105 Sporting Events

- (a) The Town may offer tickets to designated sporting events to and for the use of Colma residents and employees. A resident or employee may receive only one ticket per sporting event per season (for example, one 49er football ticket, one Giants baseball ticket, and one Warrior basketball ticket), except as provided in paragraph (b) below.
- (b) The Unused Ticket Policy set forth in section 2.01.074 shall apply to tickets to sporting events.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Res. 2005-49, 8/24/05; Res. 2012-09, 3/14/12]

2.01.110 Cultural and Theatrical Events

- (a) The Town may offer tickets to designated Cultural and Theatrical Events to and for the use of Colma residents and employees and members of their immediate families only. A resident or employee may attend more than one Cultural Event per year but may not receive more than one ticket to the same Cultural Event per year.

(b) Cultural Events include theatrical productions, such as *Phantom of the Opera* and *Disney on Ice*, and special museum events or displays such as the *King Tut Display*.

(c) Signups for residents should begin on a date one to three weeks after notice of the event is given under section 2.01.050, and signups for regular, full-time employees will begin one week later. Tickets will be made available on a first-come first served basis. If the demand for tickets exceeds the supply, tickets will be assigned on a random basis. Additional tickets may be purchased incrementally as supply exceeds demand and the budget permits.

(d) The Unused Ticket Policy set forth in section 2.01.074 shall apply to tickets to Cultural Events.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00, Res. 2006-01, 1/11/06]

2.01.120 Children's Camps

(a) The Town may offer to Colma resident children participation in the "in-house day camp program" or the "alternative camp program." The two programs are further described below. Reservations are usually taken one to two months prior to the date the camp session begins. The Town does not guarantee space in either program.

(b) *In-house Day Camp Program.* The in-house day camp program is offered to Colma resident children during the summer months and winter and spring school breaks. The in-house day camp offers residents childcare from 8am-6pm, for children ages 5 to 12 years of age. A child may attend as many sessions of camp as they choose. Non-resident children may participate in the in-house day camp program at the non-resident fee ("alternative resident camp"). The "Participation Fee Policy" set forth in section 2.01.070 shall apply to the in-house day camp program.

(c) *Alternative Camp Program (EFFECTIVE JULY 1, 2012).* Through the alternative camp program, the Town may provide financial assistance, not to exceed \$1,000, for a child ages 13 to 17 years of age to attend one session of a camp offered by a provider other than the Town of Colma, provided that the participant pays the participation fee established by section 2.01.070 of this subchapter. The City Manager must authorize the child to attend the alternative camp prior to the child's enrolment, and the Town will only provide financial assistance for the actual cost of enrolling in the alternative camp. Financial assistance will not be provided for, and shall not be spent on, incidental fees and charges. Fees and charges for items such as camp t-shirts, photographs, spending money, year book, transportation and special activities such as water-skiing, are the responsibility of the child's parent or guardian. The child may select the alternative camp he/she would like to attend and submit a request to the City Manager to attend that camp, however the City Manager may authorize the program selected by the child, only if each of the following conditions are met:

(1) The child submits his/her request to participate to the City Manager in sufficient time for the City Manager to make the determinations required hereunder;

(2) The City Manager determines that program is sponsored or conducted by a company or organization that has a good, well-established record for sponsoring or conducting such programs;

(3) The child's parent or guardian pays the participation fee described in these Guidelines, the costs of all transportation and all program costs in excess of \$1,000; and

(4) The program is located with the United States.

(c) *Session Restriction for Alternative Camp Program.* A child age 13 to 17 years old may attend only one alternative camp program per year. For purposes of this paragraph, a "camp" means a session of camp regularly offered by the camp provider to the general public. Thus, for example, if a provider regularly offers a three-week summer camp to the general public, then a Colma child may attend one three-week session offered by that provider; but if a provider regularly offers only a one-week session of its summer camp to the general public, then a Colma child may attend only one (1) one-week session offered by that provider through the alternative camp program.

(d) *Failure to Attend once Enrolled.* The "Unused Ticket Policy" set forth in section 2.01.074 of this Chapter shall apply to reservations made through the alternative camps program, with the following special rules. If a child's parent or guardian discovers that the child cannot attend the alternative camp he/she requested and enrolled in through the Town's alternative camp program, the parent or guardian must contact staff at the Recreation Department as soon as possible. If the Recreation Department is not able to cancel the slot reserved for the child at the alternative camp, the parent of the child for whom the camp reservation was made must reimburse the Town for the cancellation fee and all other fees charged by the camp operator, including the full cost of attending the session if the operator will not refund that cost despite the non-attendance of the child. This obligation may be excused by the City Manager in her discretion as provided in section 2.01.074 of this Chapter.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Amended Res. 2002-35, 6/12/02; 2005-55, 9/14/05; Res. 2008-09, 3/12/08]

2.01.130 Trips

(a) The Town may offer tickets on trips to designated venues to and for the use of Colma residents only provided that (i) the principal purpose of the trip is to enhance the cultural, scientific, educational or historical experience of the participants in a substantial manner, and (ii) the Trips are selected and scheduled to maximize participation by all residents in the Town.

(b) Venues for such trips include but are not limited to a museum, historical site, and park.

(c) The Unused Ticket Policy set forth in section 2.01.074 shall apply to tickets to Trips.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Res. 2012-09, 3/14/12]

2.01.140 Community Picnic

(a) A community picnic may be held each year to bring together various segments of the Colma community. The following persons, and members of their immediate families, may attend the Community Picnic: Colma residents; Town employees and one guest of any single adult who is eligible to attend.

(b) The Unused Ticket Policy set forth in section 2.01.074 shall apply to this Event, except that the ticket-holder shall only be responsible for the participation fee, not for the full cost of the event.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Res. 2005-49, 8/24/05]

2.01.150 Adult Holiday Event

(a) An Adult Holiday Event may be held each year, generally in December, to bring together various segments of the Colma community. The following persons may attend the Adult Holiday Event, provided that he or she is an adult:

- (1) Each resident of the Town;
- (2) Each Town employee and each employee of the Colma Fire Protection District;
- (3) A retired city employee;
- (4) Any person who, in the opinion of the City Manager, has made a significant contribution to the Town within one year prior to the Party, provided that only ten persons shall be eligible for tickets under this paragraph; and
- (5) The spouse of any of the persons eligible under paragraphs 2.01.150. a, (1) through (4) above, or, if that person is unmarried, one guest of that person;

(b) Residents who conduct business at home in the Town of Colma are entitled to attend as a resident, not as an owner or manager of a business.

(c) Bus transportation between the Town and the place of the event may be provided, free of charge, for persons eligible to attend the Adult Holiday Event.

(d) The Adult Holiday Event will be conducted as follows:

- (1) The Party will conclude by midnight.
- (2) Prior to 9:00 PM, alcoholic drinks at the party will be offered at a reduced charge per drink to be determined by the Event Coordinator. After 9:00 PM, each person must pay the vendor's regular charge for alcoholic drinks.

(e) The Unused Ticket Policy set forth in section 2.01.074 shall apply to this Event, except that the ticket-holder shall only be responsible for the participation fee, not for the full cost of the event.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Res. 2005-26, 4/13/05; Res. 2005-49, 8/24/05, Res. 2006-01, 1/11/06; Res. 2012-09, 3/14/12]

2.01.160 Children's Holiday Events and Social Events

(a) During December of each year, the Town may offer one or more holiday events for children of each Colma resident and each Town employee. Up to two adults may accompany a child to a children's holiday event.

(b) The Town may offer a holiday event or other social events, e.g. a trip to a theme park or a visit to an educational site ("Teen Event"), as part of a regular recreation program for Colma children between the ages of 12 and 18. Each teenage resident may bring one non-resident teenage guest to any Teen Event. The Participation Fee for a non-resident teenage guest attending a Teen Event shall be the same as the Participation fee for a resident teenager attending the same event.

(c) The Unused Ticket Policy set forth in section 2.01.074 shall apply to this Event, except that the ticket-holder shall only be responsible for the participation fee, not for the full cost of the event.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Res. 2005-49, 8/24/05; Res. 2005-57, 10/12/05; Res. 2012-09, 3/14/12]

2.01.170 Classes Offered by Town

(a) The Town may offer classes for Colma residents and Town employees, at a reduced or discounted fee in a variety of subjects including: aerobics, exercise, investment planning, estate planning, cooking, CPR, First Aid, and sports.

(b) Non-residents may participate in classes offered by the Town, provided that the non-resident is required to pay, as a Participation Fee, the estimated reasonable cost of his or her participation.

(c) The Unused Ticket Policy set forth in section 2.01.074 shall apply to this Event, except that the ticket-holder shall only be responsible for the participation fee, not for the full cost of the event.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Res. 2005-49, 8/24/05]

Use of Town Facilities

2.01.200 Sterling Park Recreation Center

(a) The Sterling Park Recreation Center, including the facilities and grounds, are for use by Colma residents or for their benefit

(b) The main building of the Center will open for public use every day except Town holidays or when used for a private event. The public hours shall be set by the City Manager.

(c) The surrounding facilities and grounds will be open for public use from sunrise to sunset, daily.

[History: Res. 2004-75, 10/13/04; Res. 2004-78, 10/13/04, Res. 2006-01, 1/11/06]

2.01.210 Private Use

(a) The main building of the Sterling Park Recreation Center may be reserved for a private event in accordance with the provisions of this section. Use of alcohol or tobacco at any private event at the Sterling Park Recreation Center is prohibited.

(b) A Colma resident may reserve the Center for a private event up to three months in advance of the planned event.

(c) A public entity may reserve the Center for an event reasonably related to its purpose and of benefit to the Town of Colma, as determined by the City Manager in the City Manager's discretion, such as a conference, training event, retreat, meeting, or fund-raiser, up to three months in advance of the planned event.

(d) Any organization that is exempt from tax under IRC § 501(c) (3) may reserve the Center for an event or activity event reasonably related to its purpose and of benefit to the Town of Colma, as determined by the City Manager in the City Manager's discretion, such as a conference, training event, retreat, meeting, or fund-raiser, up to three months in advance of the planned event.

(e) The City Manager may impose conditions on use to reduce the risk of damage or destruction or to mitigate potential nuisances such as excessive noise. Such conditions may include, but are not limited to, chaperones for minors, limitation on number of attendees, security, and a ban on certain types of events, such as teenage dances.

(f) A usage fee, as set forth in the Master Fee Schedule, shall not exceed a seven-hour block of time and shall be charged for use of the Sterling Park Recreation Center by residents, public entities or Colma non-profit organizations. Notwithstanding for foregoing, the fee shall be waived for Colma non-profit organizations for one (1) facility reservation per month. **(EFFECTIVE JANUARY 1, 2013).**

(g) A cleaning and security deposit of \$50.00 is required at time of making the reservation. The deposit will be refunded if the Center is left broom-clean and without damage after the event or if the Center is not used. **(EFFECTIVE JANUARY 1, 2013)**

(h) A Colma resident may reserve a picnic site at Sterling Park up to three months in advance of the planned event by paying a fee as set forth in the Master Fee Schedule, along with a cleaning and security deposit as set forth in the Master Fee Schedule. A non-resident may reserve a picnic site at Sterling Park up to one month in advance of the planned event by paying a fee as set forth in the Master Fee Schedule, along with a cleaning and security deposit as set forth in the Master Fee Schedule. The deposit and rental fee is payable at the time of making the reservation.

[History: Res. 99-31, 7/14/99; Res. 2000-73, 12/13/00; Res. 2004-75, 10/13/04; Res. 2005-09, 2/9/05, Res. 2006-01, 1/11/06; Res. 2011-48, 12/14/11; Res 2019-20, 5/8/19]

2.01.220 Colma Historical Park and Community Center

(a) The Colma Historical Park and Community Center, including the facilities and grounds, are for use by Colma residents or for their benefit.

(b) The main building of the Center will open for public use every day except Town holidays or when used for a private event. The public hours shall be set by the City Manager.

(c) The surrounding facilities and grounds will be open for public use from sunrise to sunset, daily.

(d) The Colma Historical Museum, train station and freight building have been leased to the Colma Historical Association, who shall determine hours, terms and conditions of operation.

[History: Res. 2004-75, 10/13/04; Res. 2004-78, 10/13/04; Res. 2005-26, 4/13/05]

2.01.230 Private Use Of Colma Community Center

(a) The Colma Community Center main building may be rented for a private event in accordance with the provisions of this section.

(b) The following persons or groups may rent the Colma Community Center for a private event on any day except a Town holiday, and may place a reservation up to twelve months in advance of the planned event:

(1) A Colma resident; or

(2) A Colma Nonprofit Group, i.e., an organization that is exempt from federal income tax under IRC § 501(c) (3), and either has its principal office in Colma or is organized for the primary purpose of serving Colma residents or businesses, provided that the event or activity is reasonably related to its purpose.

(c) A Town employee may rent the Colma Community Center for a private event on any day except a Town holiday, and may place a reservation up to six months in advance of the planned event.

(d) The following persons or groups may rent the Colma Community Center for a private event, on weekdays only, excluding holidays, and may place a reservation up to six months in advance of the planned event:

(1) A non-resident; or

(2) An Outside Group, i.e., a public entity, or any elected governmental official in his or her official capacity, or any business located in and licensed by the Town of Colma, or any organization that is exempt from federal income tax under IRC § 501(c) (3) and is not a Colma Nonprofit Group, provided that the event or activity is reasonably related to the entity's purpose.

(e) The person or entity renting the Colma Community Center shall pay a facility rental fee in the amount set forth in section 2.01.235 on or before the sixtieth day in advance of the planned event or, if the reservation is made less than 60 days before the planned event, at the time of making the reservation.

(f) The City Manager may adopt regulations consistent with this section, and may impose conditions on use to reduce the risk of damage or destruction or to mitigate potential nuisances such as excessive noise. Such conditions may include, but are not limited to, chaperones for minors, limitation on number of attendees, security, and a ban on certain types of events, such as teenage dances.

(g) The person or entity renting the Colma Community Center shall pay a cleaning and security deposit at the time of the reservation. The deposit shall be refunded within thirty days

after the event if the facility is left broom-clean and without damage after the event; otherwise, the Town will apply the deposit toward cleaning and damages.

(h) If a private event is cancelled more than sixty days prior to the planned event, all fees and deposits will be refunded. If the event is cancelled less than sixty days prior to the planned event and the facility is used for another private event, the Town will refund the difference between the fees and deposits made by the first party less the fees and deposits made by the second party.

(i) A change of a Facility Rental date will be considered a cancellation and subject to the same policies regarding cancellation.

(j) The person or entity renting the Colma Community Center shall pay a fee for use of equipment and appliances in the amount set forth in section 2.01.235 at least one day in advance of the planned event.

[History: Res. 2004-78, 10/13/04; Res. 2005-09, 2/9/05; Res. 2008-52, 9/10/08; Res. 2011-38, 9/14/11; Res. 2011-48, 12/14/11]

2.01.235 Schedule of Rental Fees and Security Deposits (EFFECTIVE JANUARY 1, 2013)

(a) Facility Rental Fees for Colma Residents, Colma Nonprofit Groups, and Colma Employees using the Colma Community Center shall be set forth in the Master Fee Schedule, with an amount based on hours of use, and including a deposit amount based on the room.

A Colma Nonprofit Group is entitled to use the Center one time a month without paying a rental fee. The fee shown in the Master Fee Schedule is for any subsequent use in the same month.

(b) Facility Rental Fees and Security Deposits for Outside Groups using the Colma Community Center (Weekdays only) shall be set forth in the Master Fee Schedule.

(c) Facility Rental Fees and Security Deposits for Non-residents using the Colma Community Center (Weekdays only) shall be set forth in the Master Fee Schedule.

(d) Fees for Use of Equipment and Appliances shall be set forth in the Master Fee Schedule.

[History: Res. 2011-38, 9/14/11; Res. 2011-48, 12/14/11; Res. 2012-09, 3/14/12; Res. 2019-20, 5/8/19]

2.01.240 Rules Applicable to All Facilities

The following rules and regulations are applicable to all Town facilities:

(a) Where a Town facility is being used for a private event, a Colma resident or, if the event is being conducted by an organization, a responsible adult designated by the organization, must be present at all times during the entire event, and a member of the Recreation Department staff shall also be on site during the entire event.

(b) The entity, organization or person reserving or using Town facilities for a private event shall be responsible for, and must, on demand, pay to the Town all fees, charges and damages incurred as a result of the private use.

(c) A reservation shall not become effective unless and until all applications, forms and contracts have been duly signed by the eligible user and accepted by the Town, all required deposits and fees have been made, and any required insurance certificates have been delivered to the Town. If there are two or more reservations from eligible persons for the same date, the reservation with the earlier effective date shall be accepted.

(d) Town facilities may not be used to carry on any business for profit.

(e) The sale of any items at Town facilities is prohibited, except for handmade or home grown products or products sold by non-profit organizations for fund raising purposes.

(f) Town facilities may only be used for the purpose set forth in the application and approved by the Town. Any other use is prohibited.

(g) The sale, consumption, use or possession of alcoholic beverages is prohibited except where expressly authorized by these Guidelines.

(h) The City Manager shall have the right to reject and prohibit reservations for conflicting uses; e.g., yoga exercise and band practice at the same time.

(i) Smoking is not permitted inside any Town building or in an outdoor area within 25 feet of the entrance or exit to any Town building.

[History: Res. 2004-75, 10/13/04; Res. 2012-09, 3/14/12]

2.01.250 Special Rules for Use of Alcoholic Beverages

(a) Alcoholic beverages may be served and consumed at private events at the Colma Community Center only in accordance with these rules and regulations.

(b) The user must arrange for event security satisfactory to the City Manager, at the user's expense. For all events where alcoholic beverages is being served, the user must provide security with at least two persons from a private security company or at least one police officer present during all times when alcoholic beverages are being served.

(c) The user must also obtain, at the user's expense, Event Insurance through an insurance company approved by the City Manager.

(d) Alcoholic beverages may not be served at the Colma Community Center during youth oriented events or while Children's Recreation Programs are being conducted there. For purposes of this section "youth oriented events" shall mean events honoring persons greater than the age of 5 but less than the age of 21 and shall include, for example, without limitation, debuts, graduations, confirmations and birthday parties.

(e) If a group wishes to sell alcohol they must obtain an ABC permit. Alcohol Beverage Licenses may be obtained from the State of California Alcoholic Beverage Control Department, 185 Berry Street, San Francisco, CA 94107 (415) 557-3660 (website: www.abc.ca.gov).

(f) The consumption or carrying of alcoholic beverages is prohibited in or on the front grounds, parking lot, and park area, except by special permission of the Recreation Services Director. The Recreation Services Director shall determine the areas inside the Colma Community Center where alcoholic beverages may be consumed or carried.

(g) Rental groups are responsible for the conduct and behavior of their participants and any problems related to the presence of alcohol.

(h) The Recreation Services Director shall determine the areas where alcoholic beverages may be served provided that use of kegs shall be limited to the foyer and kitchen areas.

(i) Persons under 21 years of age may not consume or distribute alcoholic beverages.

(j) Persons failing to follow these rules will forfeit the damage deposit, may face additional criminal charges, and may forfeit all future facility rental privileges.

[*History*: Res. 2004-78, 10/13/04; Res. 2005-26, 4/13/05; Res. 2008-59, 10/8/08]

Conduct

2.01.300 Standards of Conduct

Participation in Colma activities and events is a privilege, not a right. It is not possible to provide participants with a complete list of every possible act that will result in loss of or restrictions on this privilege. However, in order to give participants some guidance, examples of unacceptable conduct are listed below. Each attendee should be aware that conduct that is not listed but is potentially embarrassing, is detrimental to the Town's interests, or is detrimental to the interests of its residents, businesses, or the public at large may also result in temporary or indefinite loss of privileges. Any person may be removed from a Colma activity or event or excluded from participating in future Colma activities and events when it has been determined that he or she:

(1) Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except where clearly in self-defense;

(2) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object,

(A) 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 Event Director; or,

(B) except for peace officers authorized to possess such an item;

(3) Committed or attempted to commit any felony or misdemeanor;

(4) Caused or attempted to cause damage to property;

(5) Committed an obscene act;

- (6) Engaged in loud or boisterous conduct, including the use of profanity or vulgarity;
- (7) Disrupted Event activities;
- (8) Willfully or repeatedly defied the valid authority of the City Manager or Event Director engaged in the performance of their duties;
- (9) Possessed 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;
- (10) Harassed, threatened, or intimidated any other participant or guest;
- (11) Made any threats against any Colma official or Colma property;
- (12) Made, in public, derogatory comments to or about another person's race, color, national origin, ancestry, sex, sexual orientation, age, religion, creed, physical or mental disability, medical condition, marital status, citizenship status, military service status, political affiliation, or any other characteristic protected by state or federal law or local ordinance;
- (13) Sold or transferred, for any value or consideration, a ticket or right of admission to any Colma Sponsored activity or event;
- (14) Bought or otherwise acquired for value or used a ticket or right of admission to any Colma Sponsored activity or event except as authorized herein;
- (15) Falsely represent himself or herself as eligible for admission to or participation in any Colma Sponsored activity or event;
- (16) Copied, reproduced, or otherwise brought into existence a facsimile or counterfeit ticket, pass or right of admission to any Colma Sponsored activity or event;
or
- (17) Failed or refused to pay any money due the Town after demand for payment has been made; or
- (18) Committed any other act that may reasonably be expected to have the effect of materially disrupting participation in the Event, creating substantial disorder, or creating an intimidating or hostile environment.

[History: Res. 99-31, 7/14/99]

2.01.310 Place of Occurrence

A participant or attendee may be removed or excluded for any of the acts listed above if the act is related to any Colma-sponsored Event, whether the act is committed during, going to, or coming from a Colma-sponsored Event, or elsewhere. In determining whether removal or exclusion is warranted, the City Manager shall consider the location of the occurrence and the seriousness of the act in relation to the potential for disruption of the Event.

[History: Res. 99-31, 7/14/99]

2.01.320 Immediate Removal

(a) The City Manager, Event Director, any person designated by the City Manager or Event Director, or any security officer may direct an individual to leave any Colma Event if he or she has a reasonable basis for concluding that the person is committing an act that is prohibited herein or that the person has entered the Event with the purpose of committing such an act. The City Manager may also direct any registered sex offender or any felon who has not yet completed the terms of his or her sentence to leave any Colma Event. When an individual is directed to leave under such circumstances, the City Manager, Event Director, designee, or security officer shall inform the person that he or she will be guilty of a misdemeanor subject to a fine and/or imprisonment if he or she reenters the facility within seven days after being directed to leave.

(b) If an individual refuses to leave upon request or returns before the applicable period of time, the City Manager, Event Director, designee, or security officer may notify law enforcement.

[History: Res. 99-31, 7/14/99]

2.01.330 Exclusion

(a) The City Manager or designee may, within thirty days after removal of a person from a Colma Event pursuant to these provisions, issue an Order excluding that person from participating in future Colma Events for a definite or indefinite period of time. The Order shall be mailed to that person's last known address, or if unknown, posted on the official bulletin board of the Town in front of City Hall.

(b) The City Manager may issue an Order excluding any registered sex offender, any person convicted of a felony within the past ten years, any known person convicted of a misdemeanor involving force or the use of force within the past ten years, or any person who has not yet completed the terms of his or her sentence, from participating in future Colma Events for a definite or indefinite period of time. (Penal Code 626.8, 626.85)

[History: Res. 99-31, 7/14/99]

2.01.340 Procedure

(a) Any person who is removed from a Colma Event may, in order to clear his or her name, appeal the decision to the City Manager by delivering a written notice of appeal to the City Clerk no later than the third business day after the person was ordered to leave the Event. Any person who is ordered excluded from future Colma Events may, in order to clear his or her name or to convince the City Manager to change his or her decision, appeal the decision to the City Manager by delivering a written notice of appeal to the City Clerk no later than the tenth business day after order was deposited in the Mail to that person, or served on that person, whichever is later. The appeal shall be informal, without the taking of evidence.

(b) The City Manager may hear the appeal or refer the appeal to a non-resident of the Town of Colma for hearing. The report of the hearing officer shall not be binding on the City

Manager, and shall be considered as a recommendation only. The City Manager shall render his or her decision within ten days after the hearing or receipt of the hearing officer's report, and the decision of the City Manager shall be final.

(c) If the City Manager cannot participate in the appeal because of application of the Political Reform Act (Government Code §§ 87100 et seq.), then the City Council shall appoint the hearing officer, who shall be a non-resident of the Town of Colma, and his or her report shall be final.

[History: Res. 99-31, 7/14/99]

2.01.350 Misdemeanor

Every person who fraudulently represents 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.

[History: Res. 2004-75, 10/13/04]