

AGENDA

PARKS & RECREATION COMMISSION
CLAUDE MEITZENHEIMER COMMUNITY CENTER
830 S. BLACKSTONE STREET
TULARE, CA

**TUESDAY, JANUARY 14, 2020
6:30 A.M.**

City of Tulare Mission Statement

To promote a quality of life making Tulare the most desirable community in which to live, learn, play, work, worship and prosper

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZEN COMMENTS

This is the time for citizens to comment on items within the jurisdiction of the Commission. The Commission cannot legally discuss or take official action on citizen comments that are introduced today. Each speaker will be allowed 3 minutes, with a maximum of 10 minutes per item, unless otherwise extended by Commission.

IV. COMMUNICATIONS

Communications are to be submitted 10 days prior to a meeting to be considered for this section of the Agenda. No action will be taken on matters listed under Communications; however, the Commission may direct staff to schedule issues raised during Communications for a future agenda. Citizen comments will be limited to 3 minutes per topic, unless otherwise extended by Commission.

V. CONSENT CALENDAR

All Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

(1) Approve Commission minutes of December 10, 2019, regular meeting

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS ~ None

VII. STUDENT REPORTS

(1) Teens on Board Student Reports ~ Abigail Garcia & Dieago Cruz-Minnis

VIII. GENERAL BUSINESS

(1) Nomination and selection of Chairperson and Vice Chairperson for the Parks and Recreation Commission for 2020

VIII. GENERAL BUSINESS

- (2) **Review proposed revisions to Park Ordinance Chapter 8.36 and recommend proposed changes to be considered by City Council for approval**
- (3) **Review Recreation Division attendance report for the month of December 2019, upcoming special events and review of cost recovery report**
- (4) **Staff report on park maintenance operations for the month of December 2019, update on park projects and special events**

IX. ITEMS OF COMMISSION INTEREST

X. ADJOURNMENT

Parks and Recreation Department Mission

Provide Recreational Experiences, Enhance Human Development, Promote Health and Wellness,
Support Cultural Unity, Facilitate Community Problem-solving, Protect Natural Resources,
Strengthen Community Image and Sense of Place, Support Economic Development,
Strengthen Community Safety through the provision of Leisure Programs

**Commissioners, if you cannot attend this meeting,
please contact Karie at the Recreation office at 684-4311
so that a quorum can be determined.**

In compliance with the Americans with Disabilities Act and the Brown Act, if you need special assistance to participate in this meeting, including the receipt of the agenda and documents in the agenda package in an alternate format, please contact the Parks and Recreation Department at (559)684-4310. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35, 104 ADA Title II), and allow for the preparation of documents in the appropriate alternate format.

City of Tulare
PARKS AND RECREATION COMMISSION
Tuesday, December 10, 2019
MINUTES

I. CALL TO ORDER

The Regular Meeting of the Tulare Parks and Recreation Commission was called to order at 6:30 a.m., by Chairperson Craig Hancock, at the Claude Meitzenheimer Community Center, Sequoia Room

COMMISSIONERS PRESENT: Craig Hancock Nicholas Sherwood
Lori Fishbough Mike Jamaica
Armando daSilva Ira Porchia
Eric Farrenkopf

STAFF PRESENT: Craig Miller Brian Beck
Kathy Melendez Karie Rodriguez
J. Dean Johns

STUDENT PRESENT: Dieago Cruz-Minnis
Abigail Garcia

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Jamaica.

III. CITIZEN COMMENTS

Melissa Greco representing the US Census Bureau was present. Ms. Greco noted that many residents in the area are unaware of the Census. She requested that staff post a flyer that she provided soliciting volunteers for the 2020 Census.

IV. COMMUNICATIONS

None.

V. CONSENT CALENDAR

(1) **Approve Commission minutes of November 12, 2019**

It was motioned by Commissioner Farrenkopf and seconded by Vice Chairperson Sherwood that the minutes of November 10, 2019, be approved as presented (7-0).

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

None.

VII. STUDENT REPORTS

Tulare Western student Abigail Garcia reported on campus activities including collecting items to benefit the homeless. Recreation Manager Beck reported to Commission that Abigail has done an excellent job with the youth volleyball program.

VIII. GENERAL BUSINESS

- (1) Review and consider approval of request by the Transition Christian Outreach Church to request an extension of their current building rental agreement for an additional six (6) months**

A written request was received by Transition Christian Outreach Church to continue renting the Senior Community Center facility for an additional six (6) months. The Transition Christian Outreach Church has rented the building for the past three months and would like to continue while they look for a permanent location.

Motion was made by Vice Chair Sherwood and seconded by Commissioner Fishbough to extend the use of Transition Christian Outreach Church's building rental through June 2020. All commissioners were in favor (7-0).

- (2) Review of revised Park Ordinance Chapter 8.36 – informational item only**

Community Services Director Craig Miller introduced the Park Ordinance Chapter 8.36 for review. This item will be revisited at the January meeting for discussion. Matt Machado with the Tulare Police Department will be invited to attend to give his input.

- (3) Review of Recreation Division attendance report for the month of November 2019 and upcoming special events and review of cost recovery report**

Recreation Manager Beck reported on the following activity: softball leagues are over and staff will begin prepping fields soon; fishing derby was a success with approximately 300 participants, American Thunder, Wally's, and Turner's Sports were sponsors; staff have begun to accept registrations for Little Dunkers and After School Basketball; 124 Letters to Santa were completed; nominations for the Holiday Lights Contest will be accepted through December 13. underway, and the Senior Center held a Veteran's Day luncheon serving approximately 30 Veterans. Staff also invited commissioners to the department's annual BBQ on November 22. Brian Beck reviewed the cost recovery reports for Youth Volleyball and After School Soccer. Vice Chairperson Sherwood inquired as to why there are two registration fees for Youth Volleyball; Brian Beck responded that discounted registration is given for parents that coach. Parks and Recreation Manager Miller relayed that there is interest in Indoor Pickle Ball as an addition to our adult recreation programming. Staff are in the first stages of planning and proposal to be submitted for the January meeting.

(4) Staff report on park maintenance operations for the month of November 2019 update on park projects and upcoming special events

Parks Manager Johns noted the following: the Bender Park Arbor Restoration is underway; 3 of 8 aerator compressors were replaced at Del Lago Lake; Greyhound Bus Terminal Palm Tree Pruning Project bid will be awarded On December 10, 2019; Santa Fe Trail Tree Pruning Project B Street to West Street bid will be awarded December 11, 2019. Johns advised that new DX3 controllers were installed at Elk Bayou, Prosperity Sports Park and Live Oak, these control the irrigation system. The Parks budget continues to be affected by the homelessness issue, expenses are being managed closely by staff. Community Services Director Miller noted that there will be a Study Session to discuss homelessness at 6:00 p.m. preceding the next City Council Meeting.

IX. ITEMS OF COMMISSION INTEREST

Chairperson Hancock recognized Kathy Melendez for her many years of dedicated service to the Commission. Ms. Melendez is retiring, her last day of employment will be December 20, 2019.

X. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:00 a.m.

CHAPTER 8.36: CITY PARK AND TRAIL ORDINANCE

Section

- 8.36.010 Definitions.
- 8.36.020 Activities requiring permits for the use of a park facility.
- 8.36.030 Permit—Application contents.
- 8.36.040 Permit—Standards for issuance.
- 8.36.050 Violation of regulations— Sanctions.
- 8.36.060 Authority to close~~Closure of~~ facilities.
- 8.36.070 Failure to obtain required permit.
- 8.36.080 Priority of use.
- 8.36.090 Exhibiting permit.
- 8.36.100 Selling and advertising.
- 8.36.110 Restrooms ~~and washrooms~~.
- 8.36.120 Water pollution.
- 8.36.130 Refuse.
- 8.36.140 No Ssmoking.
- 8.36.150 No Ffires.
- 8.36.160 No Ffireworks.
- 8.36.170 No Ffirearms, airguns and other weapons.
- 8.36.180 Animals.
- 8.36.~~181~~ 190 Fishing in Del Lago Park.
- 8.36.~~190~~ 200 Real property—Appropriation or encumbrance.
- 8.36.~~200~~ 210 Property—Use of.
- 8.36.~~210~~ 220 Lock and keys.
- 8.36.~~220~~ 230 No Motorized ~~motorized~~ vehicles use.
- 8.36.~~230~~ 240 Use of Bbicycles and skateboards on pedestrian paths.
- ~~8.36.231~~ Definitions relating to skateboard parks.
- 8.36.~~232~~ 250 Requirements for use of skateboard park.
- 8.36.~~233~~ 260 Rules and Regulations for use of skateboard park.
- 8.36.~~234~~ 270 Posting of rules.
- ~~8.36.235~~ Violation—Penalty.
- 8.36.~~240~~ 280 Hours of use.
- 8.36.~~250~~ 290 Games~~Dangerous activities prohibited~~.
- 8.36.~~260~~ 300 Sswimming in parks.
- 8.36.~~270~~ 310 Alcohol sale and consumption by permission only.
- 8.36.~~280~~ 320 Personal gain.
- 8.36.~~290~~ 330 Sale of food and beverage by groups and organizations.
- 8.36.~~300~~ 340 Regulations.
- 8.36.~~310~~ 350 Sound amplification equipment.
- 8.36.~~320~~ 360 Severability.
- 8.36.~~330~~ 370 Excessive noise.
- 8.36.~~340~~ 380 Prohibition of glass beverage containers.
- 8.36.~~350~~ 390 Concession operations.
- 8.36.~~360~~ 400 Disorderly conduct.
- 8.36.~~370~~ 410 Exclusive use permit.
- 8.36.420 Violation—Penalty.

§ 8.36.010 Definitions.

Except as otherwise provided in this section, the words and phrases used in this chapter shall have the same meaning as described thereto, unless from the context hereof it clearly appears that a different meaning is intended.

(A) AVAILABLE SHELTER. A public or private shelter or similar accommodation, with an available overnight space, open to an individual or family unit experiencing homelessness, at no

charge. A shelter shall not be considered available when the individual cannot occupy said space due to overcapacity, exhaustion of stay limitations, or when religious observance is required as a condition of gaining shelter. If the individual refuses available shelter or otherwise cannot utilize the available shelter space due to voluntary actions including, but not limited to, intoxication, drug use, unruly behavior, or violation of shelter rules, the overnight shelter space shall be considered available.

(B) **CAMP.** Placing, setting up or utilizing camping equipment such as tents, tarpaulins, temporary shelters whether commercially produced or improvised from random materials, cooking facilities, hammocks, ground cover, bedding, sleeping bags or other equipment of a similar nature used for living accommodation or lodging purposes in the outdoors. Camping does not include use of umbrellas or sun shades during the time the park is open to the public or the use of temporary structures pursuant to a permit issued pursuant to this chapter. An activity shall constitute camping when it reasonably appears, in light of all the circumstances, the participants in conducting these activities are in fact using the area as a sleeping or living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging. "Camping" shall not include merely sitting, lying or sleeping outside in a public park area or the use of a blanket, towel or mat in a public park/recreation area during the time the park is open to the public.

(C) **CAMP EQUIPMENT.** Tents, tarpaulins, lean-tos, huts, cardboard boxes, or similar makeshift temporary shelters constructed from random materials, as well as cooking facilities, hammocks, ground cover, bedding, sleeping bags, or other similar equipment used for living in the outdoors.

(D) **CITY.** The City of Tulare.

(E) **DEPARTMENT.** The Parks, Library and Recreation Department.

(F) **DIRECTOR.** The Community Services Director of the city or his or her authorized representative.

(G) **IN-LINE SKATES.** A common roller skate with wheels in a straight line resembling the blade of an ice skate.

(H) **PARK.** Any outdoor area, including but not limited to any body of water, land, campsite, recreation area, building, or structure, owned by the City opened to the public for recreational use.

~~**FACILITY** or **PARK FACILITY.** Any body of water, land, campsite, recreation area, building, structure, system.~~

(I) **PARK AND RECREATION COMMISSION.** An advisory board to the City Council to advise and assist in the development of park and recreation activities in the city.

(J) **ROLLER BLADES.** A type of roller skate in which the wheels are set in a single straight line under the boot; a type of "in-line skate".

(K) **ROLLER SKATES.** A shoe, boot, or an apparatus worn on a shoe or boot with wheels attached, whether permanently or temporarily, to such shoe, boot or apparatus.

(L) **SKATEBOARD.** A four wheeled platform used for the activity of skateboarding that is propelled by pushing with one foot while the other remains on the board, or by pumping in structures such as a mega ramp, vert ramp, half-pipe, mini ramp, quarter pipe or bowl.

(M) **SKATEBOARD PARK.** Any area designated by the City for exclusive public use of in-line skates, roller blades, or skateboards.

(N) **TULARE CITY COUNCIL.** The elected or appointed legislative body of the City of Tulare. (1995 Code, § 8.36.010) (Ord. 14-05, passed 10-21-2014; Ord. 03-1915, passed - -2003) (Ord. 08-13, passed 7-15-2008)

§ 8.36.020 Activities requiring permits for the use of a park facility.

A permit for the use of a park ~~facility~~ owned by or under the control of the city shall be required for the uses hereinafter set forth:

- (A) Reservation of soccer fields, tennis courts and baseball and softball diamonds for organized play;
- (B) Use of picnic pavilion for group picnicking activities;
- (C) Use of all lighted facilities with the exception of coin-operated light meters for recreation use. Permits required for daytime and evening tennis tournament use;
- (D) Group cultural activities; displays of wares and merchandise, fund-raising projects,

exhibitions as part of an open, industrial wide-show; bandstand use; organized non-city sponsored athletic and nonathletic programs or projects; tournament play; traditional sports programs not city-sponsored;

(E) Nontraditional organized sports activities;

(F) Concessionaire, person, group or organization sale of food and/or nonalcoholic beverages when provided in conjunction with approved non-city-sponsored activities;

(G) Any group of 50 or more persons; and

(H) Any group or person that will install and/or use equipment or facilities which is not owned or operated by the City of Tulare.

(1995 Code, § 8.36.020)

§ 8.36.030 Permit—Application contents.

Whenever a permit is required in this chapter, an application shall be filed with the Director stating:

(A) The name and address of the applicant;

(B) The name and address of the person, group, organization or corporation sponsoring the activity;

(C) The nature of the proposed activity;

(D) The dates, hours and park ~~location~~facility for which the permit is desired;

(E) An estimate of attendance;

(F) The signing of a waiver release holding the city, their officers and employees harmless against any and all liability; and

(G) Any other information which the Director, regarding public health, safety and welfare, finds reasonably necessary to a fair determination as to whether a permit should be issued.

(1995 Code, § 8.36.030)

§ 8.36.040 Permit—Standards for issuance.

The Director shall issue a permit hereunder when he or she finds:

(A) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(B) That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

(C) That all conditions, including where applicable, the payment of fees, approval of the Tulare City Council, and insurance coverage, are met;

(D) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;

(E) That the proposed activity or use will not entail unusual, extraordinary or burdensome expense or security operation by the Department;

(F) That the facilities desired have not been reserved for other use;

(G) The conduct of the activity or use of the area will not have an adverse impact on the surrounding neighborhood due to parking, noise or crowds;

(H) Insurance coverage shall be required, if in the opinion of the Director, the conduct of the event or program would potentially constitute a hazard to public safety. The Director, or his or her designee, may, at his or her discretion, require an insurance policy as a condition of the issuance of the permit. If a policy is required, the permittee must obtain, pay for, and maintain a policy of general liability insurance, approved as to form by City Attorney which shall insure the city, its officers and employees against any liability, or claims of liability, brought or made by or on behalf of any person for personal injury or property damage caused by or arising out of any negligent act or omission of either the permittee or his or her agents or employees and occurring during the period and as a result of the activities for which the permit was issued. The amount of coverage to be provided by the policy shall be determined by the Director, or his or her designee. The City Attorney may accept, as compliance with the requirement imposed by this division, the presentation of a certificate of insurance, for at least the required amount of coverage, which indicates that, by endorsement thereto, the city, its officers and employees, have been added as additional insured. The certificate shall additionally provide that the required insurance will not be modified, changed or terminated until at least ten days' written notice thereof has been transmitted

to the Director; and

(I) It shall be a condition of the issuance of any park facilities permit that the permittee shall agree to defend and to hold the city, its officers and employees harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the issuance of the permit. (1995 Code, § 8.36.040) (Ord. 14-05, passed 10-21-2014; Ord. 03-1915, passed - -2003)

§ 8.36.050 Violation of regulations—Sanctions.

(A) Any person violating the provision of this chapter shall be guilty of a misdemeanor and subject to the following penalties; a fine of not more than \$500, by imprisonment for not more than six months in the County Jail, or both the fine and imprisonment. Notwithstanding the classification of a violation of this chapter as a misdemeanor at the time an action is amended to enforce the provisions of this chapter, the Trial Court, upon recommendation of the prosecuting attorney, may reduce the charge of the offense from a misdemeanor to an infraction pursuant to Cal. Penal Code § 19(c). Any person convicted of an infraction of this chapter shall be punished by:

- (1) A fine not exceeding \$50 for the first violation;
- (2) A fine not exceeding \$100 for the second violation of this chapter within one year; and
- (3) A fine not exceeding \$250 for each additional violation of this chapter within one year.

(B) The Director shall have the authority to revoke a permit upon a finding of violation of any regulation contained in this chapter or upon a finding of violation of other city ordinance or laws of this state.

(C) The Director shall have the authority to eject from any park ~~facility~~, any person acting in violation of regulations contained in this chapter; and

(D) The regulations contained herein shall not prohibit any person authorized by the Director from the normal exercise of requested, assigned or contractual duties.

(E) Malicious injury or destruction of any real or personal property which constitutes vandalism under the provision of Cal. Penal Code § 594 shall be prosecuted as a violation of Cal. Penal Code § 594 and shall be punishable as either an infraction, misdemeanor, or a felony, as provided in Cal. Penal Code § 594. Under Cal. Penal Code § 594, if vandalism results in damage of \$1,000 or more, the vandalism may constitute a felony punishable by a fine of \$1,000 or up to a year in state prison or both.

(1995 Code, § 8.36.050)

§ 8.36.060 Authority to close facilities.~~Closure of facilities.~~

The Director shall have the authority to close any park ~~facility~~ or portion thereof and require the exit of all persons therein when he or she determines that conditions exist in the facility or portion thereof which present a hazard to the facility or to public safety. The Director shall have the authority to close to the public any park ~~facility~~ or portion thereof at any time and for any interval of time, either temporarily or at regular or stated intervals, and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

(1995 Code, § 8.36.060)

§ 8.36.070 Failure to obtain required permit.

No person shall use, occupy or otherwise remain in any park ~~facility~~ or portion thereof for which a permit is required without first having obtained the permit.

(1995 Code, § 8.36.070)

§ 8.36.080 Priority of use.

Any person using a park ~~facility~~ or portion thereof which may be reserved by obtaining a permit, but who has not obtained the permit, shall vacate the area when holders of a valid permit present themselves.

(1995 Code, § 8.36.080)

§ 8.36.090 Exhibiting permit.

No person shall fail to produce and exhibit a permit he or she claims to have upon request of any department employee or any peace officer who desires to inspect the permit for the purpose of enforcing compliance with any regulation in this chapter.

(1995 Code, § 8.36.090)

§ 8.36.100 Selling and advertising.

Within the boundaries of any park ~~facility~~ or on public property adjacent to a park ~~facility~~, no

person shall sell, vend, peddle, expose, offer for sale or distribute after sale to the public any merchandise, service or property or sell tickets for any event, nor shall any person distribute, circulate, give away, throw or deposit in or on any park ~~facility~~ or on public property adjacent to a park ~~facility~~, any handbill, circulars, pamphlets, papers or advertisements, which material calls the public attention in any way to any article or service for sale or hire, nor within any park ~~facility~~ or on public property adjacent to a park ~~facility~~, shall any person solicit or collect donations of money or other goods from the public, without the express approval of the Park and Recreation Commission for such activity within the specific park ~~facility~~ or on public property adjacent to a park ~~facility~~.
(1995 Code, § 8.36.100)

§ 8.36.110 Restrooms and washrooms.

Male persons shall not enter any restroom ~~or washroom~~ set apart for females, and female persons shall not enter any restroom ~~or washroom~~ set apart for males, except this shall not apply to children under the age of six years, who are accompanied by a person who is of the sex designated for that ~~facility~~ park and who has reason to be responsible for the child.
(1995 Code, § 8.36.110)

§ 8.36.120 Water pollution.

While within the boundaries of any park ~~facility~~, no person shall throw, discharge or otherwise place or cause to be placed in the water or in any tributary, stream or drain flowing into such waters, any substances, matter or thing, liquid or solid, including, without limitation to, particles or objects made of paper, metal, glass, garbage, rubbish, rubber, fuel, food matter, wood, fiber and plastics.
(1995 Code, § 8.36.120)

§ 8.36.130 Refuse.

No person shall dump, deposit or release any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or trash in or on any park ~~facility~~ except that refuse which is incidental to the use of the ~~facility~~ park may be deposited in the receptacles provided therefor. For purposes of this section, an incinerator, stove, fire ring, barbecue or other device used to contain fires or for cooking is not a proper receptacle for refuse or other waste material.
(1995 Code, § 8.36.130)

§ 8.36.140 No Smoking.

No person shall smoke any substance in any area designated as a ~~nature trail or nature area or in or on any~~ park ~~facility where smoking is prohibited~~.
(1995 Code, § 8.36.140)

§ 8.36.150 No Fires.

(A) Without a permit issued by the Director, no person shall ignite, maintain or use any fire in any place within any park ~~facility~~ except in a barbecue cooker or other cooking device authorized by the Director for that purpose.

(B) No person shall ignite or maintain a fire or materials deposited in any can, box, trench, pit or other receptacle maintained for the purpose of garbage disposal or incineration.
(1995 Code, § 8.36.150)

§ 8.36.160 No Fireworks.

No person shall possess or ignite in any park ~~facility~~ firecrackers or fireworks, including any material for the making of a pyrotechnic display. Nothing contained in this section, however, shall prohibit any discharge or display of fireworks defined and classified as "safe and sane fireworks" in Cal. Health and Safety Code § 12508 at any public gathering or patriotic celebration provided a permit for the discharge has been obtained from the Director.
(1995 Code, § 8.36.160)

§ 8.36.170 No Firearms, airguns and other weapons.

No person other than peace officers in the discharge of their duties shall use, maintain, possess, fire or discharge any firearm, airgun, bow and arrow, sling shot or any other weapon potentially dangerous to wildlife or human safety except in areas, at times and under conditions, designated by the Director for the use. Firearms may be possessed with a valid concealed weapon permit.
(1995 Code, § 8.36.170)

§ 8.36.180 Animals.

No person shall:

(A) Hunt, molest, harm, provide a noxious substance to, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal within the boundaries of any park ~~facility~~, nor remove or have in his or her possession the young, eggs or nest of any such creature;

(B) Abandon any animal dead or alive within any park ~~facility~~;

(C) Remove any animal not his or her own from within any park ~~facility~~; exception is made to the foregoing in that in proper season, fish may be fished and removed from areas designated for fishing by licensed persons;

(D) Bring into or maintain in or upon any park ~~facility~~ any dog, cat or other animal unless the animal at all times is kept on a leash and under full control of its owner or custodian; provided, however, the Director may designate areas and times within which person may show, demonstrate or train unleashed animals under full control of their owners or custodians;

(E) Permit cattle, sheep, goats, horses or other animals owned by him or her or in his or her possession, to graze within the boundaries of any park ~~facility~~;

(F) Ride a horse, pony, mule, burro or other animal onto or over real property within any park ~~facility~~ other than at times and upon roads or trails designated for riding of animals; and

(G) Fail to promptly remove from any park to an appropriate receptacle fecal matter deposited thereon by a dog in the person's charge.

(1995 Code, § 8.36.180)

§ 8.36.181—190 Fishing in Del Lago Park.

(A) No person, other than a child or disabled person as defined by this section, shall fish in the lake in Del Lago Park.

(B) For the purpose of this section, **CHILD** shall mean any person aged 15 years or younger.

(C) For the purpose of this section, **DISABLED PERSON** shall mean any person with a developmental disability, as defined by Cal. Welfare and Institutions Code § 4512 as well as any condition that is substantially similar to a developmental disability but that originates after the age of 18. **DISABLED PERSON** shall also include any person having any permanent physical condition that substantially requires the use of a wheelchair for mobility.

(D) Any person violating this section is guilty of an infraction, and upon conviction thereof shall be punished by a fine of not more than \$50 for the first violation; a fine of not more than \$100 for the second violation within one year, and a fine of not more than \$250 for each additional violation within one year.

(E) The Director, police officers, and code enforcement officers are charged with enforcing this section and may issue citations for any violation of this section.

(Ord. 09-12, passed 10-6-2009)

§ 8.36.190—200 Real property—Appropriation or encumbrance.

No person shall deposit any earth, sand, rock, stone or other substance within any park ~~facility~~, nor shall he or she dig or remove any such material from within any park ~~facility~~, nor shall he erect or attempt to erect any building, wharf or structure of any kind, by driving or setting up posts or piles, nor in any manner appropriate or encumber any portion of the real property owned, operated, controlled or managed by the Department, without a permit from the Director.

(1995 Code, § 8.36.190~~200~~)

§ 8.36.200—210 Property—Use of.

No person shall:

(A) Dig up, pick, remove, mutilate, injure, cut or destroy any turf, tree, plant, shrub, bloom, flower, artifact or archeological site, or any portion thereof;

(B) Cut, break, injure, deface or disturb any building, sign, fence, bench, structure, apparatus, equipment or property, or any portion thereof, or

(C) Without authorization from the Director, make or place on any tree, plant, shrub, bloom, flower, buildings, sign, fence, bench, table, structure, apparatus, equipment or property, or any portion thereof, any rope, wire, mark, writing, printing, sign, card, display or similar inscription or device.

(1995 Code, § 8.36.200~~210~~)

§ 8.36.210—220 Lock and keys.

No person other than one acting under the direction of the Director shall duplicate or cause to be duplicated a key used by the Department for a padlock or door lock of any type or description, nor shall any person divulge the combination of any lock so equipped to any unauthorized person.

(1995 Code, § 8.36.210220)

§ 8.36.220—230 ~~No motorized vehicle use~~Motorized vehicles.

No motorized vehicle shall be permitted within the boundaries of any park ~~facility~~ unless such ~~facility-park~~ has been specifically designed and constructed to permit the use of motorized vehicles and a notice to this effect has been posted at the entrance of the park ~~facility~~. In cases where the park ~~facility~~ has been designated and constructed and posted as aforesaid, the following regulations will apply:

(A) While within the boundaries of any park ~~facility~~, no person shall drive or operate any automobile, motorcycle, motorscooter, trail bike, dune buggy, truck or other motorized vehicle on roads, turf, maintenance service roads and pathways, or trails other than those designated for that purpose.

(B) While within the boundaries of any park ~~facility~~, no person shall drive any automobile, motorcycle, motorscooter, truck or other motorized conveyance, except an authorized emergency vehicle, at a rate of speed exceeding ten mph except as may be otherwise posted by the Director or in any case at speeds exceeding safe conditions dictated by prevailing circumstances.

(C) No person shall operate any automobile or other motorized vehicle within the boundaries of any park ~~facility~~ unless the vehicle is currently licensed, except unlicensed vehicles may be operated in areas designated and posted for the use and in accordance with the rules established for the areas.

(D) No person shall park any automobile or other motorized vehicle within any park ~~facility~~ except in areas specifically designated as parking areas. In no case shall any person park a motorized vehicle in a manner that presents a hazard to the public.

(E) No person shall park or otherwise allow automobiles and other conveyances to remain within the boundaries of any park ~~facility~~ during the hours the ~~facility-park~~ is closed without a permit from the Director.

(F) No person shall abandon any motorized vehicle within the boundaries of any park ~~facility~~.

(G) No person shall wash or repair any automobile or other motorized vehicle within the boundaries of any park ~~facility~~.

(H) All motorized vehicles within the boundaries of any park ~~facility~~ shall be equipped with a property installed muffler device which is in constant operation and which prevents excessive or unusual noise. No muffler device or exhaust system shall be equipped with a cutout, by pass or other similar device.

(1995 Code, § 8.36.220230)

§ 8.36.230—240 ~~Use of Bicycles and skateboards~~ on pedestrian paths.

(A) No person shall ride a bicycle or skateboard on any grassy area, service roads or pathways, path or pathways designated for pedestrian use. A bicyclist shall be permitted to push a bicycle by hand over any such grassy area, path or walkway.

(B) No person shall leave a bicycle or skateboard in any place or position where other persons may trip over or be injured by it. Bicycles shall be left in a bicycle rack when one is provided and there is space available.

(1995 Code, § 8.36.230240)

§ 8.36.231 ~~Definitions relating to skateboard parks.~~

~~For the purpose of §§ 8.36.232 through 8.36.235, the following definitions shall apply unless the context clearly indicates or requires a different meaning:~~

~~**IN-LINE SKATES.** A common roller skate with wheels in a straight line resembling the blade of an ice skate.~~

~~**ROLLER BLADES.** A type of roller skate in which the wheels are set in a single straight line under the boot; a type of "in-line skate".~~

~~**ROLLER SKATES.** A shoe, boot, or an apparatus worn on a shoe or boot with wheels attached, whether permanently or temporarily, to such shoe, boot or apparatus.~~

~~**SKATEBOARD.** A four wheeled platform used for the activity of skateboarding that is propelled~~

by pushing with one foot while the other remains on the board, or by pumping in structures such as a mega ramp, vert ramp, half pipe, mini ramp, quarter pipe or bowl.

~~§ 8.36.232-250~~ **SKATEBOARD PARK.** The fenced in area in Alice Topham Park, located at 85 West Tulare Avenue, which is designated for the use of skateboards, roller blades/in-line skates and roller skates only.

~~(Ord. 08-13, passed 7-15-2008)~~

§ 8.36.232-250 Requirements for use of skateboard park.

(A) It is unlawful for any person to utilize the skateboard park unless that person is wearing proper safety equipment including, but not limited to: a helmet, elbow pads, knee pads and appropriate footwear (no sandals, open-toed footwear or bare feet).

(B) Any person who fails or refuses to comply with § 8.36.230-240 (Bicycles and skateboards) or any rules and regulations adopted by the Council covering the skateboard park or who is injured while using the skateboard park shall be deemed negligent.

~~(Ord. 08-13, passed 7-15-2008)~~

§ 8.36.233-260 Rules and Regulations for use of skateboard park.

The City Council by resolution upon the recommendation of the Director shall adopt Rules and Regulations for the operation and use of the skateboard park.

~~(Ord. 14-05, passed 10-21-2014; Ord. 08-13, passed 7-15-2008)~~

§ 8.36.234-270 Posting of rules.

The Parks, Library and Recreation Department shall cause a sign or signs to be posted at all such skateboard parks or facilities providing reasonable notice stating that any person failing to comply with the skateboard park rules shall be guilty of an infraction of the skateboard park rules and subject to citation.

~~(Ord. 14-05, passed 10-21-2014; Ord. 08-13, passed 7-15-2008)~~

~~§ 8.36.235 Violation—Penalty.~~

~~Any person convicted of violating §§ 8.36.231 through 8.36.233 is guilty of an infraction, and upon conviction thereof shall be punished by a fine of \$50 for the first offense; a fine of \$100 for the second offense, and a fine of \$150 for each additional offense. Upon the third offense the City shall have the right to seize the subject property of the offending party and the owner of said property forfeits all rights to recovery or reimbursement thereto.~~

~~(Ord. 08-13, passed 7-15-2008)~~

§ 8.36.240-280 Hours of use.

The Director is authorized to promulgate responsible opening and closing hours for park facilities. No person shall enter, remain in or camp in or on any park ~~facility~~ during the hours or any part of the hour(s) the ~~facility~~ park is closed without a permit from the Director. This policy shall establish a curfew between 10:00 p.m. and 6:00 a.m. in all public parks.

(A) No person shall remain or ~~loiter~~ camp in any public park between the hours of 10:00 p.m. and 6:00 a.m. of the following day.

(B) The prohibitions contained in division (A) of this section will not apply to:

(1) Special use facilities, as may be posted by the Department extending use hours;

(2) Any person attending a meeting, entertainment event, recreation activity, dance or similar activity in the park, provided the activity is sponsored or co-sponsored by the Department of Parks and Community Services or a permit therefor, has been issued by the Department of Parks and Community Services;

(3) Any person exiting the park immediately after the conclusion of any activity set forth in division (B)(2) of this section;

(4) Any peace officer or employee of the city while engaged in the performance of his or her duties;

(5) Any individual experiencing homelessness, unless it is confirmed that there is available shelter as defined in Section 8.36.010.-

(C) Pursuant to the exemption in subsection (B)(5), Camping equipment, may not be affixed or attached to, or constructed upon or with, or inside of or otherwise located within ten (10) feet from, any trees, fences, designated trails, walkways or park amenities and structures. Camping equipment is limited to a single person use and is only allowable during the hours of 10:00 p.m.

and 6:00 a.m.

(D) Camping pursuant to this section must not be in the same site within the park for more than one consecutive night.

(CE) Each park ~~and/or recreation area~~ subject to closure during specified hours pursuant to this chapter shall be properly and appropriately posted. Signs setting forth the hour and time of closure and re-opening of the ~~facility park~~ as provided in this chapter shall be posted at every entranceway to the ~~facility park~~. The signs shall be not less than one square foot in area and shall contain lettering, not less than one-half inch in height, identifying the hours during which the ~~facility park~~ shall be closed and further advising the public that entry to the ~~facility park~~ or remaining on the facilities grounds between the designated hours is a violation of the law. In the event that there are no natural or man-made barriers which prohibit access to entry upon a park or recreation facility subject to this chapter, signs shall also be posted at intervals of every 300 feet along the perimeter of the ~~facility park~~ accessible to the public

(F) Camping is not allowed along the Santa Fe Trail at any time.

(G) Any person violating the provisions of this section shall be guilty of a misdemeanor and subject to the penalties set forth in section 1.61.040(B).

(1995 Code, § 8.36.~~240~~280)

§ 8.36.250—290 Dangerous activities prohibited Games.

The playing of rough or comparatively dangerous games such as football, horseshoes, soccer, baseball or any games involving thrown, hit or otherwise propelled objects such as golf balls, balls of other description, stones, arrows, javelins or model airplanes is prohibited except in fields, courts or areas specifically provided therefor, or with express permission of the Director in areas compatible to that use. Persons desiring to use a park ~~facility~~ for the specific purpose for which the ~~facility park~~ was established shall have the priority of use over the ~~facility park~~ for another non-prescribed purpose.

(1995 Code, § 8.36.~~250~~290)

§ 8.36.260—300 No Sswimming in parks.

No person shall swim, bath or wade in any water or waterways within any park ~~facility~~ when the activity is prohibited and so posted by the Director upon his or her finding that use of the water could be dangerous to the user, incompatible with the function of the ~~facility park~~ or inimical to public health.

(1995 Code, § 8.36.~~260~~300)

§ 8.36.270—310 Alcohol sale and consumption by permission only.

Sale and/or possession and/or consumption of alcoholic beverages shall not be allowed upon the premises of any Tulare City Park, including adjoining parking lots, except that the sale of beer and wine may be sold and consumed on premises of Zumwalt Park in the City of Tulare pursuant to the following regulations and policies.

(A) Sale, possession and consumption shall be limited to beer and wine only.

(B) Beer and wine sales shall be limited to public, quasi-public and/or non-profit organizations.

(C) Events must be open to the general public. Closed or private events will not be issued a permit.

(D) Applicant must obtain license from the Department of Alcohol Beverage Control pertinent to the date(s) of event.

(E) A minimum of two security guards shall be required for all events. One guard shall be stationed at each point of alcohol sale. In the event attendance is anticipated to exceed 200, one additional guard shall be required for each additional 100 persons.

(F) Cup size for beer sales shall be limited to 12 ounces and cup size for wine shall be limited to ten ounces. The sale of wine by the bottle is prohibited.

(G) There shall be a two cup limit at each purchase.

(H) Beer gardens are not mandatory but may be required by the Director given the nature/type of event.

(I) Applicants shall furnish city with a \$1,000,000 Liquor Liability Insurance Certificate naming the City of Tulare as an additional insured.

(J) Bring-on alcohol may be approved at the discretion of the Director.

(K) Alcohol sales may not extend beyond 9:00 p.m.

(L) The Director may impose additional requirements and/or restrictions as may be appropriate under the circumstances of the event.

(1995 Code, § 8.36.~~270~~310) (Ord. 05-1978, passed 8-3-2005; Ord. 95-1769, passed - -1995)

§ 8.36.~~280~~—320 Personal gain.

No person shall operate, conduct or otherwise promote or sponsor activities that would result in personal gain, either financially or otherwise.

(1995 Code, § 8.36.~~280~~320)

§ 8.36.~~290~~—330 Sale of food and beverage by groups and organizations.

The sale of food and/or nonalcoholic beverages may be permitted at a park ~~facility~~ providing the sale of food and/or beverage is not done so for personal gain or advantage and is done so in conjunction with a bona fide activity for which a permit has been issued by the Director. All food served, catered or otherwise presented, must comply with city, county and state health ordinances, codes and/or regulations.

(1995 Code, § 8.36.~~290~~330)

§ 8.36.~~300~~—340 Regulations.

The Director may establish and post regulations governing the use of park facilities which are not inconsistent with the regulations contained in this chapter and which promote public health and safety and the preservation of property.

(1995 Code, § 8.36.~~300~~340)

§ 8.36.~~310~~—350 Sound amplification equipment.

Within any park ~~facility~~, no person shall use sound amplification equipment without a permit from the Director.

(1995 Code, § 8.36.~~310~~350)

§ 8.36.~~320~~—360 Severability.

If any section, division, sentence, clause, phrase or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the portion shall be deemed a separate, distinct and independent provision, and the holdings shall not affect the validity of the remaining portions thereof.

(1995 Code, § 8.36.~~320~~360)

§ 8.36.~~330~~—370 Excessive noise.

No person in a park or on public or private property adjacent to a park shall produce, suffer or allow to be produced any loud noise from a radio, stereo, tape deck or other means, which noise disturbs the peaceful quiet enjoyment of any person in a public park.

(1995 Code, § 8.36.~~330~~370)

§ 8.36.~~340~~—380 Prohibition of glass beverage containers.

This policy shall ban the presence of bottles and glass containers in public parks, including adjacent parking lots.

(A) It is unlawful for any person to possess any beverage container made of glass in any city park or playground or to bring, carry or transport any beverage container made of glass into any city park or playground.

(B) A first violation of this section shall constitute an infraction punishable by a fine not exceeding \$25; a fine not exceeding \$100 for a second violation within one year of the first; and a fine not exceeding \$250 for each additional violation within one year of the first.

(1995 Code, § 8.36.~~340~~380)

§ 8.36.~~350~~—390 Concession operations.

The sale of food and nonalcoholic beverages in public parks, by nonprofit community based clubs and organizations and commercial vendors are permitted as part of an event sponsored by a community based non-profit group. The commercial vendor must receive prior approval of the department and obtain the appropriate permits. Conditions of sales shall include:

(A) Business license and compliance with applicable health codes;

(B) Filing of a department application;

(C) Motorized commercial concessionaires must obtain a special permit and be stationed in

areas designated by the Department;

(D) In the case of sporting events by nonprofit groups, concession areas will be established for each athletic field in areas designated by the Department; and

(E) All food served, catered or otherwise, must comply with city, county and state health ordinances, codes and/or regulations.

(1995 Code, § 8.36.350)

§ 8.36.360—400 Disorderly conduct.

No persons shall sleep or protractedly lounge on the seats, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct, or behavior tending to breach the public peace.

(1995 Code, § 8.36.400~~360~~)

§ 8.36.370—410 Exclusive use permit.

Parks may be made available for the exclusive use of bona fide, ~~recognized civic groups, nonprofit service or youth organizations~~public and tax exempt organizations within the Tulare, service area and for activities sponsored by or supported financially or otherwise by the city, subject to the issuance of a permit by the Director. Organizations and groups may conduct fundraising activities only for community projects, charitable projects or educational projects.

(1995 Code, § 8.36.370~~410~~)

§ 8.36.420 Violation—Penalty.

Any person convicted of violating §§ 8.36.231 through 8.36.233 is guilty of an infraction, and upon conviction thereof shall be punished by a fine of \$50 for the first offense; a fine of \$100 for the second offense, and a fine of \$150 for each additional offense. Upon the third offense the City shall have the right to seize the subject property of the offending party and the owner of said property forfeits all rights to recovery or reimbursement thereto.

(Ord. 08-13, passed 7-15-2008)

**ATTENDANCE REPORT DECEMBER 2019
TULARE PARKS AND RECREATION DEPARTMENT**

Location/Activity	This Year				Last Year			
	Total Attendance DEC 2019	Total Events DEC 2019	Number of Program Participants DEC 2019	Calendar Year to Date Attendance 2019	Total Attendance DEC 2018	Total Events DEC 2018	Number of Program Participants DEC 2018	Calendar Year to Date Attendance 2018
Teens on Board	11	1	11	68				92
Teen Fest				450				450
INSTRUCTIONAL								
C.P.R. for Kids								8
Golf, Youth				40				62
Jr. Lifeguard								30
Little Dancers-Ballet				342				503
Little Dunkers				440				452
Little Kickers				143				520
Little Sluggers				512				608
Presports				433				548
Presports Plus				440				
Splashball				390				
Super Sitter				7				8
Tennis, Youth				135				73
Track, Youth				130				204
Tumbling				342				436
Volleyball, Youth				2,150	132	1	132	3,564
Water Polo				215				264
AQUATICS								
Instructional Swim Session 1				2,450				2,450
Instructional Swim Session 2				1,835				1,510
Instructional Swim Session 3				1,760				1,770
INSTRUCTIONAL SWIM TOTALS	0		0	6,045	0			5,730
Public Swim-Western				1,818				1,871
FACILITY RENTALS								
Meitzenheimer Comm. Center	516	12	43	9,562	717	4	51	7,836
Cecil Berkley Activity Center	92	4	23	4,646	60	3	20	4,128
Prosperity Sports Park	100	1	100	555				338
Youth Center/KLUB KAOS				325				200
Youth Center/Gymnasium	355	11	32	8,599	1,056	15	70	13,968
Youth Center/Conference Rm	3	1	3	20				
PAVILION RENTALS/GENERAL PARK								
Bender Park (Pleasant)				725				595
Blain Park				1,735	60	2	30	2,075
Cypress Park				1,523				1,920
Live Oak Park	50	1	50	2,435	35	1	35	1,955
Centennial Park				90				395
Del Lago Park	120	3	40	10,812	280	2	140	11,699
Del Lago Phase I				825				70
Elk Bayou Park				415				1,100
Mulcahy Park				2,690				2,130
Santa Fe Trail				1,070				300
Zumwalt Park				13,215				10,185
FIELD RENTALS								
Bender								
Centennial				1,799	360	6	60	1,525
Chavez				500				400
Cypress	200	4	50	3,704	40	8	5	3,546
Elk Bayou Soccer Complex	1,355	23	59	62,301	6,180	118	52	55,541
Elk Bayou Concessions				345				80
Live Oak West	50	1	50	10,899	496	14	35	8,546
Live Oak Lombardi				4,380	300	5	60	6,030
Prosperity (#2 & #3 only)				591	15	1	15	1,110
Centennial Tennis Courts	40	4	10	928	144	9	16	1,832
Centennial Horseshoes	30	1	30	455	30	1	30	285
Del Lago Tennis Courts	110	11	10	290				
POOL RENTALS								
Western				1,270				1,900
TOTALS	13,725	194		315,764	41,229	635		278,517

(1) Number of program participants is the average number of participants each day.

-PARKS DIVISION MONTHLY REPORT

DECEMBER 2019

(on-going/**complete**/new)

Acreage Maintained: The Parks Division maintains 363 acres of landscape and grounds which includes 295 acres of park land, 35 acres of Landscape Maintenance Districts, and approximately 33 acres of green belts, medians, and tree lined streets.

PARKS

Maintenance:

- Restrooms (13) 7 days per week opening/closing, cleaning, stocking supplies, and repairs;
- Picnic Shelters 7 days per week cleaning BBQs, tables, surfaces;
- Playgrounds (14) inspections, repairs, trash removal;
- Tennis Courts (3) daily opening/closing, lighting repairs, surface cleaning, net repair replacement;
- Parks (20) litter clean up, servicing trash containers, graffiti removal, lighting inspections (arbors, trail, sports fields, parking lots) set programs, irrigation systems check including VFD's, calculating ET values, programming, repair as needed citywide communications for LAGUNA (central command irrigation management system), weather station service, sprinkler head adjustments, valve repairs, mainline repairs; herbicide applications for weed management; pesticide monthly usage reports to the State of California DPR; Del Lago Park Lake maintenance; parking lot clean up, tree and shrub pruning;
- Maintenance contract inspections and compliance for mowing (126 Acres)
- Public assistance; Street Tree/Heritage Tree inspection/removal requests
- Weekly park closures for maintenance Centennial, Zumwalt and Skate Park
- Tracking expenditures and man hours for budget recommendations Clean Team

Projects:

- Bender Park Playground Replacement Project on Consent January 7th Council Meeting
- Fall surfacing for Tyler and Mulcahy Park playgrounds to refill existing surfacing
- Begin removal of old playground at Bender Park and excavation for new playground
- Begin removal of old concrete benches and brick BBQ's at Bender Park Arbor
- Begin winter pre-emergent spray applications Santa Fe Trail & Parks
- Santa Fe Trail closure for lighting repairs Blackstone to Laspina
- Del Lago Park closure north at tennis courts for maintenance
- Extensive Santa Fe Trail lighting repairs due to vandalism from Prosperity to Inyo
- Grey Hound Bus Terminal Palm Tree Pruning Project complete
- Santa Fe Trail Tree Pruning Project "B" Street to West Street complete
- Blain Park Playground Replacement – Design Build Services out to bid

Budget:

- **Parks budget is being impacted by Homeless Cleanup Details**

Contracts:

- Route "D" Park Mowing & Blowing

DOWNTOWN DISTRICT

Maintenance:

- Contract compliance (Tower Square, 9 City Parking Lots, Pedestrian Overcrossing)
- PBID (Tower Square) attend monthly board meetings
- Specified Municipal Area Response Team (SMART Team) – proactive code violation enforcement in the Downtown area.

Contracts:

- Route "F" Downtown and Other Miscellaneous Locations

Projects:

- Downtown leaf cleanup K, L, M and Tulare Avenue prior to Christmas

Budget:

- Approved by Council

CITY BUILDING LANDSCAPES, MEDIANS, SANTA FE TRAIL

Maintenance:

- Maintenance contract inspections and compliance
- Pre-emergent applications
- Post Emergent Applications Santa Fe Trail
- Post Emergent Applications Parks and Sports Fields
- Illegal dumping, homeless encampment clean up and removal
- Graffiti removal

Contracts:

- Route "E" Median and Grade Separation Maintenance

Projects:

- City Hall – plant replacement in elevated planters and irrigation repairs

LANDSCAPE MAINTENANCE DISTRICTS (22):

Maintenance:

- Landscape Maintenance District inspections, maintenance contract compliance, respond to resident complaints and concerns.

Projects:

- Identifying sidewalk trip hazards in Del Lago L&LD to help prevent injuries
- Create RFP for sidewalk replacements and tree removals Del Lago L&LD (177 trip hazards and 37 tree removals identified)
- **Begin of Maintenance Walk – Kensington Phase One**

New Development Projects:

- Reviewing plans for Kensington Estates Phase 2 and Pocket Park

Contracts:

- Routes A, B, C Landscape & Maintenance Districts

Budget:

- Approved by Council

- PERCENTAGE OF ANNUAL BUDGET EXPENDED AS OF DECEMBER 30th 57%
- SWAP HOURS OCTOBER 1104 HOURS