

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone - (530) 749-5430 • Fax - (530) 749-5434
915 8th Street, Suite 123
Marysville, California 95901
www.co.yuba.ca.us



BUILDING
3-5440 • Fax 749-5616

ODE ENFORCEMENT
420-10 3-5455 • Fax 749-5464

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August 24, 2010

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL LEE, PUBLIC WORKS DIRECTOR *ML*
RYAN McNALLY, PARKS AND LANDSCAPE COORDINATOR *RM*

SUBJ: ADOPT ORDINANCE RESOLUTION TO REPEAL AND RE-ENACT CHAPTER 8.76 OF THE ORDINANCE CODE TO ADD OPUD AND PROVISIONS FOR SKATEPARK AND SPRAYPARK FACILITIES.

RECOMMENDATION:

Adopt the attached ordinance resolution to repeal and re-enact Chapter 8.76 of the Yuba County Ordinance Code to add the Olivehurst Public Utilities District (OPUD) as well as regulations pertaining to the County's new skatepark and spraypark facilities.

BACKGROUND:

With the completion of two major park amenities, the POW/MIA Spraypark and the Friendship Skatepark, we are presented with new challenges our County has never encountered. Suffice it to say that in order to maintain safety and to preserve the longevity of our new features, the County should implement formal rules and regulations addressing those concerns.

In addition, OPUD has requested that the County name include their parks to be covered under the ordinance to ensure maximum enforceability by the Sheriff's Department.

DISCUSSION:

Chapter 8.76 of the Yuba County Ordinance Code currently addresses all County parks with the exception of Hammon Grove, Sycamore Ranch and those parks administered by OPUD. The proposed repeal and reenactment would add verbiage to include OPUD as well as the prohibition of riding of "any bicycle, skateboard, scooter, skates, rollerblades, or other human powered device excluding wheelchairs upon any fixtures or furnishings not designated for such purposes or within ten (10) feet of a designated spraypark or splashpad." In addition, it will also require the users of any skatepark or skateplaza facility to wear a helmet, elbow pads and knee pads for their own safety.

COMMITTEE ACTION:

On August 17, 2010, the Land Use & Public Works Committee reviewed this item and recommended approval by the Board.

FISCAL IMPACT:

No impact to the General Fund.

ORDINANCE NO. _____

**AN ORDINANCE REPEALING AND RE-ENACTING YUBA COUNTY
ORDINANCE CODE TITLE VIII, CHAPTER 8.76 RELATING TO COUNTY PARKS
AND RECREATION AREAS**

The following ordinance consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on ____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

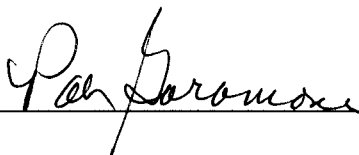
ABSTAIN:

Chairman of the Board of Supervisors
of the County of Yuba, State of California

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM
ANGIL MORRIS-JONES

By:  _____

THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA
DOES ORDAIN AS FOLLOWS:

Section 1. This ordinance shall take effect Thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper in the County of Yuba, State of California.

Section 2. This ordinance repeals and reenacts Chapter 8.76 of Title VIII of the Yuba County Ordinance regarding County Parks and Recreation Areas as follows:

**CHAPTER 8.76
PARKS AND RECREATION AREAS**

Sections

8.76.010 Purpose

8.76.020 Description

8.76.030 Hours

8.76.040 Fees

8.76.050 Prohibited Acts

8.76.060 Vehicles

8.76.070 Boat Launch Facilities

8.76.080 Animals within County Parks and Recreation Areas

8.76.090 Alcoholic Beverages

8.76.100 Signs

8.76.110 Penalties

8.76.120 Enforcement

8.76.010 Purpose – The purpose of this chapter is to protect property, persons and the public health and welfare within any park, park-like area or recreation area (Parks) which is under the jurisdiction and control of this County and/or the Olivehurst Public Utility District (OPUD). Where this ordinance provides for the exercise of authority regarding the approval or amendment of agreements, rules or regulations governing use of a particular park, park like area, or recreation area, the authority therefore shall vest in the Board of Supervisors for Parks owned by the County, and in the Board of Directors of OPUD for Parks owned by OPUD.

8.76.020 Description – This section shall apply to any indoor or outdoor park, park-like or recreational area whose boundaries fully or partially lie within the County of Yuba and is under

the control or jurisdiction of the County and/or OPUD which exists for the purpose of recreation, aesthetic value, or the conservation of cultural, historical or natural resources, with the exception of Hammon Grove Park and Sycamore Ranch Park as defined in Chapter 8.79 of the Yuba County ordinance code.

8.76.030 Hours – It shall be unlawful for any person to enter or remain upon the premises of any park or recreation area within the jurisdiction or control of the County and/or OPUD within the period of:

- (a) No later than thirty (30) minutes after sunset and;
- (b) No earlier than thirty (30) minutes prior to sunrise, with the exception of authorized personnel acting as a caretaker, custodian, or County or OPUD employees engaged in their duties; or agents thereof. The County or OPUD, respectively, may authorize extended or reduced hours for an approved use within their respective parks under an operation and maintenance agreement or other agreement or permit as approved by the Board of Supervisors or OPUD.
- (c) Where permissible, daily limits and hours for overnight camping shall be set by resolution of the Board of Supervisors.
- (d) As defined by Yuba County Ordinance Code 8.79 for Hammon Grove Park and Sycamore Ranch.

8.76.040 Fees – Fees for park or recreational use shall be governed as follows:

- (a) County Parks - The Board of Supervisors shall set fees as appropriate for reserved daytime use, overnight camping or organized events by resolution. All fees must be paid prior to using such area in accordance with agreement.
- (b) OPUD Parks - OPUD shall set and administer fees as appropriate for reserved daytime use organized events by resolution. All fees must be paid prior to using such area in accordance with agreement.

8.76.050 Prohibited Acts – Within any park or recreation area that lies within the jurisdiction of Yuba County and/or OPUD, it shall be prohibited for any person to:

- (a) Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or other such refuse or trash except in proper receptacles provided for such purpose. Such refuse or trash so placed shall be only generated in connection with normal activities in, and use of, the park or recreation area. Where

such receptacles are not provided, all refuse or trash shall be carried away from the park or recreation area by the person responsible for its presence and properly disposed of elsewhere.

- (b) Break, cut, carve, deface, injure, mutilate, transplant, remove or otherwise damage any animal, grass, turf, plant, tree, shrub, flower, wood, dirt, mulch, sand or rock.
- (c) Mark, graffiti, deface, disfigure, injure, tamper with, displace, dig, remove, destroy, or obliterate any County-owned real or personal property of any kind.
- (d) Tamper, damage, break, or cause adjustment to any irrigation component including, but not limited to controllers, repeaters, weather monitoring stations, sprinklers, sprayers, access boxes, poly-hose, or pipe that would affect the irrigation pattern or otherwise cause for the malfunction of any County maintained irrigation system.
- (e) Discharge a projectile from any firearm, cannon, compressed air or gas operated weapon, bow, crossbow, slingshot, or other deadly or dangerous weapon except in the defense of life or property or upon the authorization of the Board of Supervisors or OPUD for OPUD parks.
- (f) Camp or sleep overnight either in a vehicle or otherwise without a permit, except for an authorized custodian or caretaker of the premises.
- (g) Engage in hazardous activities such as propel a rocket or missile of any type, hitting a golf ball, horseshoe games, lawn-darts, archery, or any similar game of hazardous nature except at such places designated for such use by the County or designated for such use by OPUD for OPUD parks.
- (h) Swim in any body of water except at such places designated for such use by the County.
- (i) Possess, use, discharge or sell any firecrackers, torpedoes, rockets, explosives, or other fireworks of any type.
- (j) Possess glass containers of any type except for within parked vehicles; or
 1. When conducting the transfer of personal belongings or refreshments when loading and unloading boats at the Star Bend Boat Ramp.
 2. Within designated campgrounds.

- (k) Carry, use or throw away any lighted cigarette, cigar, ashes, or any other flaming or glowing substance except in designated barbeque areas, vehicles, or other posted areas.
- (l) Hunt for wild animals or wild birds.
- (m) Trespass upon any area, building, or portions thereof which are posted with signs disallowing entry or when gates, doors or other means of access are closed or locked for the purpose of prohibiting entry.
- (n) Walk, stand, or sit upon or otherwise use any monument, vase, fountain, railing, fence, or other property not designated or customarily used for such purposes.
- (o) Dispose of, introduce or otherwise expose any chemical, material or agent that may result in the pollution, temperature adjustment, chemical balance, aesthetic quality, change of color, change of texture or otherwise alter the natural occurrence of any body of water, water surface or water feature.
- (p) Urinate, defecate or otherwise excrete any bodily fluid and/or by-product except within designated restroom areas. It shall be unlawful for males to use said restroom areas exclusively designated and marked for females, and for females to use said restroom areas exclusively designated and marked for males; provided however that restroom designation shall not apply to children accompanied by an adult person.
- (q) Distribute, circulate, give away, throw or otherwise deposit any handbill, circular, dodger, pamphlet, paper or advertisement or post or affix the same to any tree, fence, building, or other property.
- (r) Engage in the business of soliciting, selling, or peddling any liquids or edibles for human consumption or to hawk, peddle or vend any goods, wares or merchandise except when authorized to do so by the public agency having jurisdiction over the area where such activities are conducted.
- (s) Produce any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area as outlined in Chapter 8.20 of the Yuba County Ordinance Code.
- (t) Ride or otherwise operate any bicycle, skateboard, scooter, skates, rollerblades, or other human powered device excluding wheelchairs or animals of any kind upon any

fixtures or furnishings not designated for such purposes or within ten (10) feet of a designated spraypark or “splashpad.”

- (u) Ride or otherwise operate any skateboard, scooter, skates, rollerblades or similar coasting device within any park, skatepark or “skate plaza” without the proper use of a helmet, elbow pads and knee pads. The Director of Public Works and/or OPUD shall maintain signage in all such skatepark or “skate plaza” facilities affording reasonable notice that any person in violation of this provision shall be subject to citation in accordance with this ordinance.

8.76.060 Vehicles – Within any park or recreation area that lies within the jurisdiction of Yuba County and/or OPUD, it shall be prohibited for any motor powered vehicle to be driven, stopped, stood or parked except in those places designated for such purposes. This section shall not apply to electric powered wheelchairs or similarly assistant devices for the disabled.

8.76.070 Boat Launch Facilities – It shall be unlawful to park, stop or stand a vehicle on or about any boat ramp facilities within Yuba County except for such purposes as launching or retrieving vessels or flotation devices to and from the water.

8.76.080 Animals within Parks and Recreation Areas

- (a) It shall be unlawful for any person who owns or has the charge, care, control or custody of any animal to allow, cause or permit such animal to be in or upon any park or recreation area belonging to the County and/or OPUD beyond boundaries established for such purposes (i.e. “dog-park,”) unless such animal is on a leash not exceeding eight (8) feet in length and under the complete control of the person in charge of such animal.
- (b) It shall be the responsibility of any person who owns or has the charge, care, control or custody of any animal in or upon any County and/or OPUD park or recreation area to clean up fecal matter from the animal before leaving the facility and to properly dispose of same.

8.76.090 Alcoholic Beverages – It shall be unlawful for any person to possess, use or consume any alcoholic beverage in or upon the premises of any County or OPUD park or recreation area except those Parks listed below or unless otherwise approved by the Board of Supervisors or OPUD, respectively:

- (a) Shad Pad Park - Alcoholic beverages may be possessed, used or consumed within the boundaries of Shad Pad Park.

- (b) Star Bend Boat Ramp – Alcoholic beverages may be possessed within the Star Bend Boat Ramp and parking areas for the purpose of transit between vehicles and vessels intended to be launched or retrieved from the Feather River.
- (c) Hammon Grove Park / Sycamore Ranch - Alcoholic beverages may be possessed, used or consumed within the boundaries of Hammon Grove or Sycamore Ranch as defined in Section 8.79.

8.76.100 Signs –

- (a) The director of Public Works is authorized and directed to place and maintain appropriate signs giving notice of any restriction imposed by this chapter including, without limitations, signs regulating applicable laws, ordinances, restrictions, hazards or the operation of motor vehicles in or upon any County park or recreation area.
- (b) The Olivehurst Public Utility District is authorized and directed to place and maintain appropriate signs giving notice of any restriction imposed by this chapter including, without limitations, signs regulating applicable laws, ordinances, restrictions, hazards or the operation of motor vehicles in or upon any OPUD park or recreation area.

8.76.110 Penalties – Except as otherwise provided in this chapter, any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof is punishable by imprisonment in the County jail for a term not exceeding six months or a fine not exceeding one thousand dollars (\$1,000.00) or both. Each separate day during which any violation occurs is a separate offense.

8.76.120 Enforcement – The provisions of this chapter may be enforced by any duly appointed peace officer recognized by the State of California. Any such person authorized to enforce the provisions of this chapter may issue an arrest, citation or a notice to appear before a magistrate as appropriate per applicable statute.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.