

**ORDINANCE NO. 15**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF  
THE COSUMNES COMMUNITY SERVICES DISTRICT  
AMENDING AND RESTATING ORDINANCE NO. 9**

WHEREAS, the Cosumnes Community Services District (“District”) previously adopted Ordinance No. 9, which sets forth the District’s Parks and Recreation regulations; and

WHEREAS, in 2007, the City of Elk Grove (“City”) and District entered into a settlement agreement by which both entities agreed to jointly own and operate certain park facilities located throughout the City of Elk Grove; and

WHEREAS, the District now desires to amend Ordinance No. 9 to, among other things, allow for the collaboration of the District and the City on the use and regulation of City and District owned parks.

NOW, THEREFORE, the Board of Directors of the Cosumnes Community Services District does hereby ordain as follows:

1. **Authority.** The Board of Directors enacts this Ordinance under the authority granted to Community Services Districts by Government Code section 61000 *et seq.*
2. **Amendment.** Ordinance No. 9 is hereby repealed and replaced in its entirety as follows:

**Section 1.01 Definitions.**

Unless otherwise indicated, the terms and phrases used in this Ordinance are defined as follows:

- A. “Board of Directors” means the Board of Directors of the Cosumnes Community Services District.
- B. “City” means the City of Elk Grove.
- C. “City Council” means the City of Elk Grove City Council.
- D. “City Manager” means the City of Elk Grove City Manager or his/her authorized representative.
- E. “CSD Administrator” means the Cosumnes Community Services District General Manager, the Cosumnes Community Services District Department of Parks and Recreation Administrator, or their authorized representative.
- F. “District” means the Cosumnes Community Services District.
- G. “Executive Officer” means any of the following, based on the Jurisdiction with ownership over the Facility:
  - (1) The CSD Administrator in regards to Facilities owned or maintained solely by the District;
  - (2) The City Manager in regards to Facilities owned or maintained solely by the City;
  - (3) Either the CSD Administrator or City Manager in regards to Facilities jointly owned or maintained by the District and City.
- H. “Facility” or “Facilities” means any recreation facility, as defined in California Public Resources Code Section 5780.1, or any area, place, structure, arts and crafts room, auditorium, beach, camp, community center, golf course, gymnasium, lake, meeting

place, open space, corridor, trail, park, parkway, playground, playing court, playing field, recreational reservoir, river, swimming pool, aquatics center, building, structure, system, equipment, machinery or other appurtenance owned, managed, controlled or operated by the Cosumnes Community Services District, the City of Elk Grove, or jointly by the Cosumnes Community Services District and the City of Elk Grove.

Any new Facilities constructed after August 15, 2007 within the geographic limits of the City shall be jointly owned by the District and the City except as follows:

- i. District Facilities already in existence as of August 15, 2007, including existing Facilities that may be further developed or renovated by the District;
- ii. District Facilities that have been planned by the District in the East Franklin and Eastern Elk Grove Finance Plan areas, with the exception of Vintara Park within the Eastern Elk Grove Finance Plan area;
- iii. The City's Civic Center;
- iv. New Facilities own, plan, develop, construct, operate, and maintained with monies other than those obtained through development agreements, development impact fees or other fee programs imposed by the City or District, Community Facilities Districts, newly created Lighting and Landscape Districts, or land dedications.

I. "Jurisdiction" means the governing entity who owns or maintains the Facility.

### **Section 1.02 Application of Ordinance.**

- A. Unless otherwise expressly provided, the provisions of this Ordinance apply to all Facilities under the jurisdiction of the Cosumnes Community Services District, the City of Elk Grove, or jointly under the Cosumnes Community Services District and the City of Elk Grove. Notwithstanding the foregoing, the District shall not be required to comply with any restrictions or obligations set forth in this Ordinance that require the District to collaborate with, or obtain the approval of, the City in regards to Facilities jointly owned or maintained by the District and City unless a similar provision is adopted by the City.
- B. Except as otherwise provided by California law, as otherwise expressly indicated in this Ordinance, or by the mutual written agreement of the City and District, the City shall have no rights or obligations in regards to any Facility owned or maintained solely by the District, and the District shall have no rights or obligations in regards to any Facility owned or maintained solely by the City.
- C. Except as otherwise expressly indicated in this Ordinance or by authorization of the Board of Directors, any Facility owned, maintained or operated by the District that is not subject to the joint ownership, maintenance or operation of the City shall be subject to the regulations set forth in this Ordinance but shall not be subject to any regulations adopted by the City.

### **Section 1.03 Regulations.**

The Executive Officer may establish and post regulations governing the use of Facilities which are consistent with regulations contained in this Ordinance and which promote public health and safety and the preservation of property.

**Section 1.05 Use Permit – Application Contents.**

Whenever a use permit is required by provisions in this Ordinance, an application shall be filed with the Jurisdiction for the desired Facility.

**Section 1.07 Violation of Regulations – Sanctions.**

- A. Unless otherwise stated in this Ordinance, a violation of any of the provisions of this Ordinance, or failure to comply with any of the regulatory requirements of this Ordinance, is an infraction unless further stipulated as a misdemeanor subject to the procedures described in Sections 19(c) and (d) of the California Penal Code.
- B. The Executive Officer shall have the authority to revoke a use permit upon a finding of violation of any regulation contained in this Ordinance or upon a finding of a violation of any other City ordinance or law of California.
- C. The Executive Officer shall have the authority to eject from a Facility any person acting in violation of regulations contained in this Ordinance.
- D. The regulations contained herein shall not prohibit any person authorized by the Executive Officer from the normal exercise of requested, assigned, or contractual duties.

**Section 1.10 Penalties.**

- A. Except as otherwise provided in this Ordinance, every violation of this Ordinance constituting an infraction is punishable by:
  - 1. A fine not exceeding \$50.00 for a first violation;
  - 2. A fine not exceeding \$100.00 for a second violation of the same Ordinance provision within one year;
  - 3. A fine not exceeding \$250.00 for each additional violation of the same Ordinance provision within one year.
- B. Except as otherwise provided in this Ordinance, every violation of this Ordinance constituting a misdemeanor is punishable by a fine not in excess of \$1,000.00 or by imprisonment in the County Jail for not more than six months, or by both.
- C. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Ordinance is committed, continued, or permitted by any such person, and shall be punished accordingly.
- D. Malicious injury or destruction of any real or personal property which constitutes vandalism under the provisions of Section 594 of the California Penal Code shall be prosecuted as a violation of Section 594 of the Penal Code and shall be punishable as either a misdemeanor or a felony, and shall pay any applicable fines, as provided in Section 594 of the Penal Code.
- E. Any fine imposed herein is in addition to and not in lieu of expulsion.

**Section 1.15 Closure of Facilities.**

The Executive Officer shall have the authority to close a Facility, or portion thereof, and require the exit of all persons therein when he/she determines that conditions exist in said Facility or portion thereof which presents a hazard to the Facility or to public safety.

**Section 1.20 Park, Recreation, and Service Fees – Purpose.**

*Section 61115 of the Government Code of the State of California* provides that a Community Services District may charge for the use of its Facilities or services provided in its Facilities so

long as the charges are reasonable. The purpose of this Section is to provide for reasonable fees to be charged by the District for use of its Facilities or services provided in its Facilities.

*Section 50402 of the Government Code of the State of California* provides that a City may charge for use of its Facilities or services provided in its Facilities so long as the charges do not exceed the cost of service. The purpose of this Section is to provide for fees to be charged for various services and Facilities in amounts reasonably necessary to recover the cost of operating the Facilities and providing the various services and Facilities.

**Section 1.21 Facility Use Fees – Establishment.**

By resolution adopted by the Board of Directors or City Council, as applicable, each Jurisdiction may establish a schedule of fees for use of that Jurisdiction’s Facilities or services, which fees shall be applicable to that Jurisdiction’s Facilities during the hours of operation of such Facilities. For Facilities jointly owned by the District and City, all fees for use must be approved by both the Board of Directors and the City Council prior to their application.

**Section 1.22 Park, Recreation, and Service Fees – Criteria.**

Fees for Facilities and services within those Facilities that have been established pursuant to this Ordinance, on a per person or per vehicle basis, or both, may be charged in amounts reasonably necessary to recover the costs of Facilities, capital improvements, maintenance and operation of the Facilities, enforcement and policing of regulations governing use of the Facilities, and associated administrative costs. Examples of the types of Facilities and services for which fees may be charged include, but are not limited to: parking; swimming; reservation of buildings and other structures for exclusive use; participation in organized athletic and other programs of recreation; and golf greens fees.

**Section 1.25 Violations.**

- A. Where a fee is required, it is unlawful for any person to enter or remain in any Facility without having paid the required fee. Notwithstanding the foregoing, this subsection shall not apply to vehicle parking fees for any organization or group which is expressly authorized in writing by the Executive Officer to pay such fees following use of the Facility.
- B. Whenever the Executive Officer determines that parking or standing of vehicles in a Facility would be disruptive to the Facility’s users or create dangerous conditions, then the Executive Officer shall provide for the erection and posting of signs indicating that the parking or standing of vehicles is prohibited, limited or restricted. It is unlawful for any person to park a vehicle or allow a vehicle to stand in a Facility contrary to the prohibitions of posted signs.

**Section 1.30 Failure to Obtain Required Use Permit or Contract.**

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

**Section 1.31 Priority of Use.**

Any person using a Facility or portion thereof which may be reserved by obtaining a use permit or contract, but who has not obtained such a permit or contract, shall vacate said area when

holders of a valid permit or contract present themselves.

**Section 1.32 Exhibiting Permit or Contract.**

Any person claiming to have a permit or contract authorizing that person to use a specific Facility shall immediately produce and exhibit said permit or contract upon request of an employee of the Jurisdiction or any peace officer employed or retained by either Jurisdiction who desires to inspect said permit or contract for the purpose of enforcing compliance with any regulations in this Ordinance.

**Section 1.35 Advertising.**

No person shall distribute, circulate, give away, throw, or deposit in or on any Facility any handbills, 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 Facility shall any person solicit or collect donations of money or other goods from the public, without express approval of the Executive Officer for such activity within the specific Facility.

**Section 1.40 Restrooms and Washrooms.**

- A. 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, with the exception of children under the age of six years who are accompanied by a person who is of the sex designated for that restroom and who has reason to be responsible for that child. A violation of the provisions of this section is a misdemeanor. Notwithstanding the forgoing, the Jurisdiction's maintenance staff may enter a restroom or washroom facility of the opposite sex in the performance of his/her job duties.
- B. No person shall deposit any human waste material in or on any Facility other than in a public toilet designed to receive such waste material.

**Section 1.45 Water Pollution.**

No person using a Facility shall place, by any means, any substance which will or may result in the pollution of waters within the Facility, or a portion thereof, without a use permit from the Executive Officer.

**Section 1.46 Refuse.**

No person using a Facility shall dump any trash or refuse in or on the Facility but shall place it in the proper receptacles where such are provided. Where receptacles are not provided, waste shall be carried away from the Facility by the person responsible for its presence, and properly disposed of elsewhere.

**Section 1.50 Smoking/Tobacco.**

No person shall smoke any substance, use any tobacco product or discard any tobacco-related waste in any Facility, or within 25 feet of a children's playground or tot lot sandbox area (pursuant to California Health and Safety Code Section 104495(b), as amended from time to time). Signs shall be posted where smoking is prohibited.

**Section 1.51 Consumption of Alcoholic Beverages.**

- A. No person shall possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been partially removed, on or within any Facility, nature trail or nature area which has been posted with signs prohibiting such possession except at events in which alcohol has been authorized by a permit from the Executive Officer.
- B. It shall be unlawful for any person under 21 years of age to be in possession of an alcoholic beverage while such person is in or upon any Facility. Notwithstanding any other provision of this Ordinance to the contrary, violation of the provisions of this Section shall constitute a misdemeanor, and shall be punishable pursuant to the provisions of Section 25132 of the Government Code, as amended from time to time.

**Section 1.55 Fires.**

- A. Without a permit issued by the Executive Officer, no person shall ignite, maintain, or use any fire in any place within any Facility except in a barbecue cooker or other cooking device authorized by the Executive Officer for that purpose.
- B. No person shall ignite or maintain a fire of materials deposited in any can, box, trench, pit, or other receptacle maintained for the purpose of garbage disposal or incineration, nor shall any person dump any ashes or other burnt materials in or on any Facility.

**Section 1.56 Fireworks.**

No person using a Facility shall possess or ignite in any manner any firecracker or fireworks, including any article 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 Sections 12505, 12508, and 12529 of the California Health and Safety Code at any public gathering or patriotic celebration provided a permit for such discharge or display has been obtained from the Jurisdiction and a fire permit has been obtained from the District Fire Department.

**Section 1.57 Firearms, Air Guns, and Other Weapons.**

No person other than a peace officer in the discharge of his/her duties shall use, maintain, possess, fire, or discharge any firearm, air gun, spring gun, bow and arrow, slingshot, or any other weapon potentially dangerous to wildlife or human safety, except in areas, at times, and under conditions designated by the Executive Officer, in writing, for such use. A violation of the provisions of this Section is a misdemeanor.

**Section 1.60 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 Facility, nor remove or have in his possession the young, eggs, or nest of any such creature, without the authorization of the Executive Officer;
- B. Abandon any animal, dead or alive, within any Facility;
- C. Remove any animal not his own within any 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, maintain or allow in or upon any Facility any dog, cat, or other animal, unless such animal at all times is kept on a leash of sufficient strength and durability that it cannot be broken by the animal so leashed, and is under the full and complete physical control of its owner or custodian at all times. The Executive Officer may designate areas and times within which persons may show, demonstrate, or train unleashed animals but under full control of their owners or custodians;
- E. Permit cattle, sheep, goats, horses, or other animals owned by him or in his possession to graze within the boundaries of any Facility without express approval of the Executive Officer;
- F. Ride a horse, pony, mule, burro, or any other animal upon, over or across any Facility, except at times and upon roads or trails designated for the riding of such animals, or as otherwise approved per contract or use permit;
- G. Permit any animal owned by him/her, or in his/her possession, to be brought into or remain upon the premises of any Facility if the Executive Officer has given oral or written notice to remove that animal from such premises. The Executive Officer may give such notice if such animal is known to the Executive Officer to at any time have caused any injury or damage to any person, other animal or property of another while upon the premises of any Facility;
- H. Permit any animal owned by him/her, or in his/her possession, custody, or control, to defecate in or upon any Facility without immediately removing such animal feces, placing said feces in a sealed bag or other sealed container, and placing such bag or container with feces in a proper refuse receptacle. Persons with horses in their possession, custody, or control, at times and upon roads or trails designated for the riding of such animal, and unsighted persons while relying on a guide dog, are exempt from the provisions of this subsection;
- I. A violation of any of the provisions of this section shall be punishable as a misdemeanor.

#### **Section 1.65 Real Property – Appropriation or Encumbrance.**

No person shall deposit any earth, sand, rock, stone, or other substance within any Facility; nor shall they dig or remove any such material from within any Facility; nor shall they 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 Jurisdiction, without a permit from the Executive Officer.

#### **Section 1.66 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.
- C. Without the written approval of the Executive Officer, make or place on any tree, plant, shrub, bloom, flower, building, sign, fence, bench, structure, apparatus, equipment, or property, or on any portion thereof, any rope, wire, mark, nails, tacks, writing, printing, sign, card, display, or similar inscription or device.

- D. All temporary roadside memorials on public property and rights-of-way shall be disposed of in accordance with the applicable City Municipal Code nuisance provisions, as amended from time to time.

**Section 1.70 Locks and Keys.**

No person other than one acting under the direction of the Executive Officer shall duplicate or cause to be duplicated, a key used by the Jurisdiction 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.

**Section 1.75 Motorized Vehicles.**

- A. No person shall drive or operate any automobile, motorcycle, motor scooter, trail bike, dune buggy, truck, or other motorized vehicle elsewhere other than on the roads or drives provided for such purpose, or to drive a motor vehicle in an erratic or hazardous manner. The only exception would be electric scooters and electric motorized wheelchairs as required by disabled persons for mobility purposes.
- B. While within the boundaries of any Facility, no person shall drive any automobile, motorcycle, motor scooter, truck, or other motorized conveyance, except an authorized emergency vehicle, at a rate of speed exceeding fifteen miles per hour, except as may be otherwise posted by the Executive Officer, or in any case at speeds exceeding safe conditions dictated by prevailing circumstances.
- C. No person shall park any automobile or other motorized vehicle within any Facility except in areas specifically designated as parking areas, without a use permit from the Executive Officer. In no case shall any person park a motorized vehicle in a manner that presents a hazard to the public.
- D. No person shall park or otherwise allow automobiles and other conveyances to remain within the boundaries of any Facility during the hours the Facility is closed, without a use permit from the Executive Officer.
- E. No person shall abandon any motorized vehicle within the boundaries of a Facility.
- F. No person shall wash or repair any automobile or other motorized vehicle within the boundaries of any Facility without a use permit from the Executive Officer.
- G. All motorized vehicles within the boundaries of any Facility shall be equipped with a properly installed muffler device which is in constant operation and which prevents excessive or unusual noise. No such muffler device or exhaust system shall be equipped with a cutout, bypass, or similar device.

**Section 1.80 Bicycle Trails and Bicycles.**

Within the boundaries of a Facility no person shall:

- A. Operate any motorized vehicle, including, without limitation, motorcycles, trail bikes, or motorized bicycles upon any bicycle trail except at street, driveway or access road intersections for the purpose of crossing a bicycle trail, without a permit from the Executive Officer. The only exception is motorized handicap scooters or motorized wheelchairs used for disabled mobility;
- B. Hold any organized or competitive event on any trail without a permit from the Executive Officer;

- C. Ride a bicycle in areas in which posted signs expressly prohibit the riding of bicycles including, but not limited to, on grassy areas, paths, trails or walkways which have been designated by posted signs to be for pedestrian or equestrian use only. A bicyclist shall be permitted to push a bicycle by hand over any such grassy area, path or walkway;
- D. Leave a bicycle in any place or position where other persons may trip over or be injured by it;
- E. Ride a bicycle on a designated off-street trail in excess of 15 miles per hour, or in a manner which is unsafe or which may be injurious to the rider or other persons, except for permitted competitive events.

**Section 1.85 Prohibition of Skates, Skateboards and BMX Bikes in Certain Facilities.**

Except as otherwise provided in this Ordinance and in such areas specifically designated for the use of such devices, no person shall ride upon a skateboard, roller skates, in-line skates, roller skis, BMX bikes or a similar device within the boundaries of any Facility where the use of such devices has been prohibited by the posting of a sign. Violation of this section shall be deemed an infraction.

**Section 1.90 Hours of Use.**

The Executive Officer is authorized to adopt reasonable opening and closing hours for all Facilities within his/her Jurisdiction. No person shall enter, remain in, or camp in or on any Facility during the hours or any part of the hours that Facility is closed without a use permit from the Executive Officer.

**Section 1.100 Swimming.**

No person shall swim, bathe, float or wade in any water or waterways within a Facility when such activity is prohibited and so posted by the Executive Officer upon their finding that use of the water would be dangerous to the user, incompatible with the function of the Facility, or detrimental to public health.

**Section 1.101 Boats.**

- A. Regulations governing the use of boats within a Facility may be established and posted by the Executive Officer. Said regulations shall promote the safety of swimmers and boaters, the protection of property, and general public enjoyment of the Facility.
- B. Public boating is not allowed within any Facility including but not limited to Elk Grove Regional Park Lake, Emerald Lakes Golf Course lakes and Laguna Creek and its tributaries unless a sign is posted that states boating is allowed. Notwithstanding the foregoing, any person with an applicable use permit from the Jurisdiction may operate a boat in the Facility expressly designated in that use permit.

**Section 1.110 Sound Amplification Equipment.**

- A. Within any Facility, no person shall use sound amplification equipment without a permit from the Executive Officer.
- B. Within any Facility, no amplified outdoor music will be permitted past 7:00 PM without the express written permission of the Jurisdiction.

**Section 1.120 Glass beverage containers – Prohibition.**

No person shall possess any cup, tumbler, bottle, jar or other container made of glass within any park or on any body of water or within any other Facility which has been posted with signs prohibiting such possession, except at events or in locations where such containers have been authorized by a permit from the Executive Officer.

**Section 1.125 Sale of Goods and Services.**

- A. The sale of goods and services, including, but not limited to, food products, apparel, instructional lessons, and entertainment, by natural persons or entities for commercial gain, potentially adversely and seriously impacts the use of parks and facilities by the public for recreational purposes. Any such sales must be regulated through the use of concession contracts to ensure that the goods and services marketed will promote the beneficial use of the applicable Facilities.
- B. It shall be unlawful for any person or entity to enter on and use any Facility for the purpose of selling goods or services for commercial gain without having first applied for and obtained from the Jurisdiction a concession contract authorizing the sales and otherwise regulating the time, place, and manner of such sales. The violation of this subsection shall be punishable as an infraction as provided in this Ordinance.
- C. The provisions of this section shall not be deemed to apply to the sale or distribution of newspapers, books, pamphlets, or other activity constituting protected speech under the First Amendment of the United States Constitution or comparable protections under the California Constitution.

**Section 1.130 Public nuisance.**

Any violation of the provisions of this Ordinance shall constitute a public nuisance. Any citation, fine or fee issued against any member of the public that is issued pursuant to this Ordinance or applicable provisions of the City Municipal Code shall be valid so long as such citation, fine or fee was issued pursuant to a violation that occurred on or at a Facility.

**Section 1.131 Behavior within Facilities.**

- A. No person shall use or engage in reckless behavior (including, but not limited to pushing, pulling, or forcible actions that could cause injury) or any activity which could endanger the safety of persons using any Facility.
- B. No person shall perform any action which contributes to the destruction of a Facility. This includes actions such as intentionally and maliciously hitting athletic equipment against a Facility, which could cause damage to that Facility or a portion thereof.
- C. No person or group of persons shall at any time obstruct, block, impede or interfere in any way whatsoever with the Jurisdiction's operations or employees, including but not limited to, gathering, sitting, standing, or lying on any District or City owned or controlled property, or attempt to do same.
- D. No person shall participate in riotous or hazardous activities or behave in such an unruly, destructive or hazardous manner that it disturbs the public peace, or which may intimidate or disturb other park patrons or residences or businesses near a Facility, provided that this prohibition shall not be applied so as to infringe the rights of patrons to engage in speech or other expressive activity to the extent protected by the First Amendment to the Constitution.

- E. The Jurisdiction may expel or refuse to provide service to any person engaging in activities described in this Section.

**Section 1.132 Congregating.**

Persons shall not congregate or assemble in any Facility under such circumstances that a reasonable person would conclude that the person who has entered and remained on such premises is there for the purpose of: (i) attempting to commit theft of property from vehicles, buildings or District or City property, (ii) engaging in the use, sale, exchange or possession of illegal narcotics and/or controlled substances, (iii) engaging in the use, sale, exchange or possession of alcoholic beverages by a person under the legal age of 21, (iv) engaging in the use, sale, exchange or possession of illegal fireworks or explosives, (v) assembling for the purpose of threat, assault or battery on another person, or (vi) physically causing damage to the Facility.

**Section 1.133 Authority to Arrest and Cite.**

- A. Employees. Pursuant to Government Code Section 61064, District or City employees that may be designated by either the CSD Administrator or City Manager shall have the authority and immunities of public officers and employees as set forth in Section 836.5 of the Penal Code to issue citations in accordance with the provisions of Chapter 5C (commencing with Section 853.6), Title 3, Part 2 of the Penal Code, for misdemeanor violations of the laws of the state of California and ordinances of the City of Elk Grove committed within their presence in a Facility.
- B. Park Ranger. Pursuant to authorization granted by subsection (b) of Section 830.31 of the Penal Code, those employees designated Park Rangers by either the CSD Administrator or City Manager shall have the power of peace officers as provided in Section 830.31 of the Penal Code. Such designation as Park Ranger may be made when the employee is regularly employed and paid in that capacity and if the primary duty of the peace officer is the protection of Facilities and the preservation of peace therein.
- C. Enforcement. Pursuant to the authorization of Section 61064 of the Government Code, uniformed District or City employees shall have the authority and immunities of public officers and employees as set forth in Section 836.5 of the Penal Code to issue citations in accordance with the provisions of Chapter 5C (commencing with Section 853.5), Title 3, Part 2 of the Penal Code, for misdemeanor and infraction violations of State of California law, ordinances of the City of Elk Grove, or District regulations or ordinances, when the violation is committed within a Facility and in the presence of the employee issuing the citation.
- D. Delegation. The Board of Directors or City Council may delegate their respective authority to the CSD Administrator or City Manager to designate those employees empowered to issue citations and enforce rules and regulations as provided in this section.

**Section 1.134 Parking Regulations Enforcement.**

The CSD Administrator may authorize local law enforcement and fire agencies to enforce District, City and/or California parking regulations and to make arrests and issue citations for violation of such parking regulations when the violation is committed within any Facility.

### **Section 1.135. Extreme Sports Parks**

This Section shall apply to usage of all Extreme Sports Parks. “Extreme Sports Parks” means, without limitation, any skate parks, skate elements, and bike parks owned, operated and/or maintained by the District or City.

- A. The District and City do not assume any responsibility for injuries at an Extreme Sports Park. A disclaimer shall be posted at all Extreme Sports Parks, which shall state: “SKATEBOARDING, SKATING and BMX BIKE RIDING MAY CONSTITUTE HAZARDOUS RECREATIONAL ACTIVITIES PURSUANT TO GOVERNMENT CODE SECTION 831.7(B). USE OF THIS FACILITY MAY RESULT IN SERIOUS BODILY INJURY, DISABILITY, OR EVEN DEATH. THE COSUMNES COMMUNITY SERVICES DISTRICT AND CITY OF ELK GROVE DO NOT ASSUME ANY RESPONSIBILITY FOR INJURIES. USE AT YOUR OWN RISK.” The Disclaimer set forth in this Section may be amended, from time to time, by the Executive Director.
- B. All persons using Extreme Sports Parks must wear a helmet, elbow pads and kneepads. Violators of this rule will be cited and asked to leave. Helmets must have a chin strap, which must be fastened at all times.
- C. While using Extreme Sports Parks, smaller and/or younger users must always be given the right of way by larger and/or older users.
- D. Skate parks and elements are for use with skateboards and skates only. Bicycles, scooters, and motorized vehicles, including but not limited to, motorized scooters and pocket bikes are prohibited unless otherwise expressly authorized by posted signage.
- E. Strap on skateboards and mini toy skateboards are prohibited.
- F. Bike parks are for use with non-motorized bicycles only unless otherwise expressly authorized by posted signage. The Jurisdiction may authorize use of tractors or ATV’s for facility maintenance.
- G. No modifications shall be made to extreme sport park features unless authorized by the Jurisdiction’s personnel.
- H. Structures, obstacles or other materials (ramps, jumps, etc.) may not be brought into Extreme Sports Parks.
- I. Persons utilizing extreme sports parks for the purposes of teaching or coaching must wear a protective helmet, elbow pads, and kneepads if they are within the Extreme Sports Park.
- J. Spectators are not allowed on extreme sports surfaces, except for persons teaching or coaching users.
- K. Usage of Extreme Sports Parks is only permitted during posted hours of operation.
- L. Food and beverages are prohibited in Extreme Sports Parks.
- M. Glass containers are prohibited in Extreme Sports Parks.
- N. Alcohol and tobacco are prohibited in Extreme Sports Parks.
- O. No person shall cause graffiti, tagging or the placement of stickers or decals on the facilities of any Extreme Sports Park.
- P. The Executive Officer reserves the right to close an Extreme Sports Park, or any portion thereof, for any circumstances deemed necessary including maintenance, repairs, vandalism, graffiti abatement, or unsafe conditions as well as restrict access to the Extreme Sports Park, or to ask persons to leave the Extreme Sports Park if any of the above stated rules are not followed or if unsafe behavior is observed.
- Q. Animals are not allowed in Extreme Sports Parks.

- R. Amplified music is prohibited in Extreme Sports Parks unless the Executive Director has issued a permit.
- S. Any person failing to comply with the requirements set forth in this Section shall be subject to expulsion and/or citation.
- T. Violation of this section shall be deemed an infraction. Any fine imposed herein is in addition to and not in lieu of expulsion.

**Section 1.140 Tennis Courts**

It is unlawful for any person to engage in any activity other than tennis on tennis courts without a use permit from the Executive Director.

**Section 1.145 Dog Parks**

- A. Dog park patrons use the park at your own risk. The District and City are not responsible for injury or illness to dogs or dog park users.
- B. Unless otherwise indicated by posted signage, dog parks are open from dawn until 1 hour after sunset.
- C. Dogs must be leashed when entering and leaving the dog park.
- D. Dogs that are aggressive, in heat, sick or under the age of 4 months are not allowed.
- E. All dogs must have current vaccinations and license.
- F. Owners are liable for injuries or damage caused by their dogs.
- G. Owners are required to pick-up and dispose of their dog's waste in Facilities, including dog parks.
- H. No strollers, carriages, bicycles or children's toys are allowed in the dog park.
- I. Smoking, consumption of alcoholic beverages, or bringing food or dog treats is not allowed in the dog park.
- J. Dogs and children must be accompanied and supervised by an adult at all times.
- K. Equipment within the dog park is for dogs only.
- L. No digging is allowed in the dog park.
- M. Unless otherwise expressly authorized by posted signage, maximum of 3 dogs per adult is allowed in the dog park.
- N. Violation of this section shall be deemed an infraction. Any fine imposed herein is in addition to and not in lieu of expulsion.

**Section 1.150 Placement of Signs on District and/or City Property**

Placement of signs, other than those posted by the applicable Jurisdiction, are not allowed on or in any Facility.

**Section 1.160 Possession of Aerosol Spray Paint Cans by Minors Prohibited**

No person shall possess aerosol spray paint cans in any Facility without the express written permission of the Executive Director and in compliance with Penal Code Section 594.1.

**Section 1.170 Bounce Houses, Tents, Awnings, Stages. Water Slides**

No person shall erect or contract to any other party to erect any bounce house, tent, awning, stages, water slide or other ground covering device on a Facility without obtaining written approval from the Executive Director. A Jurisdiction's employees may remove any bounce

house, tent, awning, stage, water slide or other ground covering device in violation of this section.

3. **Effective Date and Notice.** This ordinance shall take effect thirty (30) days after its adoption. Within fifteen (15) days after its passage, this ordinance or a summary thereof shall be published at least once in a newspaper of general circulation published and circulated within the Cosumnes Community Services District.

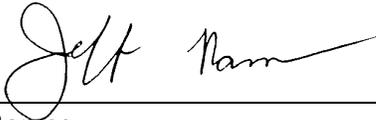
PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Cosumnes Community Services District, held on the 1<sup>st</sup> day of August 2012, by the following vote, to wit:

AYES:           Albiani, Brewer, Lozano, Orrock, Rutter  
NOES:           None  
ABSENT:       None  
ABSTAIN:      None



\_\_\_\_\_  
Guy Rutter  
President

**ATTEST:**



\_\_\_\_\_  
Jeff Ramos  
Secretary to the Board

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Sigrid Asmundson  
General Counsel