

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 38 OF THE  
MOUNTAIN VIEW CITY CODE RELATING TO  
REGULATING THE USE OF CITY PARKS AND OTHER CITY FACILITIES

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY  
ORDAIN AS FOLLOWS:

Section 1. Chapter 38 of the Mountain View City Code is hereby amended to read  
as follows:

**“CHAPTER 38**

**REGULATING THE USE OF CITY PARKS AND OTHER CITY FACILITIES**

**ARTICLE I.**

**REGULATING THE USE OF CITY PARKS.**

**SEC. 38.1. Definitions.**

For the purposes of this chapter, the following terms, phrases, words, abbreviations and their derivations shall have the meanings set forth herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number.

“Barbecue areas” shall mean those areas where barbecues and tables are permanently installed and available for reservation.

“City manager” shall mean the city manager or his/her designee.

“City plazas” shall mean the City Hall Plaza, Centennial Plaza, Charleston Plaza and any other designated by council resolution.

“Commercial use” or “commercial activities” shall mean activities for private gain or profit. Private gain shall mean a use for the principal purposes of making a profit not pledged to be used for public or charitable purposes. Commercial use excludes fundraising.

“Community groups” shall mean a group or organization whose service area includes Mountain View and that operates for a public or charitable purpose. Community group does not include businesses that operate for private gain.

“Electric personal assistive mobility device” shall mean a self-balancing, nontandem, two (2) wheel device that can turn in place, designed to transport only one (1) person, with an electric propulsion system, including, but not limited to, devices falling within the definition of California Vehicle Code Section 313.

“Facility” or “recreational facility” shall mean all city-owned facilities except for parks located within the City of Mountain View and devoted to active or passive recreational use. Facilities include, but are not limited to, the Adobe Building, Senior Center, Community Center, Teen Center, Rengstorff House, tennis courts, swimming pools and all other city facilities owned and operated by the city and used for active or passive recreational use. Facility excluded Shoreline at Mountain View which is addressed in Article II of this Chapter. Facility excludes the Center for the Performing Arts, City Hall and city plazas, which are addressed in Article III of this chapter.

“Facility reservation” shall mean the reservation for use of a City facility for a designated time period as per the guidelines set by the city manager and as provided in Section 38.3.

“Nonprofit organization” shall mean a 501(c) organization that has a letter of determination by the Internal Revenue Service and whose service area includes Mountain View.

“Park” shall mean a park, playground, open space, athletic fields, creek corridor, environmental preservation, wildlife area and/or trail under control of city, ~~reservation, wildlife area, playground, swimming pool, recreation center or any other area or public building in the city~~ owned by or used by the city and devoted to active or passive recreation and/or wildlife-environmental preservation.

~~“Park permit” or “facility use permit” shall refer to the~~ mean the permits for use as provided in Sec. 38.3 and shall include permits for the use of parks or, portions thereof, and for city and Shoreline facilities. The administration of said permits shall be set forth by council resolution.

“Parking area” shall mean any real property, land or lot, confined within the boundaries of or located adjacent to, near or abutting any park or facility, which area is owned, leased or controlled by the city and used as the site for vehicular parking for persons using or accessing a park or facility. ~~or for vehicular access into or from any park.~~

“Person” shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

“Vehicle” shall mean a device by which any person or property may be propelled, moved or drawn, except for a device moved exclusively by human power. The term shall include any trailer in tow of any size, kind or description.

**SEC. 38.2. Rental for Private use of recreational facilities.**

a. ~~The Adobe Building, the Senior Center and the Community Center~~Recreational facilities available for rental, when available, are the only recreational facilities available~~may be reserved~~ for private rental. In order to reserve and use ~~one (1) of the above mentioned facilities~~a recreational facility, the applicant must first obtain a ~~park permit/facility use permit~~reservation in accordance with ~~Section 38.3 and enter into a written agreement with the city.~~ The rental fee shall be set ~~forth~~ by council resolution.

b. Events conducted by the city shall not require a ~~permit~~facility reservation or written agreement. Use by other public agencies, including local schools, may be permitted pursuant to a ~~park permit~~facility reservation or ~~and~~ by written agreement.

**SEC. 38.2.1. Other Proposed uses of parks and facilities.**

a. Fund-raising events at reservable barbecue areas and facilities are permitted ~~under the following limited circumstances: in conformance with guidelines set forth by Council Policy H-5.~~

b. Dog training and dog shows are permitted in accordance with Sections 38.16 and 38.17.

~~1. Fund raising which is part of a city managed or city sponsored event pursuant to council policy or council action; or~~

~~2. Fund raising by a local nonprofit organization which meets all of the following criteria:~~

~~i. The local nonprofit organization’s service area includes Mountain View city limits or whose services include more than fifty (50) percent of Mountain View residents as indicated in the organization’s articles of incorporation and bylaws;~~

~~ii. Funds raised by the local nonprofit organization are used in Mountain View;~~

~~\_\_\_\_\_ iii. The board of the local nonprofit organization is comprised of more than fifty (50) percent Mountain View residents;~~

~~\_\_\_\_\_ iv. The local nonprofit organization has obtained a Mountain View business license; and~~

~~\_\_\_\_\_ v. The proposed use of the recreational facility is compatible with facility purposes and operations.~~

~~\_\_\_\_\_ b. Each local nonprofit organization shall be limited to one (1) fund raising event per year. The local nonprofit organization shall submit all necessary financial documentation, as determined by the community services director, to verify compliance with the criteria listed above. The fee for fund raising activities shall be set by council resolution pursuant to Sec. 38.3.~~

c. Commercial activities are specifically prohibited in any recreational facility or park, except as set forth in Sec. 38.1311 and 38.104.

**SEC. 38.3. Permit or reservation for use: Application, standards, liability, revocation.**

A permit shall be obtained from the community services department for exclusive use of any park facility or area therein in accordance with Sec. 38.2.1. A facility reservation and written agreement shall be obtained from the community services department for the use of a city facility or portion thereof in accordance with Sec. 38.2 and/or Sec. 38.2.1.

a. **Application.** Any person applying for a park permit or facility reservation hereunder shall file an application for such permit as per the guidelines set by the community services director or his/her designee, not less than fourteen (14) days and no more than ninety (90) days prior to the proposed use of said park; provided, however, that reservations for one (1) day use of the Community Center may be made up to one (1) year in advance. An application may be accepted up to forty eight (48) hours in advance of the time of use, in which case applicant shall have no right of appeal and applicant waives receipt of any written notice.

~~\_\_\_\_\_The application shall state:~~

~~\_\_\_\_\_1. The name, address and telephone number of the applicant.~~

~~\_\_\_\_\_2. The name and address of the person, persons, corporation or association sponsoring the activity, if any.~~

~~\_\_\_\_\_3. The day and hours for which the permit is desired.~~

~~\_\_\_\_\_4. The building, park or portion thereof for which such permission is desired.~~

~~\_\_\_\_\_5. An estimate of anticipated attendance.~~

~~\_\_\_\_\_6. A brief description of the nature of the activity for which use of the park facility or area is proposed, including a description of any and all sound amplification equipment proposed for use.~~

~~\_\_\_\_\_7. Any other information which the community services director finds reasonably necessary to make a fair determination as to whether a permit should be issued.~~

b. **Action on application.** The community services director may grant or deny such application on or before fourteen (14) days after the filing of the application unless the time for such granting or denial of the permit has been waived by the applicant in writing. The decision granting or denying said application will be mailed either personally served upon or mailed to the applicant by registered mail in writing.

c. **Standards of issuance.** The community services director may issue a permit unless he/she finds:

1. That the proposed activity could not be reasonably conducted without inciting violence, crime or disorderly conduct.

2. That there is insufficient additional park or facility space available for the general public's use.

3. That the proposed activity will entail unusual, extraordinary or burdensome expense to the city.

4. That the proposed activity is of a size or nature that, in the opinion of the police chief, requires the diversion of so great a number of police officers of the city to properly police the areas as to hinder police protection to the city.

5. That the applicant refuses to agree in writing to comply with all conditions placed upon the permit.

6. In the event of a fund-raising activity by a local nonprofit organization, the nonprofit organization fails to comply with the conditions set forth in Sec. 38.2.1(a)2.

Upon the finding that any one (1) of these conditions exists, the permit shall be denied specifying the grounds therefor.

d. **Right of appeal.** With respect to park permits and facility reservations, an applicant may appeal the decision of the community services director to the city manager, who shall designate a staff person to act as hearing officer. Applicant must file said appeal within ~~seven-five (75)~~ business days of mailing a decision by the person denying the permit. The hearing officer shall hold a hearing within ~~ten-five (105)~~ business days of the filing of said appeal, at which time applicant may present any and all evidence, testimony and information relevant to the application. The hearing officer shall, within seventy-two (72) hours of said appeal hearing, issue his/her decision in writing either affirming the denial of a permit or directing the community services director to issue a permit, with conditions, as may be appropriate. The decision of the hearing officer shall be final and binding and no further appeal shall be taken. The hearing officer shall specify the findings for approval or denial.

e. **Effect of permit or facility reservation.** A permittee or reservation holder shall be bound by all park and facility rules and regulations and all applicable ordinances fully as though the same were inserted as conditions in said permit.

f. **Liability and insurance.** All persons to whom an ~~exclusive use park~~ permit or facility reservation has been granted must agree in writing to hold the city harmless and indemnify the city from any and all liability for injury to persons or property occurring as a result of the activity sponsored by permittee and shall be liable to city for any and all damage to parks and facilities ~~and buildings~~ owned by the city which results from the activity of permittee or is caused by any participant in said activity and shall furnish to city proof acceptable to the city attorney or his/her designee that the permittee has obtained insurance against damage or injury to persons or property resulting from the permitted activity in an amount as determined by the city's risk manager and/or city attorney. not less than one million (1,000,000) dollars, naming the city, its officers, agents and employees as additional insured for injuries including accidental death to any one (1) person, and subject to the same limit for each person in an amount not less than one million (1,000,000) dollars on account of any one (1) occurrence, and property damage liability insurance in an amount not less than one million (1,000,000) dollars.

g. **Fees.** All fees shall be set forth by council resolution. ~~The Park permittees and facility renters~~ shall be responsible to pay ~~to~~ the city any undue expense of maintenance and for any damage caused by reason of the negligence of the person or persons to whom such permit shall have been issued.

h. **Revocation and appeals.** Permits shall be subject to termination or revocation for cause, including, but not limited to, any misrepresentation or misstatement of fact by applicant in the permit application or other materials submitted by the applicant. Revocation may be appealed in accordance with the procedure set forth in Sec. 38.3(d) of this chapter.

**SEC. 38.4. Limit on size of group.**

~~Except for the Mountain View Community Center and Cuesta Park, none of the outdoor recreation facilities in the city, by virtue of small size, proximity to residential uses or intense landscaping, is suitable for gathering of groups of more than one hundred fifty (150) persons; such gatherings are, therefore, prohibited, except in Rengstorff Park and Cuesta Park. Based on the availability of vehicular parking facilities, the preservation of turf and other planted materials, the availability of sanitary facilities and the safety and comfort of persons using parks and recreation facilities, maximum occupancy standards of parks and facilities shall be determined by the community services director and/or the fire department.~~

~~**SEC. 38.5. Occupancy standard.**~~

~~Based on the availability of vehicular parking facilities, the preservation of turf and other planted materials, the availability of sanitary facilities and the safety and comfort of persons using parks and recreation facilities, maximum occupancy standards are hereby established for group activities which shall be one (1) person per three hundred (300) square feet of usable open area. According to the above standard, the size of any group permitted to use Rengstorff Park (nine hundred ninety eight thousand seven hundred fifty (998,750) square feet) shall not exceed three thousand three hundred thirty seven (3,337) persons; the size of any group permitted to use Cuesta Park (one million one hundred five thousand (1,105,000) square feet) shall not exceed three thousand six hundred ninety two (3,692) persons.~~

**SEC. 38.65. Sound standard.**

In recognition of the rights of residents in the vicinity of parks and facilities to enjoy the comfort of their homes in normal peace and quiet, the use of electric amplifying equipment is hereby prohibited in all parks and facilities except by authorization of the city manager and shall be subject to the following conditions:

- a. No amplifiers with a power output exceeding twenty-five (25) watts may be used.
- b. Number, location, direction and hours of use of loudspeakers shall be subject to written approval of the city manager as set forth in the permit heretofore referred to.

**SEC. 38.76. Barbecue areas.**

Because of the limited number of barbecue spaces available, the high demand for their use and the desire to balance their use by large and small groups, the city manager shall set aside an adequate percentage of the barbecue areas for reservation by groups during from May through September the barbecue reservation season as determined by the city manager.

**Reservations.**

- a. Reservation of these areas is expressly excluded from the requirements of Sec. 38.3 except for the paragraph concerning provisions related to liability. The insurance requirement provided in this paragraph does not apply to barbecue reservations.
- b. The Applications acceptance period for these barbecue areas shall not be determined by the city manager. accepted for any date prior to January 2 of that year.
- c. Only Mountain View residents, groups consisting of a majority of Mountain View residents and Mountain View organizations, groups and businesses located within the city limits of Mountain View may make reservations sixty (60) days in advance of the barbecue reservation season.
- d. Reservations shall be taken on a first-come, first-served basis, or by a lottery system.
- e. An appropriate fee, as determined by the city council by resolution, shall be charged for the reservation and use of these areas.

**SEC. 38.87. Lost and found articles.**

The finding of lost articles by park attendants will be reported to the community services department. The department will make every reasonable effort to find the owners of articles turned in as lost and which have some means of identifying the owner. Lost articles in possession of the community services department after two (2) weeks will be forwarded to the police department for processing as lost articles as provided by law.



**SEC. 38.9. ~~Free programs; Fee for specialized activities and materials.~~**

~~No charge shall be made for activities provided by the department as part of its program for children and youth, except for specialized activities such as swimming, music or special instructions, and for expendable materials used in the program, for example, craft programs. Such fees shall be set by council resolution.~~

**SEC. 38.10. ~~Community group activities.~~**

~~No charge except for operational fee, if requested, shall be made for use of recreation facilities by community groups, if the recreation activity is open to the public without admission, fees or membership dues being charged.~~

**SEC. 38.118. Fees for recreational programs and the use of facilities.**

Fees for recreational programs and the use of recreational facilities, including rental fees and permit fees, shall be set forth by council resolution. ~~Council shall consider the following criteria when assessing the fees for the programs and for the use of recreation facilities:~~

~~a. The particular service is relatively costly to render.~~

~~b. The particular service is demanded by comparatively few persons as it relates to the cost of providing the facilities.~~

~~c. The service is primarily for adults.~~

~~d. The activity is essentially nonrecreational or is limited to exclusive or private groups.~~

**SEC. 38.12. ~~Pool rental.~~**

~~The rental fee for the pool shall be set by council resolution.~~

**SEC. 38.139. Prohibited activities in parks or facilities.**

The following activities are prohibited in any park or recreational facility:

a. Occupancy of any park or facility by a group larger than fifty (50) persons without a park permit or facility reservation therefor. Occupancy for commercial use of city parks is subject to Sec. 38.11.

b. Commercial activities, except as permitted by Sec. 38.11 and Article III of this chapter. ~~Commercial activities for private profit except when approved by the city~~

~~manager in conjunction with a city-sponsored event. The fee for such activity shall be set by council resolution pursuant to Sec. 38.3.~~

- c. Playing golf on the turf of any park except in designated areas.
- d. Using motor-driven airplanes except in designated areas.
- e. Swimming or wading except in pools designated for that purpose.

f. ~~To o~~peratinge or ridinge a motorcycle, moped, motorbike, motorized bicycle, motorized scooter or any other vehicle on any path or walkway in a park or facility. This section does not apply to wheelchairs and other devices for the disabled or vehicles in the service of the city parks or facility. This section shall not apply to the use of an electric personal assistive mobility device (EPAMD) on any city trail or walkway within a city park or facility.

g. ~~To s~~topping, parking, ridinge or drivinge any horse or other animal, or ~~to~~ propelling or parking any bicycle, unicycle, skateboard, roller skates, roller blades or other wheeled apparatus elsewhere than on the areas designated for those uses or upon the lawn or landscaped areas of a park or facility. This section does not apply to wheelchairs and other devices for the disabled or vehicles in the service of the city parks or facilities.

h. ~~To o~~peratinge, ridinge or propelling a vehicle, bicycle or other wheeled apparatus on a bike path or walkway at a speed greater than is reasonable and prudent under the conditions then existing.

i. Removinge any turf, soil, grass, tree, shrub or portion thereof, except as such work may be done by authorized city employees.

j. Possessing, discharging or shooting any firearm, air gun, slingshot, bow and arrow, spear, crossbows, air or gas weapon or any other dangerous weapon, except public officials acting within the scope of their duties.

k. Lighting or maintaining fires, except on places provided by the city or on a portable barbecue approved by the recreation division.

l. Willfully marking, defacing, tampering with or displacing or removing of any buildings, tables, benches, fireplaces, railings, paving or paving materials, public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

m. Pasting, gluing, tacking or otherwise posting any sign, placard, advertisement or inscription whatsoever in any park, except as permitted by this code.

n. Constructing or erecting any building or structure of whatever kind, whether permanent or temporary in character, or running or stringing any public service utility into, upon or across such lands, except on special permit issued hereunder.

o. Going upon any lawn or grass plot where prohibited by the city manager or where such prohibition is indicated by proper and legible signs.

p. Erecting or maintaining any overhead wires through any park or facility without prior written permission of the city manager.

q. Digging, destroying, injuring, mutilating or cutting any tree, plant, shrub or flower, or any portion thereof growing in any park or facility except an authorized city employee in the performance of his/her duty.

r. Climbing any tree or walking, standing or sitting upon monuments, fountains, railings, fences, vases or upon any other property not designated or customarily used for such purpose.

s. Hunting, molesting, harming, trapping, chasing or throwing missiles at any animal, reptile or bird, or removing or having in one's possession the young of any wild animal or the eggs or nest of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous; i.e., rattlesnakes, may be killed on sight.

t. Giving or offering, or attempting to give to any animal or bird any tobacco, alcohol or other known noxious substance.

u. Entering restrooms of the opposite sex by persons over eight (8) years of age, except for designated city employees.

v. Playing of any ball games except in designated areas.

w. Dogs or other domestic animals except on leashes, unless a permit has been obtained for dog training, or a dog show or class, in accordance with this chapter. However, no dogs, cats, fowl or other domestic animals shall be permitted to enter or go at large in Shoreline at Mountain View Park with or without a keeper. Nothing in this section shall prevent a seeing-eye dog under the control of a blind person from entering Shoreline at Mountain View Park. No person shall release any captured wild or domestic animals within Shoreline at Mountain View Park except authorized public officials pursuant to their duties.

x. ~~No person shall s~~Skatinge with roller skates, in-line skatinges or propelling any wagon, scooter or vehicle, skateboard, bicycle or other wheeled apparatus, except wheelchairs or other apparatus for the disabled, upon any city-owned tennis court.

**SEC. 38.13.410. Skateboard parks.**

a. No person shall ride a skateboard, in-line skates or roller skates in any temporary or permanent city skateboard park unless that person is wearing a helmet, elbow pads and knee pads.

b. Signs shall be posted with two (2) inch white letters on a green background at city skateboard park(s) as notice to any person using the facility that they must wear a helmet, elbow pads and knee pads and that any person failing to do so will be subject to citation for violating this section. One (1) sign shall be posted at any entrance to the skating area, and one (1) sign shall be posted at another location within the skating area.

**SEC. 38.11. Commercial use of parks.**

a. Permits for commercial use of city parks may be issued by the community services department for council-approved commercial uses upon completion and approval of an application and payment of a fee, as set forth by council resolution.

b. Sec. 38.3 of this chapter applies to permits issued for commercial use of city parks.

c. All permittees must obtain a business license in conformance with City Code Chapter 18.

d. Additional rules and regulations for commercial use of city parks may be set by council resolution in conformance with this chapter.

**SEC. 38.1412. Responsibility for children.**

Preschool-age children left or sent to playgrounds or park areas alone are the responsibility of their parents or guardians and not of the parks division and recreation division employees.

**SEC. 38.1513. Operational hours of city parks and facilities.**

a. No person, except a city employee or city contractor engaged in the performance of his or her duties, shall enter into, upon or remain in any city park, tennis court or parking area, except Shoreline at Mountain View Park, between one-half (1/2) hour after sunset of any day and 6:00 a.m. of the following day, without the

written approval of the city manager, unless such person is attending a special event or a class authorized by the city manager, or attending or participating in ~~tennis or softball~~ any permitted or reserved activities at a city night-lighted park or tennis court facility.

b. The city manager may, by regulation, establish the hours during which the Shoreline at Mountain View Park lake, golf course, buildings, roads, grounds or other facilities located within Shoreline at Mountain View Park are closed to the public. No person shall enter or remain in Shoreline at Mountain View Park, or the lake, facilities, buildings, roads or grounds of Shoreline at Mountain View Park during the hours of the day or the night when they are closed to the public.

c. No driver of any vehicle, except a city employee or city contractor engaged in the performance of his or her duties, shall stop or park said vehicle at any place within the boundaries of any park, parking area, square, avenue, grounds or recreation center between one-half (1/2) hour after sunset of one day and 6:00 a.m. of the following day, except when using the restaurant or conference facilities at Shoreline at Mountain View Park, or when attending some special event or class authorized to be conducted within the park during said hours by the city manager, or attending or participating in ~~tennis or softball~~ any permitted or reserved activities at a city night-lighted facility, and then only when such person stops or parks the vehicle in an area specially designed for such stopping or parking in conjunction with said ~~special event, class, tennis or softball activity~~ permitted or reserved activity.

d. The city manager is hereby authorized to post appropriate signs warning persons of the provisions of this section.

**SEC. 38.1614. Miscellaneous.**

Anyone using any park or ~~any city~~ building facility, whether by permit or otherwise, shall abide by all rules pertaining to that particular park or facility in addition to the above.

**SEC. 38.1715. Use and consumption of alcoholic beverages.**

a. No person shall, while in, situated within or on the premises of any park, facility or parking area, except Shoreline at Mountain View Park, possess, use or consume any type of alcoholic beverage, or have in his or her possession on his or her person, any bottle, can or other receptacle containing any type of alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed. However, beer and wine only may be consumed within Shoreline at Mountain View Park, by those legally entitled to do so, except within ~~one hundred (100) feet of~~ all parking lots and roadways located therein.

b. Notwithstanding the provisions of subsection (a), above, any person who is legally permitted to consume alcoholic beverages may, between the hours of 9:00 a.m. of any day and one-half hour after sunset on that same day, during the period ~~May 1 through October 31~~determined by the city manager, consume beer or wine in the large group barbecue area of Cuesta or Rengstorff Parks, provided that a ~~permit for the~~ reservation of the barbecue area and a permit for the consumption of beer and/or wine has been obtained from the city's community services department. Fees for reservation and consumption permits shall be set forth by council resolution.

~~c. "Barbecue areas" are defined as those areas in which barbecue braziers and tables are permanently installed.~~

~~d.~~ Any person who is legally entitled to do so may, during the hours stipulated on the use permit, consume alcoholic beverages as part of a group meeting or party inside the Community Center, Adobe Building, Rengstorff House and in the Mountain View Senior Center, when prior approval is given by the city manager and all conditions are met under Sec. 38.3. Additionally, any person who is legally entitled to do so may consume alcoholic beverages in the restaurant, conference facilities, ~~and~~ clubhouse facilities and golf course at Shoreline at Mountain View.

~~e.~~ The city manager is hereby authorized to post appropriate signs warning persons of the provisions of this section.

~~f.~~ This section shall not be deemed to make punishable or to permit any act or acts which are prohibited by any law of the State of California.

**SEC. 38.1816. Use of city parks for dog training.**

a. An owner, harbinger or keeper of a dog may train said dog without physical restraint by means of a leash, only if said person has secured a dog training permit in accordance with this section, except in Shoreline at Mountain View Park. Said off-leash training shall occur only in designated areas of specific city parks, ~~all~~ as determined by the city manager. Said permit shall state the owner's name, the dog's name, its breed and shall generally identify said dog, as well as specifying the time and place of said training. This permit shall be available for showing at all times when a person is training a dog off-leash in city parks, and may be revoked by the city manager upon a showing of misuse.

b. An application for a permit to train dogs in city parks shall be made in writing to the city manager pursuant to Sec. 38.3. Said application shall state the name, address and telephone number of the applicant and that he/she shall be responsible for control of his/her animal during the training time, and that he/she shall obey all city

laws, rules and regulations. The application shall also state that the applicant agrees in writing to hold the city harmless and indemnify the city from any and all liability for injury to person or property occurring directly or indirectly as a result of the use of city parks for training purposes by applicant or anyone under his/her control. ~~No fee shall be charged for said permit.~~Permit fees shall be set forth by council resolution.

**SEC. 38.1917. Use of city parks for dog shows and dog classes – Permit.**

a. Provided that a permit has been obtained from the city manager, dog shows and dog training classes may be permitted in designated areas of specific city parks or facilities, except in Shoreline at Mountain View Park, ~~all~~ as determined by the city manager. Said permit shall specify the sponsoring agency and the date, time and location of said show or class. ~~No fee shall be charged for said permit.~~Permit fees shall be set forth by council resolution.

b. Any application for a permit to use city parks for a dog show or dog class shall be made in writing to the city manager pursuant to Sec. 38.3. Said application shall state the name, address and telephone number of the sponsoring agency, and that the applicant shall be responsible for control of his/her dogs during the training time, and that he/she shall obey all city laws, rules and regulations. The application shall also state that the applicant agrees in writing to hold the city harmless and indemnify the city for any and all liability for injury to person or property occurring directly or indirectly as a result of the use of city parks for training purposes by applicant or anyone under his/her control. ~~No fee shall be charged for said permit.~~Permit fees and a rental fees for use of the park or facility shall be charged in an amount established as set forth by council resolution ~~pursuant to Sec. 38.3~~.

**SEC. 38.2018. Special provisions for Shoreline at Mountain View.**

In addition to the general provisions set forth in Sec. 38.1 through 38.19 inclusive, the following provisions shall also apply only to Shoreline at Mountain View Park:

a. Power boats shall be excluded from Shoreline at Mountain View Park or lakes located therein, except for official power boats designated by the city manager for use in emergencies or maintenance of the lake and marshes.

b. The beaching and launching of boats shall be in designated areas only.

c. The city manager shall set reasonable entry, boat launch and other appropriate fees for use of facilities within Shoreline at Mountain View Park.

d. Swimming and wading in any of the lakes, marshes and streams within Shoreline at Mountain View Park is prohibited.

e. Fishing shall be in designated areas only.

f. Boats and rafts shall be excluded in all marsh and stream areas, except for official boats designated by the city manager for use in emergencies or maintenance of the marsh and stream areas.

g. Bicycle riders, hikers and joggers shall be limited in the use of all premises to the prepared trails and boardwalks designated for such purposes. Skateboards shall be prohibited in Shoreline at Mountain View Park.

h. The loading, unloading, riding and leading of horses or other saddle or pack animal within Shoreline at Mountain View Park shall be limited to the areas and trails designated for such purposes. No person shall ride, drive or lead any horse or other saddle or pack animal in a reckless or negligent manner so as to endanger the life, limb or property of any person or animal. No person shall allow his or her saddle or pack animal to stand unattended or insecurely tied. Horses and other saddle or pack animals shall be tied only in areas designated for such purposes.

i. All of Shoreline at Mountain View Park is a sanctuary for wildlife. All feeding, hunting, trapping or killing, wounding, frightening or capturing at any time of any wild birds, mammals, reptiles, amphibians or invertebrates is prohibited, except dangerous animals when it is necessary for public officials acting within the scope of their authorized duties. Fish are protected, except they may be taken in designated areas as permitted under State Fish and [Game-Wildlife](#) Regulations. Nothing in this section shall prevent the capturing and/or taking of park wildlife for scientific research purposes. Said capture and/or taking shall be done only under permit from the city manager.

j. No person shall willfully or negligently pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, burn, carry away, collect or gather any tree or plant or portion thereof, including, but not limited to, leaf mold, flowers, foliage, berries, fruit, grass, turf, humus, shrubs, cones, ferns, mushrooms and dead wood in Shoreline at Mountain View Park. Nothing in this section shall prevent the taking of any tree or plant or portion thereof, by public officials acting pursuant to their official duties or for scientific research purposes. Said taking shall be done only under written permit from the city manager.

k. The city manager may impose seasonal smoking regulations due to fire danger and post those areas considered to be potential fire hazards.

l. No person shall light, build, use or maintain a fire within Shoreline at Mountain View Park ~~except by permit from the city manager.~~



m. Overnight camping within Shoreline at Mountain View Park is prohibited.

n. The city manager may permit various activities within Shoreline at Mountain View Park that otherwise are restricted if such activities or events are in the best interests of the general public or in the best interests of wildlife or vegetation preservation.

**SEC. 38.2119. Creation of position of park ranger; ~~Duties~~duties.**

Within the ~~public works~~community services department of the city is the contract position of park ranger. Said ranger shall work at Shoreline at Mountain View and other parks assigned by the city manager, and it shall be the duty of any person occupying this position to:

a. Enforce Mountain View City Code Sec. 3.3, 3.4, 5.4, 5.18, 19.5, 19.64, 19.66, 19.67, 19.68, 19.77, 19.79, 19.80, 21.32, 32.10, 32.20 and all of Chapter 38 of said City Code at Shoreline at Mountain View and/or other city parks.

b. Perform such other duties or functions at Shoreline at Mountain View and/or other city parks which may be assigned or delegated to such park ranger by the city manager.

**SEC. 38.2220. Same – Deemed to be a public officer; Immunity.**

Any person occupying the position of park ranger shall be deemed to be a public officer, as the term “public officer” is defined by Section 836.5 of the Penal Code of the state. There shall be no civil liability on the part of, and no cause of action shall arise against, any such park ranger acting pursuant to the provisions of this chapter and within the scope of his or her authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the park ranger, at the time of arrest, had reasonable cause to believe was lawful. No such ranger shall be deemed an aggressor or lose his or her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or overcome resistance.

**SEC. 38.2321. Same – Power of arrest.**

Any park ranger may arrest a person without a warrant whenever such ranger has reasonable cause to believe the person to be arrested has committed a misdemeanor or an infraction in such ranger’s presence which is a violation of Mountain View City Code Sec. 3.3, 3.4, 5.4, 5.9, 5.18, 14.2(15)(i)(1) to (4), 19.5, 19.64, 19.66, 19.67, 19.68, 19.77, 19.79, 19.80, 21.32, 32.10, 32.20 and all of Chapter 38 of said City Code.

**SEC. 38.2422. Same – Procedures after arrest.**

In making any arrest as authorized by this chapter, a park ranger shall follow those procedures set forth in Sec. 1.8 of Chapter 1 of this code, the provisions of which are incorporated herein by reference as if fully set forth at this point. Whenever, in the said Sec. 1.8 of Chapter 1 of this code, the terms “arresting officer” or “officer” are used, such term shall mean and include any person occupying the position of “park ranger.”

**SEC. 38.2523. Effect on arrest by peace officer or private persons.**

The provisions of this chapter shall have no effect on the procedures required to be utilized by a peace officer, as the term “peace officer” is defined in Sections 830 to 830.35 of the California Penal Code, in making arrests for the commission of any public offense, nor shall the provisions of this chapter apply to arrests made by private persons for the commission of any public offense.

**SEC. 38.2624 to SEC. 38.29. Reserved for future use.**

**ARTICLE II.  
REGULATING THE USE OF OTHER CITY FACILITIES.**

**SEC. 38.90. Special provisions for Shoreline Amphitheatre.**

The following provisions apply only to Shoreline Amphitheatre:

a. No person shall, while in, situated within or on the premises of the Shoreline Amphitheatre parking lot, use or consume any type of alcoholic beverage, or have in his or her possession or on his or her person any bottle, can or other receptacle containing any type of alcoholic beverage which is open or which has a broken seal.

**SEC. 38.91. Repealed by Ord. No. 31.92, 12/8/92.**

**SEC. 38.91.1. Repealed by Ord. No. 31.92, 12/8/92.**

**ARTICLE III.  
REGULATING THE USE OF MOUNTAIN VIEW CIVIC CENTER CITY HALL,  
CENTER FOR THE PERFORMING ARTS AND CITY PLAZAS.**

**SEC. 38.100. Fees for services.**

Fees for various services related to the rental and use of the Civic Center City Hall, Center for the Performing Arts and the adjacent plaza city plazas may be established by council resolution. of the city council.

**SEC. 38.101. Fees for rental or use.**

Fees for the rental or use of facilities at the ~~Civic Center~~City Hall, Center for the Performing Arts and ~~the adjacent~~city plazas ~~may be~~establihed set forth by council resolution. ~~of the city council.~~

**SEC. 38.104. Special provisions for Mountain View ~~Civic Center~~City Hall, Center for the Performing Arts and ~~adjacent~~city plazas.**

a. Unless otherwise prohibited by law, persons over the age of twenty-one (21) may consume alcoholic beverages which are sold or otherwise provided by the city, or by persons or businesses authorized to do so by the city, at events offered at the Mountain View ~~Civic Center~~City HallCenter, Center for the Performing Arts and ~~adjacent plaza on the premises of the Civic Center, Center for the Performing Arts or adjacent~~city plazas.

b. Nothing in this section shall authorize any person to become intoxicated on the premises of the Mountain View ~~Civic Center~~City Hall, Center for the Performing Arts or ~~adjacent~~city plazas, or to violate any applicable laws regarding the sale or consumption of alcohol, or driving while under the influence of alcohol.

c. Nothing in this section shall authorize any person to possess, consume, sell or give away alcoholic beverages which have been obtained from a source other than the city or a person or business authorized to sell or otherwise provide alcoholic beverages at events offered at the ~~Civic Center~~City Hall, Center for the Performing Arts and ~~adjacent~~city plazas.

d. Commercial use of the Mountain View city plazas and the Center for the Performing Arts may be permitted if it benefits the residents and/or businesses within the community and is approved by the community services director. Council may establish additional guidelines consistent with this provision. Fees shall be set forth by council resolution.

e. Other uses of City Hall, the Center for the Performing Arts and city plazas may be permitted as set forth by council policy.

**SEC. 38.105. Use of roller skates, in-line roller skates, skateboards, bicycles and coasters on the ~~Civic Center~~City Hall pPlaza, in the city-owned parking structure at ~~Civic Center~~City Hall or on the outdoor amphitheater area adjacent to the Center for the Performing Arts at ~~the Civic Center~~City Hall.**

No person shall skate with roller skates or in-line roller skates or propel any coaster-brake wagons or vehicles or skateboards, or ride bicycles on the ~~Civic~~

~~CenterCity Hall~~ Plaza, in the city-owned parking structure at ~~Civic CenterCity Hall~~ or on the outdoor amphitheater area adjacent to the Center for the Performing Arts at ~~the Civic CenterCity Hall~~, except riding a bicycle is allowed in the city-owned parking structure at ~~the Civic CenterCity Hall~~ for the limited purpose of accessing bicycle parking.”

Section 2. The provisions of this ordinance shall be effective July 1, 2014.

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

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 5. This ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly).

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RK/2/ORD  
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