

**AGENDA STATEMENT
PARKS & RECREATION COMMISSION**

TO: Parks and Recreation Commission
FROM: Arabo Parseghian, Division Manager
DATE: June 13, 2018
SUBJECT: **Discussion of Municipal Code Section 5.24**

RECOMMENDATION:

The Parks and Recreation Commission review the Municipal Code Section 5.24.010 and provide feedback to staff regarding potential additions and/or modifications for consideration at a future meeting to include in a red line of the proposed code.

BACKGROUND:

At the March 14, 2018, the Parks and Recreation Commission requested a future agenda item to revisit the definition of a “Resident Applicant” as defined under the City’s Municipal Code Section 5.24.010.

Municipal Code Section 5.24, governs rules and regulations as it relates to the City’s parks and recreations facilities. The Code was originally adopted by the City Council in 1988 and subsequently amended in 1988, 2002, 2005 and 2011.

Municipal Code Section 5.24.010 defines resident applicant as:

1. In the case of an individual, a person whose principal place of residence is in the city;
2. In the case of a group, an organization or collective of people, one which at least half of its members, or not less than three hundred fifty (350) members, whichever is less, have their principal place of residence in the city;
3. In the case of a business or nonprofit organization, one which has a bona fide place of business in the city;

Resident applicant allows for those applicants to potentially qualify for a fee waiver if certain criteria is met. The current definition was last modified in 2002. Since the adoption, staff has had no issue with the definition and its implementation in the permitting process.

Staff is requesting the Commission to discuss the current definition including any other sections of the code and provide direction to staff.

REQUEST:

Staff is requesting the Commission to discuss the current definition and provide direction to staff.

ATTACHMENTS:

Municipal Code Section 5.24

La Cañada Flintridge Municipal Code

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Chapter 5.24 USE OF PARK/DESIGNATED RECREATIONAL FACILITIES

5.24.010 Definitions.

For purposes of this chapter, the following terms shall be defined as set forth in this section:

“Club” means a group or organization formed with the purpose of providing recreation, athletic, athletic competition and/or sports training opportunities for its membership where such membership is exclusive or qualifying as determined by the group/organization.

“Commercial use” means any use of a park/designated recreational facility for or in connection with, any money making venture, whether or not such venture is profitable; provided, however, that fund-raising activities conducted by a nonprofit organization, recognized as such by the state of California, shall not be deemed to be commercial use.

“Emergency use” means necessary use of a restricted field due to the unavailability of another field caused by unforeseen, unpredictable and/or unavoidable occurrences such as weather, maintenance, vandalism, natural disaster or medical emergency.

“Inflatable jumper” means a structural apparatus, toy, device or other equipment, inflated with oxygen, helium or other gaseous compound and commonly used by children for jumping, rolling, playing and/or exercising within the interior and/or on or on top of the structural confines of the apparatus, toy, device or other equipment.

“Joint use facility” means any facility that is identified as a joint use facility in the joint use agreement between the La Cañada unified school district and the City of La Cañada Flintridge.

“Nonresident” means any person, group, business or nonprofit organization as defined in this chapter, that is not a resident.

“Organized team play” means persons gathered in a park/designated recreational facility engaging in one or more of the following activities:

1. A practice, drill or other activity, overseen by a supervisor or coach, for the purpose of facilitating the development of skills in a recreational, club or sport activity; or
2. A game or contest consisting of two or more teams, with a total of eleven (11) or more participants.

“Park/designated recreational facility” includes each and every facility located in the city, including joint use facilities as defined in this chapter, which is operated by the city for active community use, whether or not such facility is owned by the city.

“Permittee” means any person who has been issued a valid permit pursuant to this chapter.

“Person” means an individual, club, corporation, partnership, joint venture, firm, social club, athletic organization, fraternal organization or any other group or combination of individuals acting as a unit.

“Recreational” means an activity that meets both of the following:

1. Open to all persons, regardless of athletic ability; and
2. All persons who wish to actively participate are afforded an opportunity to do so, including activities which consist of “all-stars” selected from the group of recreational users, provided however that such “all-stars” shall be limited to a period of not more than two months, which period may be extended upon application to the parks and recreation commission.

“Resident” means:

1. In the case of an individual, a person whose principal place of residence is in the city;
2. In the case of a group, an organization or collective of people, one which at-least half of its members, or not less than three hundred fifty (350) members, whichever is less, have their principal place of residence in the city.

3. In the case of a business or nonprofit organization, one which has a bona fide place of business in the city. (Ord. 353 § 1, 2005; Ord. 328 § 2, 2002)

5.24.020 Commercial use prohibited.

It is unlawful for any person to use any park/designated recreational facility for a commercial use. (Ord. 328 § 2, 2002)

5.24.022 Tennis ball restriction.

No person shall bring on, cause to be brought on, allow to remain, or maintain in their possession and/or control more than six tennis balls on a tennis court at any time, except by permit. (Ord. 328 § 2, 2002)

5.24.025 Golf prohibited.

It is unlawful for any person to use any park/designated recreational facility for playing, practicing or instructing golf. (Ord. 328 § 2, 2002)

5.24.026 Inflatable jumpers at Mayors' Discovery Park prohibited.

No person(s) shall locate, install, inflate or otherwise use an inflatable jumper at Mayors' Discovery Park. (Ord. 353 § 2, 2005)

5.24.027 Hitting of baseballs at Cornishon Play Field restricted.

A. No person over the age of twelve (12) years of age shall hit, bat, or propel by use of any device or apparatus, or cause to be hit, batted, or propelled by use of any device or apparatus, any baseball, hardball, softball or other similar play equipment, at the Cornishon Play Field, except for coaches participating in organized team play with a valid city permit issued pursuant to this chapter. (Ord. 328 § 2, 2002)

5.24.030 Reservation procedure.

A. Any resident wishing to obtain exclusive use of any park/designated recreational facility, or any portion thereof, for a specific date(s) and time(s) shall apply to the city manager or designee for a reservation of such facility not less than thirty-one (31) days in advance of the requested date of use. Nonresidents wishing to obtain exclusive use of any park/designated recreational facility, or any portion thereof, for a specific date(s) and time(s) shall apply to the parks and recreation commission for a reservation of such facility not less than (60) days in advance of the requested date of use. All applications for reservations must be on official forms provided by the city. In making a determination on an application for reservation, the approving body may consider factors such as whether the applicant is a resident or non-resident, recreational or club, youth league or adult league, or a long-time established user or a new user. When requests for reservations conflict, the approving body may consider the different factors set forth above, and may make its decision based upon preference for one or more of the factors or any other factor.

B. The city manager or designee may require an applicant to provide such information as necessary to ensure that the applicant is a resident, and that all provisions of this chapter and all other rules and regulations pertaining to park/designated recreational facility use will be complied with.

C. Issuance of an approved permit may be made contingent upon such conditions as the city manager or designee or parks and recreation commission, whichever is applicable, determines are necessary to ensure compliance with the provisions of this chapter and all other rules and regulations pertaining to park/designated recreational facility

use. The city manager or designee may require a permittee to provide general liability insurance in the amount of one million dollars (\$1,000,000.00) per occurrence. The city, and its officers, agents and employees, shall be named as an additional insured on such policy.

D. A chaperon, eighteen (18) years of age or older, will be required for every fifteen (15) participants at children or teen events.

E. The transfer or assignment of any permit or reservation is prohibited, without the prior written consent of the city manager or designee.

F. La Cañada Memorial Park, Glenhaven Park and Glenola Park shall only be reserved with the prior approval of the city pursuant to this chapter. At all other times, these park/designated recreational facilities shall be available on a first-come, first-serve basis.

G. No organized team play is permitted at the FIS lower and Cornishon fields on Sunday, except Sunday permits may be issued for FIS lower and Cornishon fields for emergency use or as may be authorized by resolution of the city council.

H. Organized team play at the FIS upper field is permitted on Sunday, only with a permit.

I. Organized team play at Memorial Park, Glenhaven Park and Glenola Park is permitted only with a permit.

J. Use of portable lights on all joint use facilities during joint use hours shall be prohibited unless such use is provided for in the permit issued by the city, except that all public utility, public safety, city and school district personnel or their contractors or vendors shall be exempt from this provision. (Ord. 399 § 1, 2011; Ord. 398-U § 1, 2011; Ord. 328 § 2, 2002)

5.24.035 Fees and fee waiver.

Each application for a reservation shall be accompanied by a fee in an amount established by resolution of the city council. A resident applicant may make an application for a fee waiver to the city manager or designee. Fee waivers may be granted to residents at the city's discretion, when two or more of the following conditions have been met:

A. The resident applicant is a non-profit or not-for-profit organization recognized as such by the state of California.

B. The resident applicant agrees to provide in-kind services or perform community service.

C. The activity/event for which the permit has been requested is open to the public, free of charge.

D. The city council is a partner, co-sponsor, or has formally endorsed the event for which the permit is being requested.

Any determination by the city manager or designee shall be final and effective unless appealed to the parks and recreation commission by the resident applicant within ten calendar days following issuance of the denial. Notice of such appeal must be filed in the office of the city manager and shall be accompanied by a written statement setting forth the reasons for the appeal. The parks and recreation commission shall conduct a hearing on the appeal, and following such hearing, shall consider the matter and may affirm, reverse, or modify the determination of the city manager or designee. (Ord. 328 § 2, 2002)

5.24.040 Reservation exclusive.

Every person must immediately vacate a park/designated recreational facility, or any portion thereof, which has been reserved for use by another person, upon being presented a permit obtained pursuant to this chapter. (Ord. 328 § 2, 2002)

5.24.050 User responsibility.

A. Every person who uses a park/designated recreational facility shall be liable for, and shall indemnify and

defend the city against, any damages caused by or resulting from that person's use.

B. Every person who uses a park/designated recreational facility shall be responsible for picking up and removing all litter and debris generated directly or indirectly by that person's use.

C. Every person who uses a park/designated recreational facility may bring and maintain a dog or cat if such dog or cat is kept on a leash or chain not longer than six feet in length and is kept under full control of its owner or custodian. (Ord. 328 § 2, 2002)

5.24.060 Penalty.

Any person violating any of the provisions or who fails to comply with any of the mandatory requirements of this chapter, shall be guilty of an infraction. The city manager or designee and/or the parks and recreation commission may suspend or revoke existing permits and/or deny future permits to any person, for a period of up to three years, who has been determined by the city manager or designee and/or the parks and recreation commission to have violated any of the provisions or who fails to comply with any of the requirements of this chapter. The city manager or designee may deny future fee waivers to any person, for a period of up to three years, who fails to provide proof of the performance of any in-kind or community service projects if required as a condition of a fee waiver granted by the city. The city manager or designee may deny future fee waivers to any person, for a period of up to three years, who fails to comply with the condition that the activity/event for which the permit has been requested is open to the public, free of charge, if required as a condition of a fee waiver granted to them by the city. (Ord. 328 § 2, 2002)

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