

ORDINANCE NO. 732

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ROLLING HILLS ESTATES, CALIFORNIA, AMENDING AND  
RESTATING CHAPTER 12.24 (PARK USE REGULATIONS) OF  
THE ROLLING HILLS ESTATES MUNICIPAL CODE

The City Council of the City of Rolling Hills Estates ordains as follows:

**SECTION 1. Findings.** The City Council of the City of Rolling Hills Estates finds as follows:

- A. The City's Park and Activities Commission has reviewed Chapter 12.24 of the Rolling Hills Estates Municipal Code and has recommended that the City Council adopt certain amendments to the Chapter.

**SECTION 2. Environmental Findings.** The City Council exercises its independent judgment and finds that this Ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject ordinance and regulations have no potential for resulting in any significant physical change to the environment, either directly or indirectly.

**SECTION 3. Amendment to Municipal Code Chapter 12.24.** Chapter 12.24 of the Rolling Hills Estates Municipal Code is amended and restated as set forth in the attached Exhibit A.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 5. Publication.** The City Clerk is directed to cause this ordinance to be published in the manner required by law.

ADOPTED this 23<sup>rd</sup> day of JUNE, 2020.

  
VELVETH SCHMITZ, MAYOR

ATTEST:

  
LAUREN PETTIT, CITY CLERK



## **EXHIBIT A**

### **Chapter 12.24 - PARK USE REGULATIONS**

#### **Part I. - Rules and Regulations**

##### **12.24.010 - Conduct—Rules and regulations.**

The rules and regulations set out in this chapter control the conduct of all persons, other than employees, contractors or agents of the city, in or upon public parks located within the city.

##### **12.24.020 - Prohibited activities and items.**

The following activities and items are prohibited in public parks:

- A. Hitting golf balls.
- B. Inflatable bounce units.
- C. Balloons and piñatas.
- D. The placement of freestanding flags larger than 10 square feet in an area within 50 feet of a horse arena or trail.
- E. Flying motorized model airplanes or helicopters, model rockets, or drones within the airspace over public parks within the city.
- E. Repetitive hitting, kicking, or throwing of balls or objects against park facilities not intended for recreational use.
- F. Riding bicycles on a surface other than a parking lot or park roadway.

##### **12.24.030 - Prohibited damage to city improvements, landscaping and structures.**

No person may:

- A. Cut, break, injure, deface, or disturb, any building, cage, pen, monument, sign, fence, bench or any other structure, apparatus or equipment or property of the city in any public park.
- B. Mark or place on any city structure or improvement, any mark, writing or printing.
- C. Attach any sign, card display or other similar device to any city property in a public park.
- D. Dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, growing in any public park.
- E. Remove from or deface or destroy any grass, gravel, rock, sand, soil, turf, or wood groundcover in any public park.

##### **12.24.040 - Alcohol.**

No person may distribute, sell, or consume alcohol in any public park, except where a park permit is approved pursuant to this chapter, and the applicant has obtained an alcoholic beverage control license and provides appropriate insurance coverage for the event.

##### **12.24.050 - Equine.**

Horses, mules, ponies, and other equine may be ridden, trailered, or led into public parks with equestrian facilities or bridle/hiking trails. Equine may not be ridden, led, tethered, or allowed to graze on park turf areas, sidewalks, sports fields, sport courts, or other non-equestrian designated areas.

##### **12.24.060 – Pet Animals.**

Pets are permitted in a park if kept on a leash under the full control of its owner or

person in possession, including the proper disposal of animal waste.

**12.24.070 - Commercial solicitation and sales.**

No person may solicit for any commercial purpose, nor may any person sell or offer for sale any commercial goods, wares, services or merchandise, or distribute or pass out any commercial advertising matter or commercial literature, in any public park.

**12.24.080 - Disposal of solid waste.**

No person, may throw, place or dispose of any solid waste in any place in any public park, other than in a receptacle maintained for that purpose.

**12.24.090 - Disturbance of the peace.**

No person may disturb the peace and quiet of any public park, by making any unduly loud or unusual noise, engaging in tumultuous conduct, or using vulgar, profane, or indecent language.

**12.24.100 - Firearms.**

No person may possess, in any public park, any firearm, air gun, slingshot, bow and arrow, crossbow, B-B gun, or other regulated or generally prohibited weapon under the California Penal Code, nor may any person discharge or shoot any firearm, air gun, slingshot, bow and arrow, crossbow, or B-B gun, or other regulated or generally prohibited weapon under the California Penal Code, within any public park within the city. This restriction does not apply to the display or use of firearms and other weapons as part of a public event approved by the city under a special event permit that specifically authorizes, with appropriate conditions, the display or use of firearms and other weapons.

**12.24.110 - Fireworks.**

No person may fire or discharge, in any public park, any fireworks, as that term is defined in Section 9.04.040 of this code.

**12.24.120 - Horse training—Endangerment prohibited.**

Horse training may be conducted for a maximum of two consecutive hours in any public park horse arena by a horse trainer, with a minimum of a one hour break between each two-hour session. Horse trainers must abide by the posted arena regulations for the maximum number of horse trainers, students, and horses allowed in a lesson at each public horse arena. No person may interfere, disrupt, or cause horses to react in a manner that would endanger riders, horse trainers, park patrons, or other horses within any public park.

**12.24.130 - Hours.**

No person may go upon, remain in or loiter about any public park during the period of time commencing one hour after sunset and ending at sunrise the following day, unless such person has obtained a park permit under this chapter that expressly authorizes such person to remain during such period of time under the permit or it is a city sponsored event.

**12.24.140 - Smoking.**

- A. Prohibition. No person may smoke or possess any tobacco products within any public park.
- B. Definitions.
  - 1. "Smoke" or "Smoking" has the meaning set forth in Section 22950.5(c) of the Business & Professions Code, as amended, and includes the inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, electronic

smoking device, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic.

2. "Tobacco product" has the meaning set forth Section 22950.5(d)(1) of the Business and Professions Code, as amended, and includes: (a) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff; (b) any electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah; or (c) any component, part, or accessory of a tobacco product, whether or not sold separately.

## **Part II. - Park Permit Procedures**

### **12.24.150 - Commission recommendations for permit rules and procedures.**

Periodically, the park and activities commission may recommend to the city council specific rules, regulations and procedures governing the issuance of park permits. To be effective, all recommended rules, regulations and procedures must be adopted by resolution or ordinance of the city council.

### **12.24.160 - Group defined.**

For the purposes of this part, a "group" is defined as a gathering by a club, organization, association or the like, or of any individuals, for a specific, common purpose.

### **12.24.170 - Park permit (groups)—Required.**

No person may use or occupy in a group, or as a part of a gathering of twenty persons or more, any portion of a public park, or any building, structure or facility located within a public park, unless:

1. Such group has obtained the sponsorship of the city for such activity or use; or
2. Such group has obtained a park permit for such occupancy or use under this chapter.

### **12.24.180 - Park permit—Issuance/denial determination.**

- A. Permit Required. A park permit must be obtained prior to the commencement of any group gathering.
- B. Application. A park permit application must be made on the city-prepared application form and must include the applicable application fee, established by city council resolution.
- C. Issuance. The community services supervisor (supervisor) or the supervisor's designee may issue the park permit requested if the following is found:
  1. That the proposed activity or use will not unreasonably interfere with the general public's enjoyment of the park.
  2. That the proposed activity or use will not unreasonably interfere with the promotion of the health, welfare, safety, recreation and interests of the public.
  3. That the proposed activity or use is not unlawful.
  4. That the proposed activity or use will not entail unusual, extraordinary or burdensome expense to the city, or involve extensive police operations to the detriment of the general welfare.
  5. That the proposed activity or use will not cause or result in damage to public property.
  6. That the facilities desired to be used have not been reserved for another use at

the time and place requested in the application.

- D. Denial. The community services supervisor may deny the issuance of any park permit if the supervisor finds, from the application and after any investigation, all of the findings in subsection (C) cannot be made.

**12.24.190 - Park permit—Applicant's liability.**

Each permittee must observe all rules and regulations applicable to conduct in public parks as set forth in this chapter or any other applicable law or regulation. Prior to the actual issuance of any permit, the applicant must sign and file with the supervisor, a statement agreeing to hold the city, its officers and/or employees, free and harmless from any loss, damage or injury sustained, arising out of, or by virtue of the issuance of such permit or the proposed use and/or operation. The supervisor may, at the supervisor's discretion, require the applicant to obtain and maintain satisfactory liability insurance, if the proposed activity appears hazardous. If so required, the policy must name the city as coinsured. In addition, the applicant's statement must indicate that the applicant must, upon receipt of a city invoice, reimburse the city for any damage to any city property or equipment, and, should litigation be necessary to enforce such a claim in favor of the city, that the applicant will pay to the city's reasonable attorney fees as determined by the court.

**12.24.200 - Park permit—Suspension/revocation.**

The supervisor has the authority to suspend or revoke any park permit after finding that operations under the permit have or will violate any provisions of this chapter or any other applicable law, or for any other good cause.

**12.24.210 - Park permit—Notice of action taken by supervisor.**

Written notice of the supervisor's action on a park permit will be given to the applicant at the address provided in application.

**12.24.220 - Park permit—Appeals.**

Appeals from any decision of the supervisor regarding a permit denial, suspension or revocation must be made in writing and filed with the department of community services within 15 days from the date of the issuance of the decision. The appeal must be made on the approved form available from the department of community services and must include the grounds for the appeal and the appeal processing fee established by the city council. The appeal will be final 10 days following the date of the city manager's decision, and thereafter subject only to judicial review.