

ORDINANCE NO. 2024-405

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 8.24 – PARK REGULATIONS OF THE CALABASAS MUNICIPAL CODE TO CENTRALIZE AND CODIFY CITY RULES CONCERNING THE USE OF CITY PARKS

WHEREAS, the City of Calabasas (the “City”), under the police powers delegated to it by the California Constitution, has the authority to enact laws that promote the public health, safety and general welfare of its residents; and

WHEREAS, the City Council acknowledges its authority and the imperative to respond when circumstances arise that could pose risks to the public health, safety, welfare, and convenience of its residents; and

WHEREAS, the City Council has concluded that regulating the public parks within the City is essential to uphold the overall health, safety, welfare of its residents; and

WHEREAS, it is the intent of the City to centralize and codify its rules concerning the use of its City parks; and

WHEREAS, the City Council desires to protect the public health, safety, general welfare, and quiet enjoyment of property in the City by the adoption of this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. Environmental Determination. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that the adoption of this ordinance to regulate its public parks and centralize and codify its rules concerning its parks will have a significant effect on the environment. Accordingly, under the provisions of § 15061(b)(3) and § 15378(b)(5) of Division 6 of Title 14 of the California Code of Regulations, the CEQA Guidelines, the adoption of this ordinance is not subject to the requirements of the California Environmental Quality Act.

SECTION 3. The City Council hereby amends and restates Chapter 8.24 of the Calabasas Municipal Code to read as follows:

Chapter 8.24 – PARK REGULATIONS

8.24.010. Title. The ordinance codified in this chapter is known as “Park Regulations of the City of Calabasas.”

8.24.020. Purpose. To provide guidelines for responsible behavior in all public parks within the City.

8.24.030. Definitions. The following definitions are applicable to provisions of this chapter.

“Alcoholic beverage” includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer.

“Director” means the Director of Community Services or their designee.

“Motorized vehicle” means a vehicle capable of self-propelling, including but not limited to a car, truck, motorhome, off-highway vehicles (OHV), electric scooter, or electric bicycle that is throttle assisted. This definition does not include a motorized wheelchair or sit-down type cart for disabled individuals.

“Park” or “public park” or “City park” means any park, including any parking lot, parkway, playground, trail, bikeway, or any other area, building, facility, or structure owned, operated, controlled or utilized by or on behalf of the City for the purpose of providing park and recreation activities, programs, services, or facilities to the public, and shall include any such properties or structures owned by others and utilized by the City pursuant to any agreement (including without limitation any lease, contract, or joint use agreement) to the extent such property or structure is then in use by the City.

“Permit” means any authorized or contracted use of a park or recreational facility by the Director.

“Skateboards,” “roller skates,” and “non-motorized wheeled vehicles” include all forms of self-propelled devices by which a person or persons ride on wheels, whether in-line skates or not, and which are not motorized vehicles or bicycles as defined by California law. In addition to skateboards and roller skates, this definition includes, but is not limited to, rollerblades; tricycles that are not propelled with the assistance of a belt, chain or gears; wheeled sleds; non-motorized scooters; and all wheeled toys including those often referred to as “big wheels.” Wheelchairs, whether motorized or not, are not regulated by this chapter and may be used throughout the City so long as used with due care towards others using public sidewalks, parks, trails, and other rights-of-way.

“Sport court” shall mean any lined solid surface within a park designated for basketball, hockey, skating, tennis, pickleball, volleyball, or other recreational activities.

“Vend” or “vending” shall mean to sell or barter food, goods, merchandise or services, or to require someone to pay a fee or to set, negotiate, or establish a fee before providing food, goods, merchandise or services, even if characterized by the vendor as a donation.

“Vendor” shall mean a person who vends. “Vendor” includes the employers, employees, and agents of any person vending.

8.24.040. Park regulations.

A. Hours of operation.

1. The following parks shall be closed between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. each day:

- a. Juan Bautista de Anza Park
- b. Gates Canyon Park
- c. Grape Arbor Park

2. The following parks shall be closed between the hours of sunset and sunrise each day:

- a. Calabasas Bark Park
- b. Highlands Park
- c. Wild Walnut Park

3. Creekside Park shall be closed to the public at the following times:

- a. Monday-Friday, between the hours of sunset and sunrise;
- b. Saturday and Sunday, between five o'clock (5:00) P.M. and nine o'clock (9:00) A.M.;
- c. When the Creekside preschool is open and operating, as determined by the Director.

4. Freedom Park shall be closed between the following hours:

- a. January 1 through March 31st between six o'clock (6:00) PM and seven o'clock (7:00) AM.
- b. April 1st through August 31st between eight o'clock (8:00) PM and six o'clock (6:00) AM.
- c. September 1st through December 31st between seven o'clock (7:00) PM and seven o'clock (7:00) AM.

B. Use of the public parks at times other than those specified in this section may be authorized by a permit issued by the Director pursuant to this chapter, and subject to conditions imposed by the Director for afterhours use.

C. Any park or portion thereof may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular or stated intervals. If the Director declares a park or any portion thereof closed pursuant to this section, the Director shall post written notices at the park in a conspicuous location notifying the public of such closure. It is unlawful for any person to enter or be present in any park or portion thereof which has been closed to the public except where allowed pursuant to Section 8.24.040(B).

D. It is unlawful for any person or group of persons to occupy or be present in any public park during hours in which the public park is declared closed by the Director or pursuant to this Chapter except as follows:

1. City employees or agents and peace officers when engaged in official business;
2. Persons with a permit issued by the Director;
3. Persons participating in or spectators of City-sponsored or City-approved programs or events which take place outside posted hours of operation.

8.24.050. Permits.

A. Use of parks may be authorized by a permit issued by the Director. Applications for formal permits must be submitted in writing to the City upon forms approved by the Director, accompanied by a deposit and fees established by a City Council resolution, and use shall comply with the rules and regulations issued by the Director.

B. The person that signs an application for a facility use permit is required to be on site during the entire activity unless the applicant has requested in advance that another person be designated to be the onsite representative and said request is approved by the Director in advance of the event.

C. No person shall interfere with an authorized permitted rental of a park, including any other area, building, facility, or structure therein, of another person. It shall be unlawful for any person not having a City-issued permit to refuse or fail to surrender the use of any recreational facility, regardless of whether the facility is reserved for use.

D. Groups, schools, clubs or similar organizations, whether formally organized or not, shall not hold or conduct any activity with twenty-five (25) or more participants without obtaining permit required by this Chapter or a temporary use permit required by Section 17.62.030 of this Code.

E. Notwithstanding Section 8.24.070(E), an individual may apply to conduct professional instruction or instruction for services by: (1) becoming a City-approved independent contractor; or (2) obtaining authorization in writing by the Director.

F. No person or group shall locate or construct any attractions or temporary structures, obtain equipment requiring outdoor auxiliary power, or bring in a contract performer or contract services provider in a park or open space, without obtaining a City-issued permit.

G. No person shall film or take photos for commercial use in a park, open space or City facility without obtaining a permit approved by the Director.

H. An application for a permit shall be granted if the applicant fulfills the requirements in this subsection. The Director must explain the reason(s) for a denial of a permit in writing. The Director shall issue a permit if the following findings can be made:

1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the public enjoyment of the park;
2. That the proposed activity or use will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety, and recreation;
3. That all conditions set by applicable Municipal Code provisions and City regulations, including, the payment of fees, and indemnification and insurance coverage as required by the Director, are met;
4. That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;
5. That the proposed activity or use will not entail unusual, extraordinary, or burdensome expense or security operation by the City and its Community Services Department; and
6. That the park or the any other area, building, facility, or structure therein desired have not been reserved for other purposes.

8.24.060. Revocation or suspension of permits.

A. A permit issued under this chapter may be revoked or suspended for any of the following reasons:

1. Permittee or permittee's attendee damages public property;
2. A materially false statement contained in the permit application;
3. Failure to comply with federal, state, or local laws and regulations;
4. Loss of insurance, as required by City;
5. Failure to comply with any conditions imposed by the City on the issuance of the permit;

6. Conduct of the business or activity in a manner which endangers the public health, welfare, or safety.

B. Any portion of the a permit deposit may be withheld, or additional fees charged, for any or all of the following reasons, occurring by reason of the permittee's use, event, or activity:

1. Damages to building, furnishings or grounds;
2. Missing equipment;
3. Facility left in unclean condition;
4. Space occupied beyond maximum capacity or approved number of guests;
5. Use of unapproved vendor;
6. Space occupied beyond reservation hours or approved allocated space; or
7. Violation of any government laws or the City's rental rules and regulations.

8.24.070. Prohibited activities.

A. Use of alcohol in parks. The sale, distribution, or consumption of any alcoholic beverage is prohibited in any park, open space, or recreational facility unless authorized under a permit issued by the Director.

B. Hazardous conduct. No person shall participate or engage in any sport, game, or activity which may create a hazard or endanger other persons or property. No person shall use any portion of a park, open space recreational facility, or equipment for an activity which is inconsistent with the intended use or design of the facility or equipment.

C. Solicitation and advertising matter. Except as authorized in writing by the Director or in performance of an official duty, no person shall post, place, or erect any bill, notice, paper, or advertising device or matter of any kind within a park, open space, or City facility.

D. Commercial activity. No person shall solicit, sell, hawk, offer, or provide in a commercial context, any goods, wares, services, merchandise, liquids, or food except when authorized by concession agreement or upon the express written authorization of the Director.

E. Commercial instruction in parks, open space, or City facility. Except as authorized in writing by the Director or in performance of a City-sponsored activity, no person shall offer, conduct, or deliver any instruction or services for compensation or participate in any paid instruction at a City-owned park, open space, or facility. Such services and instruction include, without limitation, boot

camp, sport / tennis lessons, fitness instruction, day camps, yoga classes, and dog training.

F. Glass bottles. Use of glass containers in parks and associated facilities is prohibited.

G. Amplified noise. No person or group shall produce noise through the use of amplifying equipment, or any other means of amplification, in any park or open space outside of a City-sponsored activity or without the express authorization of the Director in writing.

H. Bikes and motorized vehicles. No person shall ride, park, drive, or otherwise operate a bicycle or motorized vehicle upon any surface other than those maintained and open to the public for purposes of vehicular travel or parking in a park or recreational area. This provision does not apply to any vehicle being used for authorized City business, or to any police or other emergency vehicles in performance of their official duties, nor to a vehicle which is within a park pursuant to written permission of the Director.

I. Skating.

1. No person shall operate any skateboard, roller skates, or other non-motorized wheeled vehicle on tennis courts, splash pads, playgrounds, picnic areas, barbecue areas, grass fields, buildings, entryways, patios, or parking lots, except when participating in an authorized City-sponsored program permitting such use.

2. No person shall use, operate, or strike a skateboard, roller skates, or other non-motorized wheeled vehicle against, onto or upon the side of buildings, fences, planter beds, steps, benches, tables, play equipment, curbs, rails, ramps, or similar objects or structures in a park.

3. No person shall apply any foreign substance, including wax, oil, or other similar material, either as a solid or liquid, onto any curb, stair, railing, ramp, sidewalk, bench or other abutment for the purpose of aiding any stunt, turn, or other acrobatic action while riding a skateboard, roller skates, or other non-motorized wheeled vehicle.

J. Fires, grilling, and barbecues.

1. No person shall make or kindle a fire for any purpose in any park or open space, except in places designated for this purpose.

2. Charcoal or wood barbecuing is permitted only in the City-installed barbecue grills.

3. Personal or portable barbecues are limited to propane grills with a maximum cylinder size of forty (40) pounds. Portable grills must have legs and be in good working condition with listed hoses and regulators.

4. No personal barbecue shall be used in any way so as to scorch, burn, or otherwise damage turf, tables, or other City property.

5. At least one (1) individual eighteen (18) years or older must be responsible for and attend to a barbecue at all times while it is in use.

6. Grease must be collected in a metal container and disposed of in a trash receptacle.

7. Ashes, coal, and/or wood used for barbecuing must be disposed of in receptacles provided for such purpose.

K. Vandalism, park damage, and littering.

1. No person shall cut, break, injure, tamper with, deface, remove, or disturb any tree, shrub, plant, rock, building, wall, fence, bench, sign structure, apparatus, or property in any park.

2. No person shall drop or deposit refuse, trash, hazardous waste, contaminants, or litter in any park, except in receptacles provided for this purpose, nor place in said receptacles any refuse brought from private property.

3. No person shall urinate, defecate, or dispose of garbage, trash, or other unsightly or offensive material within a recreational area other than in appropriate facilities provided for such purpose.

L. Trespassing and interference with park use.

1. No person shall interfere with or impede with the use or purpose of any park or City-sponsored activity or event, or loiter for an unlawful purpose in a manner which interferes with or impedes the use or purpose of the park or City-sponsored activity or event.

2. No person shall camp, establish, maintain, operate, or occupy parks or adjacent parking lot(s), or use camp paraphernalia in any park or adjacent parking lot(s), except when participating in an authorized City-sponsored program. For purposes of this section, to "camp" shall mean to reside in or use a park for living accommodation purposes, as exemplified by remaining for prolonged or repetitious periods of time not associated with ordinary recreational use of a park with one's personal possessions (including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material); to sleep or make preparations to sleep; to store personal belongings as above defined; or to regularly cook or consume meals. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person(s) is using a park as a living accommodation regardless of their intent or the nature of any other activities in which they might also be engaging.

3. No person shall occupy or use any public restroom within any park for a period of time in excess of thirty minutes during any consecutive three-hour period.

4. No person shall use any loud, boisterous, abusive, insulting, threatening, or indecent language or gesture, or engage in any disorderly conduct or behavior tending to be a breach of the peace within the park or City-owned facility.

5. It is unlawful to threaten, resist, intimidate, or interfere with anyone authorized to enforce park rules.

M. Bounce houses and other inflatable devices.

1. It is unlawful to have bounce houses or any similar inflatable device on park property or other city property without a City-issued permit. Only commercial equipment vendors may be utilized in parks or associated facilities.

2. The Director shall only issue permits for bounce houses and similar inflatable devices to licensed vendors that provide a certificate of insurance of \$1,000,000 which names the City of Calabasas as an additional insured as well as any other insurance terms the City may require.

3. The permit requires compliance with the manufacturer's operating procedures for the specific bounce house or inflatable device. The fee for the permit shall be established by City Council resolution.

4. The Director will specify where the bounce house or similar inflatable device is to be located at each park in order to eliminate damage to sprinkler heads, lawn area, and the like.

5. Vehicles are prohibited to drive onto any park area to load or unload the bounce house or similar inflatable device.

6. Bounce houses or any similar inflatable device shall be operated by a generator to avoid cords causing a tripping hazard.

7. Water bounce houses and two-story bounce houses or any similar inflatable devices are prohibited.

8. The Director, in their discretion, may waive the provisions in subsections 4 through 7 of this Section M for City-sponsored programming and events.

8.24.080. Dogs and animals.

A. Animals in City parks.

1. Unless otherwise approved by the Director or their designee, no person shall bring any dog, pet, or domestic animal onto a sport court, fitness area, pool area playground, sand box or play area, or any park area that is marked or designated as "NO DOGS ALLOWED."

2. Unless otherwise approved by the Director, dogs must remain on a leash no more than six feet long held continuously in the hands of a person able to control the dog on all City property, except within City-provided off-leash dog parks.

3. The owner or person responsible for the presence of any dog or any other animal within any park area shall be responsible to immediately remove and dispose of any waste, bodily waste, or refuse left by that animal. No person in charge of any animal shall permit any animal to leave or deposit any waste, bodily waste, refuse, or material in children's play structures, play surfaces, sport courts, or sand.

4. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic animal or other animal within a park. This prohibition shall not apply to law enforcement personnel, animal control officers, City employees, or City contractors acting within the scope of their official duties or contract obligations, or residents attempting to catch household pets.

B. Off-leash dog parks. Nothing herein shall relieve the owner or person having charge, care, custody, or control of a dog from the responsibility to maintain proper control over such animal; nor shall this subsection be construed as relieving such person from liability for any damages arising out of the action(s) of his or her dog while using the leash-optional area. All dogs that are brought into a dog park must have a current license and must be wearing a collar with a current license tag as required by Los Angeles County Department of Animal Care and Control.

1. All dogs that are brought into the dog park must be healthy with no contagious conditions, parasite-free, and vaccinated as required by Los Angeles County Department of Animal Care and Control.

2. Potentially dangerous dogs, vicious dogs, female dogs in heat, and puppies under five (5) months of age are prohibited from entering the dog park.

3. Dogs exhibiting threatening or aggressive behavior must be immediately removed from the dog park. In the event of a dog bite or other injury caused by a dog, the person having charge, care, custody, or control of the dog that caused the injury must provide current license tag information and a telephone number to the injured party.

4. A maximum of three (3) dogs per person, age sixteen (16) or older, shall be allowed inside the dog park at any one (1) time.

5. Dogs may not be left unattended in the dog park, and close supervision of all dogs is required.

6. No children under six (6) years of age are permitted in the dog park. Children age six (6) to age fifteen (15) are permitted in the dog park with adult supervision.

7. All persons bringing a dog into the dog park shall be responsible for cleaning up after their dog, disposing of dog feces in the designated dog waste receptacles, and filling and repairing holes dug by their dog.

8. All human and dog food, including food products, are prohibited in the dog park.

9. Use of noise amplification equipment, including bullhorn, air horn, or similar device which results in noise disturbance, is prohibited in the dog park.

10. Commercial use of the dog park is prohibited, including without limitation dog training classes, dog grooming, dog walking services, and solicitations or advertisement for pet-related services.

11. No private rental of the dog park is permitted.

12. No private equipment, attraction, or structure may be brought into the dog park except as permitted for persons and/or spectators participating in City sponsored programs or events.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Calabasas hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 5. Effective Date: This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Calabasas ordinance.

SECTION 6. Certification: The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this 26 day of June 2024.

Alicia Weintraub, Mayor

ATTEST:

APPROVED AS TO FORM:

Analuz Mendoza,
Interim City Clerk

Matthew T. Summers
City Attorney
Colantuono, Highsmith & Whatley