

## Chapter 9.62. PUBLIC PARKS

### 9.62.010. Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- (1) “City” means the city of Sunnyvale.
- (2) “Director” means the director of parks and recreation.
- (3) “Park” means a park, reservation, playground, swimming pool, recreation center or any other area in the city, owned or used by the city and devoted to active or passive recreation.
- (4) “Person” means any person, firm, partnership, association, corporation, company or organization of any kind.
- (5) “Vehicle” means any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city parks. (Prior code § 4-11.01).

### 9.62.020. Injury to or misuse of park property prohibited.

No person in a park shall:

- (a) Wilfully mark, deface, disface, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other 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;
- (b) Litter, soil or defile restrooms. No person over the age of eight years shall use restrooms and washrooms designated for the opposite sex;
- (c) Dig, or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency;
- (d) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder;
- (e) Go upon any lawn or grass plot, where prohibited by the superintendent of parks, and where such prohibition is indicated by proper and legible signs;
- (f) Erect or maintain any overhead wires through any park, without prior written permission;
- (g) Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area;
- (h) Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or gun carriages or upon any other property not designated or customarily used for such purposes;

- (i) Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, or other deadly reptiles, may be killed on sight;
- (j) Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances. (Prior code § 4-11.02).

#### **9.62.030. Polluting waters and dumping refuse prohibited.**

No person in a park shall:

- (a) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- (b) Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, refuse or trash; nor shall there be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere. (Prior code § 4-11.03).

#### **9.62.040. Operation of motor vehicles and bicycles—Prohibited acts.**

No person in a park shall:

- (a) Fail to comply with all applicable provisions of the Vehicle Code of the state of California in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and ordinances of the city of Sunnyvale regulating traffic;
- (b) Fail to obey all traffic officers and park employees who are hereafter authorized and instructed to direct traffic whenever and wherever needed in the parks in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director;
- (c) Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property;
- (d) Ride or drive a vehicle at a rate of speed exceeding fifteen miles an hour, except upon such roads as the director may designate, by posted signs, for speedier travel;
- (e) Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director;
- (f) Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present;
- (g) Ride a bicycle on other than a vehicular road or on a path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use;
- (h) When bicycling on a vehicular roadway in a park, all bicyclists must follow the regulations set forth in the California Vehicle Code and the Sunnyvale Municipal Code.

(1) When bicycling on park paths and park sidewalks, a person commits the offense of unsafe operation of a bicycle on a park path or park sidewalk if the person does any of the following:

- (A) Operates the bicycle so as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard;
- (B) Operates a bicycle upon a sidewalk and does not give an audible warning before overtaking and passing a pedestrian and does not yield the right of way to all pedestrians on the sidewalks;
- (C) Operates a bicycle on a sidewalk in a careless manner that endangers or would be likely to endanger any person or property;
- (D) Operates the bicycle at a speed greater than an ordinary walk when approaching or entering a crosswalk, approaching or crossing a driveway or crossing a curb cut or pedestrian ramp and a motor vehicle is approaching the crosswalk, driveway, curb cut or pedestrian ramp. This section does not require reduced speeds for bicycles either:
  - (i) At places on sidewalks or other pedestrian ways other than places where the path for pedestrians or bicycle traffic approaches or crosses that for motor vehicle traffic; or
  - (ii) When motor vehicles are not present.

(2) Except as otherwise specifically provided by law, a bicyclist on a park path or park sidewalk has the same rights and duties as a pedestrian on a park path or park sidewalk. Bicyclists shall at all times operate their bicycles with reasonable regard to the safety of others, signal all turns, pass to the left of any bicycle, authorized vehicle or pedestrian they are overtaking, and pass to the right of any oncoming bicycle, authorized vehicle or pedestrian;

(3) A bicyclist on a park path or park walkway has the same rights and duties as a pedestrian on a park path or park walkway, except as otherwise specifically provided by law.

(i) Transport any other person on a bicycle if the bicycle is not designed and equipped for multiple riders. This provision is not intended to prohibit passengers in bike trailers that are designed for such transport;

(j) Leave a bicycle lying on the ground or paving, or in any place or position where other persons may trip over it, be injured by it, or where property (including trees and vegetation) may be damaged by it. (Ord. 2721-03 § 1, 2003; prior code § 4-11.04).

#### **9.62.050. Recreational swimming.**

No person in a park shall swim, bathe, wade in, or pollute the water of any fountain, pond, lake or stream, except that wading and swimming shall be permitted in pools provided for these purposes. (Prior code § 4-11.05).

#### **9.62.060. Picnic areas—Use.**

No person in a park shall:

- (a) Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all.

Visitors shall comply with any directions given to achieve this end. Individual fireplaces or tables and benches shall be used on the basis of “first come, first served”;

(b) Use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, unless a permit has been obtained; nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded unless a permit has been obtained;

(c) Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere. (Ord. 2685-01 § 1; prior code § 4-11.06).

#### **9.62.070. Conduct—Prohibited acts.**

No person in a park shall:

(a) Have brought alcoholic beverages, nor shall any person drink alcoholic beverages at any time in the park. Picnickers may use beer or wine with their picnic lunches as long as they conduct themselves in an orderly manner;

(b) Have entered or be under the influence of intoxicating liquor;

(c) Have brought or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints;

(d) No person having the control or care of any dog shall suffer or permit such dog to enter or remain in a park unless it be led by leash of suitable strength not more than six feet in length; and the owner and the attendant shall be responsible for any damage caused, in any event, by such dog, even if on leash;

(e) Lead, ride, drive, or let loose any cattle, horse, mule, goat, sheep, swine, dog or fowl of any kind; provided that this shall not apply to dogs when led by a cord or chain, not more than six feet long;

(f) Sell, or offer for sale, any merchandise, article or thing, whatsoever, without prior written permission;

(g) Make or kindle a fire for any purpose, except at places provided for such purpose, unless prior special permission is obtained therefor;

(h) Enter area posted as “Closed to the Public,” nor shall any person use, or abet the use of any area in violation of posted notices;

(i) Play or bet at or against any game which is played, conducted, dealt or carried on for money, chips, shell, credit, or any other representative of value, or maintain or exhibit any gambling table or other instrument of gambling or gaming, or play any game prohibited by any ordinance of the city;

(j) Sleep or protractedly lounge on the seats, or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace;

(k) Use, operate, or cause to be operated, any system for amplifying sound, whether for speech, music, or otherwise. As used herein and in Section 9.62.120, “system for amplifying sound” means any device which projects or transmits sound by means of

electronics. Provided, however, that systems for amplifying sound may be used or operated in a park in conjunction with and if authorized by an exclusive use permit issued by the director, and subject to such reasonable conditions as the director may impose. (Ord. 2685-01 § 2; Ord. 1553-70 § 1, 1970; prior code § 4-11.07).

**9.62.075. Regulations applicable to skateparks on public property.**

- (a) A “skatepark” is a public facility that is designed for use by persons riding skateboards, in-line skates, or roller skates, and which is designated a “skatepark” by the director of parks and recreation.
- (b) No person in a skatepark shall:
  - (1) Ride a skateboard, in-line skates or roller skates unless that person is wearing a helmet, elbow pads, and knee pads;
  - (2) If under the age of fourteen, enter or use the skatepark unless accompanied by a parent or adult guardian;
  - (3) Ride, operate, or utilize any device other than a skateboard, in-line skates or roller skates (prohibited devices include, but are not limited to, bicycles, scooters and any motorized device whether electric or gas powered);
  - (4) Use, consume, or possess food, beverages, glass bottles, or any breakable glass item on the skating surface;
  - (5) Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps);
  - (6) Engage in reckless behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying), or any other activity that could endanger the safety of persons using the skate facility or spectators;
  - (7) Enter the skatepark at any time except during the posted hours of operation and when the facility usage sign says “open” and the gate is unlocked;
  - (8) Bring in any pets or other animals.
- (c) The director of parks and recreation shall erect and maintain visible signs at all skateparks which shall afford notice that any person skating in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under Section 1.04.010 of this code. (Ord. 2719-03 § 1, 2003).

**9.62.080. Merchandising, advertising and signs—Prohibited acts.**

No person in any park shall:

- (a) Expose or offer for sale any article or thing; nor station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing, or offer or provide any service for fee or compensation, except any regularly licensed concessionaire acting by and under the authority of the director;
- (b) Announce, advertise or call the public attention in any way to any article or service for sale or hire;
- (c) Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever in any park. (Ord. 2457-93 § 1; prior code § 4-11.08).

**9.62.090. Loitering prohibited during certain hours.**

No person shall remain, stay or loiter in any public park, between the hours of nine p.m. and six a.m. of the following day without approval from the director. (Ord. 1542-69 § 1, 1969; prior code § 4-11.09).

**9.62.100. Closing sections of park.**

Any section or part of the park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director finds reasonably necessary. (Prior code § 4-11.10).

**9.62.110. Lost and found articles.**

The finding of lost articles by park attendants shall be reported to the director who shall make every reasonable effort to find articles reported as lost. (Prior code § 4-11.11).

**9.62.120. Permit for exclusive use—Application—Standards.**

- (a) A permit shall be obtained from the director for exclusive use of any park facility or area designated for such use by the city council.
- (b) Application. A person seeking issuance of a permit hereunder shall file an application with the director. The application shall state:
  - (1) The name and address 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 park or portion thereof for which such permission is desired;
  - (5) An estimate of anticipated attendance;
  - (6) Any other information which the director finds reasonably necessary to a fair determination as to whether a permit should issue hereunder;
  - (7) Whether or not a “system for amplifying sound” is proposed to be used and the purpose or purposes for which it shall be used.
- (c) Standards for Issuance. The director shall issue a permit hereunder when he finds:
  - (1) That the requested area of the park is available during the period for which the permit is requested;
  - (2) That the expected attendance does not exceed the capacity established for the area of the park requested;
  - (3) That the use for which the permit is sought complies with the use established for the area of the park requested;
  - (4) That the applicant has met any time limit set by the city council for reserving the area of the park requested;
  - (5) That if a “system for amplifying sound” is to be used, the use thereof will not interfere with or detract unreasonably from the general public enjoyment of the park or surrounding area;
  - (6) That the proposed activity is not, in the judgment of the chief of the department of public safety, of a size or nature that would require the diversion of so great a number of public safety officers as to jeopardize the provision of fire or police protection to the remainder of the city.

For the purposes of subsections (2) and (3) above, the established uses and capacities for the several parks and areas of parks subject to exclusive use shall be those approved from time to time by the city council.

(d) Effect of Permit. Except as otherwise authorized by the director in writing, and subject to such reasonable conditions as the director may impose, a permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the permits. (Ord. 2685-01 § 3; Ord. 1686-73 § 1; Ord. 1553-70 § 2; prior code § 4-11.12).

**9.62.130. Enforcement.**

The director and all park attendants shall enforce the provisions of this chapter. (Prior code § 4-11.13).