

Regulations

Governing Use of Parks, Recreation Areas, and Facilities



**Hayward Area Recreation
and Park District
1099 E Street
Hayward, CA 94541
(510) 881-6700**

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**HAYWARD AREA RECREATION AND PARK DISTRICT
ORDINANCE NO. 001-02, AS AMENDED
on November 28, 2005, March 23, 2009 and July 27, 2015
REGULATIONS GOVERNING USE OF PARKS,
RECREATION AREAS, AND FACILITIES**

WHEREAS, the Hayward Area Recreation and Park District (District) was created to provide services to the greatest number of people commensurate with the resources of the District; and

WHEREAS, the District's recreation and park programs and facilities have been established for the benefit of the people, who should have access to the programs and facilities without legally prohibited discrimination; and

WHEREAS, these Regulations are adopted pursuant to the authority provided by California Public Resources Code Section 5786.1 and other applicable provisions of law in order to provide for the administration, operation, use and maintenance of the District's facilities, programs and services,

NOW, THEREFORE the Board of Directors of the Hayward Area Recreation and Park District ordains as follows:

REGULATIONS

SECTION 1. Hayward Area Recreation and Park District Ordinance No. 001-70, adopted June 8, 1970 and amended June 11, 1973, September 26, 1977, August 15, 1981, June 12, 1989 and September 24, 2001 is repealed as of the effective date of this ordinance.

SECTION 2. This amended Ordinance No. 001-02 shall take effect thirty (30) days after the date of its final passage. Until that time, Ordinance No. 001-02 as it existed before the effective date of this amendment shall remain in full effect.

SECTION 3. APPLICABILITY. The Regulations stated herein apply to all persons, defined herein as natural persons, business, government, social and/or non-profit entities of all types, and/or any combination thereof, and the officers, employees, agents, contractors, and volunteers thereof. Notwithstanding the foregoing, these Regulations shall not apply to law enforcement officers, nor to the officers, employees or volunteers of the Hayward Area Recreation and Park District while acting in the scope of their official duties. The term "District" when used in these Regulations means the Hayward Area Recreation and Park District, including all lands and waters owned, controlled or managed by the District.

SECTION 4. ABIDING BY REGULATIONS AND LAWS. (a) Persons entering District property may remain as long as they abide by these Regulations, all federal, state and local laws and regulations, all posted rules, and lawful instructions of law enforcement officers and District employees. Individuals who do not abide by lawfully given instructions of law enforcement officers or District employees, posted rules or local laws or regulations are in violation of these Regulations and are subject to citation.

(b) Individuals who fail to leave property of the District when requested to do so by a law enforcement officer or District employee shall be in violation of these Regulations and are subject to citation.

(c) Individuals who fail to provide identification or identifying information or who provide false information to law enforcement officers or District employees upon lawful request are in violation of these Regulations and are subject to citation.

(d) Individuals or groups that fail to observe the Board adopted written Code of Conduct while attending or participating in District activities are subject to removal or denial of participation in said activity.

SECTION 5. AUTHORIZED ENFORCEMENT. District employees are the representatives of the District and are responsible for assisting law enforcement officers in the enforcement of these Regulations.

SECTION 6. PENALTY FOR INFRACTION. Violation of these Regulations is an infraction punishable by a fine, pursuant to California Public Resources Code Section 5786.17 (b) and other applicable laws. Law enforcement officers and rangers have the authority pursuant to this ordinance and other applicable laws to issue citations for violations of these Regulations. Violation of federal, state and other local laws and regulations may be a felony, misdemeanor and/or infraction, depending upon the terms of the violated law or regulation.

SECTION 7. PARK HOURS AND TRESPASSING. (a) Except for lighted courts that may remain open, only while lighted, up to 10:00 p.m. and when used for District-approved purposes, and District permitted or sponsored events at District facilities, or as otherwise posted, the District park property is open from local sunrise to local sunset. It is a trespass violation to enter or remain in any District park later than local sunset or prior to local sunrise without prior written consent. Notwithstanding Section 6 of this Ordinance a trespass violation may be prosecuted as either an infraction or a misdemeanor.

(b) No person shall enter by any means any area or facility that is by any means cordoned/fenced off, closed to the public or designated for employees only during or after the hours of operation. Persons violating this provision are subject to infraction citation or misdemeanor prosecution.

SECTION 8. USE OF PERMITS. (a) No person shall use, occupy or remain in an area for which a permit is required unless in possession of a valid permit issued by the District. No person shall disrupt or interfere with the use or enjoyment of any facility by a holder of a valid permit for that facility. No use of any District property for musical, theatrical or other entertainment purpose, special event, or pre-advertised assemblies purposes may be made without the issuance of a valid permit issued by the District. All permit applications must be made in the form and manner determined by the District and as otherwise determined by the District, and must be signed or co-signed by an adult, which adult shall agree to be responsible for said use.

(b) No person shall use any areas designated by the District for a specific purpose in a manner contrary to or inconsistent with that specific purpose.

(c) No permit holder shall use athletic fields during wet or rainy conditions with the reasonable potential of damage to the playability of the field. Any permit holder causing or allowing damage to a playing field will be held financially responsible for its repair.

(d) No person shall plug/attach any item into an electrical outlet, water spigot or any other type of outlet on District property without written permission.

(e) Generators are not allowed to be operated on District controlled property except as permitted by Section 9 (e) of this Ordinance or when in possession of a District issued permit specifically for the use of the generator approved by the Board of Directors.

SECTION 9. ACTIVE SPORTS PROHIBITED. (a) No person shall engage in sports such as golf including chipping, self-propelled model aircraft flying, swimming, boating, self-propelled model crafts usage, drones, go-carting, rope swinging, slack lining, hang gliding, or similar sports involving the potential endangerment of the safety, well being or property of any person, except in areas designated by the District for such sports. Where no facility

exists within the District for any such activity, the activity is prohibited unless an exception is made by prior written permission of the District.

(b) No person shall engage in skateboarding, soccer, inline skating and the like in areas such as tennis courts and basketball courts that are designed for specific use, or parking lots. Use of skateboards, roller skates, bicycles or any like equipment is prohibited on any padded play area, on any table, bench, railing, playground equipment, wall or any other structure within the District unless designated for that purpose.

(c) No person shall engage in sports such as skateboarding, football, baseball, softball, volleyball, soccer, and the like in areas that would potentially endanger the safety, well being or property of others.

(d) No person shall engage in kite flying or any similar activity at Deerview Park, Eden Greenway, Five Canyons Park, Kennedy Park, or San Lorenzo Community Park or any other park so designated by the District due to aircraft or utility line requirements.

(e) Inflatable bounces, jumpers or the like are not permitted on property controlled by the District except at designated "Jumper Pads" and only by persons in possession of a valid District Jumper Permit to use the Jumper Pad. Permit holders must comply with all rules of Jumper Pad use as outlined on the permit and as posted at Jumper Pad. Generators used for the purpose of these bounces, jumper or the like may not be used for any additional purpose other than to inflate the object specified in the permit. Failure to comply with the posted Jumper Pad Rules or rules outlined on the Jumper Permit shall constitute a violation of this Ordinance.

SECTION 10. RIDING ANIMALS. No person shall ride, drive, lead or keep any saddle or pack animal in areas other than those specifically designated by the District for equestrian activities. No person shall ride, drive, lead, or keep any saddle or pack animal in a reckless or negligent manner so as to potentially endanger the safety, well being or property of any person or animal. No person shall allow his or her saddle or pack animal to stand unattended or insecurely tied.

SECTION 11. GRAZING PROHIBITED. No person shall permit cattle, sheep, goats, horses or any other animals to graze on District property without prior approval.

SECTION 12. RESTROOM USE. (a) No person shall use restrooms or washrooms designated for the opposite sex, except children age 6 and under or those who are disabled when accompanied by an adult or attendant. Each person shall leave the restroom in at least as neat and sanitary condition as before such person's use of the restroom.

(b) Restroom stalls are to be used by one person at a time. Except for the assistance of young children or disabled persons as previously described, it is a violation of this Ordinance for more than one person to occupy a single restroom stall.

SECTION 13. AUTOMOBILES AND OTHER CONVEYANCES. (a) No person shall operate or drive an automobile, bicycle, motorcycle, truck, trailer, wagon, motor scooter, or other conveyance on other than roads, paths or trails designated by the District for that purpose. Vehicle operators and operators of driverless vehicles must abide by all posted signage regulating driving and direction and flow of traffic. Bicycles, skateboards, roller skates, roller blades, self propelled scooters and other like vehicles and conveyances shall not be operated in a negligent, unsafe or reckless manner or in a way that potentially endangers the safety, well being or property of any person, nor at excessive speeds, especially when passing other trail users. Bicycles are permitted on designated paths and trails only.

(b) No person shall wash, service or repair any motor vehicle within any District park area.

(c) Motor vehicles or other motorized conveyances shall only park in a District established or designated parking area. The following are the District's parking violations: 13(c) (1) Posted No Parking, 13(c) (2) Red Curb Zone, 13(c) (3) Not within Designated Space, 13(c) (4) Unattended Vehicle Parked After Hours, 13(c) (5) Parked in a Roadway/ Crosswalk, 13(c) (6) Parked on a Sidewalk, 13(c) (7) Double Parked, 13(c) (8), Parked More than 18 Inches from a Curb, 13(c) (9) Parked in Front of or Too Near a Fire Hydrant, 13 (c) (10), Parked in a Fire Lane, 13 (c) (11) Parked in a Non-Parking area, unless a Permit has been Issued by the District and 13(c) (12) Parked When Driver Not Present on District Property.

(d) No motor vehicle or other motorized conveyance shall be parked in a Handicapped/Disabled space without a posted permit or disabled license plates. The following are violations of Section 13 (d): 13 (d) (1) Blue Curb, Handicapped Zone and 13 (d) (2) Posted Handicapped Stall.

(e) The parking lots are to be used by patrons during the hours the District property is open to the public and who are present on the District property. Patrons may not set up picnics, tailgate parties, or other activities in parking lots that may potentially block traffic or restrict the normal use of the parking lot. Patrons may not block off or save one or more parking stalls. Parking lot use is on a first come first serve basis.

(f) Additional rules, regulations, and definitions concerning District parking requirements, as updated from time to time, are on file at the District administrative offices.

(g) Individuals using bicycles, skateboards, roller skates, roller blades, self propelled scooters and other like vehicles and conveyances in or through District property must wear a helmet while using such vehicles and conveyances on District property.

SECTION 14. CARE OF PROPERTY. (a) No person shall cut, break, injure, damage, tamper with, deface, remove or disturb any District tree, shrub, plant, rock, building, wall, fence, bench, sign, structure, apparatus, historic artifact or resource, or other District property, nor climb any District tree, fence or wall, nor stand or sit upon any District monument, vase, fountain, railing, train track, fence, or any other property not designated by the District for such purposes, nor hitch a horse or other animal to any District tree or structure not designated by the District for such purpose. The purpose of this section is to prevent any potential damage or wear, both seen and unseen to District property and also to ensure the safety and well being of park patrons.

(b) No person shall wear footwear that will damage, injure or create the need for other than usual maintenance on any field, court, deck, floor, turf or specialized surface prepared for particular games or activities.

(c) No person shall construct or erect any building, structure or utility of any kind on, under or over any District property without a valid permit issued by the District.

(d) Patrons using playground equipment shall adhere to manufacturer and District designated age limitations for such equipment.

SECTION 15. CARE OF WILDLIFE. No person shall hunt, catch, injure, damage, destroy or interfere with wildlife, including reptiles, amphibians, birds, mammals, and marine life nor disturb in any way the habitat of same, including dens, eggs, nests and native plants.

SECTION 16. HEALTH AND SAFETY. (a) Alcoholic Beverages. No person shall sell, serve, cause to be served, consume or possess alcoholic beverages of any kind on District property without prior written permit issued by the District.

(b) Smoking on District Property Prohibited. Smoking or disposal of any cigarette, cigar or tobacco product, or any other combustible plant, weed or substance, including medicinal marijuana on any property owned, operated, maintained or managed by the District, including the park entrances, driveways, parking lots, natural areas, play areas,

athletic fields and within buildings, is prohibited. The use of any device of any type for smoking or that simulates smoking, such as electronic (e)-cigarettes, or provides a smoking-like experience is likewise prohibited. Smoking may be permitted during special events at the Rowell Ranch Rodeo Park within a designated area with a prior written permit issued by the District. Smoking is also prohibited in any vehicle owned, leased or operated by the District.

SECTION 17. SELLING AND ADVERTISING PROHIBITED. (a) No person shall sell, advertise, offer for sale or give away for the purpose of charity work or promotion or sale any merchandise, article, service or thing whatsoever on District property without prior written permit issued by the District.

(b) No person shall distribute, throw or deposit on District property any handbills, circulars, pamphlets, papers or advertisements, or post or affix the same to any tree, vehicle, fence or structure on District property.

(c) No person shall carry on or conduct any trade, occupation, business or profession on District property without a prior written permit from the District. Leagues and organizations that operate snack bars or other operations for fundraising must likewise obtain a permit to conduct business and may not sublet this privilege out to other organizations or individuals. Where operations require further operational permits from other governmental organizations, the permit holder is responsible for obtaining, possessing and being in compliance with those additional permits. Each person or organization must be in possession of their own written permit from the District or is in violation of this Ordinance.

SECTION 18. FIRES. (a) No person shall make or kindle a fire for any purpose on District property, except in places designated by the District therefore. Fires started in designated places shall not be left unattended.

(b) Before leaving District property, a person starting a fire on District property shall assure that the fire is thoroughly extinguished.

(c) No person shall gather leaves, grass or other combustible materials, or cut any District tree, shrub or plant, or damage or disassemble any District property or part of District property or gather any other combustible materials from the ground or from District trash receptacles for the purpose of making, kindling or maintaining a fire.

SECTION 19. PETS AND OTHER ANIMALS. (a) All pets shall be restrained at all times on a leash or a device no more than 6 feet in length and in possession of some human in complete control of such pets, except in District designated off-leash areas. All animal waste must be picked up and discarded in receptacles provided.

(b) No person shall abandon, leave or deposit on District property, dogs, cats, fowl, fish or other animals, whether dead or alive. Feeding feral or wild animals or depositing feed for feral or wild animals is prohibited.

(c) No dogs or pets are allowed in Adobe Park, Alden E. Oliver Sports Park of Hayward, Cannery Park, Castro Valley Community Park, Centennial Park, Children's Park at Giuliani Plaza, Hayward Shoreline, Jack Holland Jr. Park, Japanese Gardens, Kennedy Park, McConaghy Park, Meek Park, Sulphur Creek Nature Center, Weekes Park, in buildings, in playgrounds, or any park athletic fields or courts except for service dogs as defined by the Americans with Disabilities Act (ADA). Additional locations may be designated as "No Dogs Allowed" as deemed necessary and when posted with appropriated signage to designate this status.

(d) No person shall bring onto or permit any dangerous animal to enter or remain on District property. For purposes of this subsection, a dangerous animal is defined as any

animal, which is declared a dangerous animal by a county or city, is unusually aggressive, or is an exotic animal.

(e) Users of District designated off-leash areas must comply with all posted rules and hours for that particular area, including rules regarding the size of dog that is permitted within a particular off-leash area.

SECTION 20. PUBLIC CONDUCT. (a) No person shall engage in unusually loud, threatening, abusive, insulting or indecent language on District property, or engage in any disorderly conduct or behavior, or unreasonably or unnecessarily interfere with or obstruct the lawful use and enjoyment of District property by other persons, or impair the ability of any District employee, agent or concessionaire to perform his or her authorized duties and activities. No person shall chase the Kennedy Park train or any other vehicle, or climb on or get off the moving Kennedy Park train or any other moving vehicle/machine.

(b) No person shall appear unclothed on District property or in such attire, costume or clothing as to be indecently exposed to public view, except in the normal and customary use of authorized dressing rooms, restrooms or locker room areas. Persons shall urinate or defecate in public restroom facilities only. Use of cameras, camera telephones and the like is prohibited in restrooms, showers, dressing rooms and locker room areas.

SECTION 21. DUPLICATING KEYS AND USE OF DISTRICT ISSUED PROPERTY. (a)

No person shall duplicate keys used by the District for District padlocks, door locks, or locks of any type. No person shall use any District keys except in the lawful course of employment or for the specific time and purpose for which the keys were issued by the District. Use of keys to enter any District facility outside of these purposes shall be a violation of this section and additionally a trespass violation according to Section 7(b) of this Ordinance.

(b) District employees or any other person in possession of District issued property, shall return this property when requested by an authorized agent of the District. For the purpose of this Section, property shall include but not be limited to keys, uniforms, uniform parts, cell phones, radios, gas cards, laptops, tools, and other like items.

SECTION 22. LITTERING PROHIBITED. (a) No person shall drop or deposit or cause to be dropped or deposited refuse, cigarette butts or other tobacco related products, trash or litter on District property except in receptacles provided by the District therefor, nor place nor cause to be placed in said receptacles any refuse, trash or litter brought from other than District property.

(b) No person shall use District property to store personal belongings except in receptacles provided by the District therefor. Unattended personal belongings of value less than \$100 shall be confiscated and stored by the District for a maximum of 30 days. Personal belongings of value less than \$100 unclaimed after this period shall be considered abandoned, and will be discarded. Unattended personal belongings with a value of \$100 or more shall be held by appropriate law enforcement officials.

(c) No person shall drop or deposit or cause to be dropped or deposited household items, electronic items, hazardous materials, dirt, rocks, branches, leaves, lawn cuttings or any other green waste on District property.

(d) In addition to court set fines, the additional cost for disposal of identified litter may be charged.

SECTION 23. EXCESSIVE NOISE PROHIBITED. It is unlawful for any person to make or continue, or cause to be made or continued, through the use of amplified equipment, or otherwise, any unusually loud, unnecessary or unusual noise which disturbs the peace or

quiet within any area within the District or which causes discomfort or annoyance to any reasonable person of normal sensitivity on or near District property. Generators are not permitted at any District facility, except by permit as outlined in Section 8(e) of this ordinance. The determination of what noise is unusually loud, unnecessary or unusual shall be that of the District employee or of a law enforcement officer, and any instructions of a District employee or of a law enforcement officer concerning such unusually loud, unnecessary or unusual noise shall be obeyed immediately.

SECTION 24. CAMPING AND LODGING PROHIBITED. No person shall camp or lodge on District property except at District sponsored programs.

SECTION 25. FIREARMS AND WEAPONS PROHIBITED. No person other than a law enforcement officer in the scope of duty shall use, carry or possess a firearm on District property. No person shall use, carry or possess explosives or dangerous weapons on District property, including but not limited to hatchets, axes, machetes, bows, crossbows, spears, air or gas weapons, or any other weapon potentially dangerous to human or wildlife safety or well being. No person shall cause a bullet or other projectile to pass through or enter into District property.

SECTION 26. FIREWORKS. No person shall possess, sell, display or discharge any fireworks of any type on District property.

SECTION 27. USE OF PARKS. The following District parks and areas are designated "special use facilities" and are not available for group or general public use other than an activity of the same nature for which the park or area is designated: the Hayward Shoreline Park; Sulphur Creek Park; and the Greenbelt areas designated as hiking, biking or equestrian facilities. Selected parks have reserved picnic areas, as marked, that are open to the general public for picnicking when not reserved. The remainder of the parks and areas in the District are available for appropriate use by the general public on a first come, first served basis.

SECTION 28. ADMISSION CHARGE, GAMBLING PROHIBITED. (a) The taking of an admission charge or a collection of any kind by other than District employees is prohibited unless prior written permission has been granted by the District.

(b) Participation in dice throwing, card playing or any other form of gambling where money is being exchanged is prohibited.

SECTION 29. SKATE PARK FACILITIES (a) Any user of any District facility designated for skateboards, in-line skates, or other skates must wear a helmet, elbow pads, and knee pads. Helmet, elbow pads and kneepads are required for riders of bikes and scooters in facilities that allow these conveyances. Users are specifically advised that any violation of this provision is punishable as an infraction.

(b) No person shall ride a bicycle, scooter, motor scooter, motorcycle or any other kind of conveyance other than skateboards, in-line skates, roller skates or similar skates within the Cannery Park Skate Facility, the Tennyson Park Skate Facility or any other District facility specifically designated exclusively for skateboards or in-line skates.

(c) No person shall add, enhance or construct additional features or hazards to any District skate facility.

SECTION 30. WAIVER. Upon receipt of a written request to the Board of Directors, the Board may grant in advance a written waiver of one or more of the foregoing Regulations

when, in the opinion of the Board, such waiver would contribute to the education, entertainment or physical, mental, cultural or moral development of an individual or group attending, observing or participating in activities on District property, without detriment to other users of District property or to the residents of the District.

SECTION 31. AMENDMENT OR REPEAL. Where a section or Regulation, or procedure adopted pursuant thereto is herein or by some future District Board action amended or repealed, acts and commissions occurring prior to such amendment or repeal may be prosecuted as though such section, Regulation or procedure had not been so amended or repealed.

SECTION 32. CONSTITUTIONALITY. If any part, section, sentence or clause of this ordinance is held invalid or unconstitutional for any reason, such shall not affect the validity or constitutionality of any remaining portion of this ordinance. The Board of Directors declares that each remaining part, section, sentence and clause of this ordinance would have been adopted irrespective of the fact that a part, section, sentence or clause thereof may be declared invalid or unconstitutional.

**ADOPTED SEPTEMBER 9, 2002 as Amended
on November 28, 2005, March 23, 2009 and July 27, 2015
THE BOARD OF DIRECTORS
HAYWARD AREA RECREATION AND PARK DISTRICT**