

**ORDINANCE CODE: ORDINANCE 2016-1
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

CHAPTER 5

**USE OF DISTRICT FACILITIES FOR PARKS
AND RECREATION PURPOSES
AMENDING ORDINANCE 2014-3, CHAPTER 5**

5.100 Purposes.

The Board of Directors of the Fresno Metropolitan Flood Control District (District) finds and determines that land is a valuable resource to use for the public benefit to the maximum extent possible. District storm water and flood control facilities shall be developed for particular secondary uses based on public need, location, surrounding land use, soil conditions and other factors. All District facilities which have been developed into open space park facilities shall be open to the public at all times except during periods of construction, maintenance and normal rainfall months from October 31 to April 1 of each year, and as may be necessary to protect public health and safety.

This Ordinance shall regulate recreational use of District open space park facilities in order to ensure their continued safe use, to prevent the creation of potential nuisances, and protect the integrity of the system for storm water and flood control. In the case of basin parks, covered by agreement with another public entity, the agreement will take precedence over the ordinance.

5.1010 Prohibited Acts in Basin Parks.

The following activities by any person within, about or on any District basin are prohibited:

- (a) The possession, use or sale of any alcoholic beverage, narcotics or other restricted or illegal substance.

- (b) Camping, skating, skate boarding, golfing, fishing, horseback riding, swimming, archery, flying of motor driven or remote controlled model aircraft, boating, and all other activities which are restricted, illegal or potentially hazardous to public health and safety.

Provided however, that Board of Directors may authorize golfing under conditions set forth in a written agreement with a responsible party in designated location(s) of designated basins.

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- (c) The possession, exhibition or use of any firearms, air guns, sling shots, fireworks or other articles of like character which represent potential risk to public health and safety.
- (d) Soliciting, selling, or peddling any food, drink, circulars, papers, goods, wares, or merchandise of any kind except pursuant to a permit therefore secured by the District pursuant to Section 5.1020.
- (e) The conduct of any activity prior to 7:00 a.m. or later than 9:00 p.m., unless specifically permitted by the District.
- (f) Causing of a public nuisance or disturbance through loud, profane, reckless, threatening or uncontrolled behavior.
- (g) No dumping.
- (h) No dogs off leash. All dogs in District basins shall be on a leash which is controlled by the dog owner or dog handler.

5.1020 Reservations; Facility Use Agreements.

- (a) Use of Reserved Areas. The District may restrict the use of all or any portion of any basin to persons or groups registering in advance for such use. Persons desiring to reserve basin facilities shall obtain a permit therefor from the District reserving such designated areas on a first-come, first-serve basis. Any person desiring to reserve a designated basin area shall submit an application therefor in writing in such form and containing such information as the District may prescribe. The application, at a minimum, will describe the purpose of the event, the number of individuals anticipated to attend the event, and whether or not the applicant will be soliciting, selling, or peddling any food, drink, circulars, papers, goods, wares, or merchandise at the event.
- (b) Any person desiring to reserve a Park Pavilion shall submit a reservation through the District's website or at the District office. A fee will be collected at the time a reservation is made for the use of the park pavilions. Payment may be in the form of cash, check or credit/debit card.

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(c) Reservation cancellations must be made at least two (2) weeks prior to the original reservation date in order to receive a refund, less a convenience fee if original payment was made by credit/debit card. Cancellations received less than two (2) weeks before the reservation date are charged a processing fee. Refunds are made by the District in the form of a check payable to the original reservationist. All cancellations are required to be in writing, sent by mail, email or by fax; (no exceptions).

(d) General Conditions Applicable to Permittees of Reserved Basin Areas. In addition to being subject to the other rules applicable to basins pursuant to this ordinance, persons and groups using reserved areas pursuant to Section 5.1030 (a) of this Ordinance (individually, a "Permittee") shall be subject to the following rules and conditions:

(1) The Permittee shall hold the District harmless from, defend the District against and indemnify the District for all claims, damages and lawsuits, arising from, or in connection with any act or omission of or by the Permittee (or the Permittee's employees, subcontractors, agents or guests) during the use of basin park facilities.

(2) The Permittee shall, at his/her/its sole cost and expense, provide District with evidence of insurance with general and liability limits and other terms satisfactory to the District. The District shall be named as an additional insured on any such insurance policy(ies).

(3) The Permittee shall secure a written waiver and release from all claims for liability from all participants prior to participating in any Permittee-sponsored recreation or sports activities. Such waiver and release shall be in the form prescribed by the District.

(4) The Permittee shall agree to pay all litigation costs and attorney's fees in the event of litigation resulting from their use of the park facility and related to enforcement of the agreement.

(5) All activities sponsored by the Permittee shall commence after 8:00 a.m. and conclude no later than 8:30 p.m.

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(6) The Permittee shall take adequate security precautions to ensure protection of life, property and peaceful conduct of the scheduled activity. The Permittee shall appoint a supervisor who shall have authority to cancel or terminate an activity if, in the opinion of such supervisor, security is deemed inadequate.

(7) The Permittee shall be responsible for providing and maintaining chemical portable toilets for any activity scheduled to last more than three (3) hours.

(8) The District shall not be required to provide storage space for the Permittee or its equipment or other personal property. The Permittee shall be responsible for the removal of all its personal property and equipment after each use of basin park facilities.

(9) The Permittee shall be responsible for the removal of all trash and debris generated during the reserved use of basin park facilities.

(10) Amplification equipment shall be kept at a sound level that will not disturb other users of the facility or persons in the neighborhood.

(11) Subject to specific written permission by District, non-profit groups may be allowed to collect admissions/donations and operate a concession stand if the proceeds are to be used for charitable purposes. The Permittee shall request written permission to conduct fund raising activities.

5.1030 Rules - Adoption.

In order to promote the safety, comfort and convenience of persons using any basin park, or recreation area, the District's Board of Directors may from time to time by resolution adopt rules and regulations not inconsistent with this Ordinance and make the same applicable generally or to a particular basin park or portion thereof. Such rules and regulations shall govern matters that, in the opinion of the Board of Directors, are necessary for the safety, comfort and convenience of persons using such basin parks.

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5.1040 Effective Date.

This ordinance shall take effect and be in force thirty (30) days from the date of its passage.

Date Amended: April 13, 2016