

**CITY OF POWAY
COMMUNITY SERVICES DEPARTMENT
FACILITY USE RULES AND REGULATIONS POLICY**

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**CITY OF POWAY
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SECTION 1 GENERAL POLICY

1.1 DESCRIPTION AND PRIMARY USE OF FACILITIES.

The primary uses for facilities contained in this policy are as follows:

- A. City parks, public trails, and Community Services facilities in general: for recreation and leisure activities, both active and passive, which are conducted by the Community Services Department, hereinafter referred to as “Department”.
- B. Poway Center for the Performing Arts: as a municipal and educational facility for the presentation of the performing arts, educational programming, and the display of fine arts in a manner that is consistent with the Poway Center for the Performing Arts Use Policy.
- C. Poway Swim Center: as an aquatic recreation venue also used to conduct swim lessons that promote water safety and to provide limited swim team practice and tournament spaces.
- D. Neighborhood Parks: for mixed recreational uses that are balanced to meet the needs of Poway youth sports and residents, and are compatible with the surrounding area and parking limitations.
- E. Blue Sky Ecological Reserve and amphitheater: for the preservation and protection of an ecological resource, observation of the area’s native flora and fauna, and interpretive programming in a manner that protects the biological resources of the Reserve.
- F. Kumeyaay-Ipai Interpretive Center: for the preservation of the rich cultural history, native vegetation, and unique formations of rock boulders of the site, and historical education for the public.
- G. Lake Poway Recreation Area: for the City’s domestic water storage and for recreation activities and programs.
- H. City Hall facilities: for City business and public meetings of the Poway City Council, and City commissions and committees.
- I. Veterans Park: as a permanent tribute to the past, present, and future veterans of the United States Military, used to conduct official military and scout ceremonies and functions; to honor veterans; and to provide a location for quiet reflection on veterans’ sacrifices to the country.

- J. Old Poway Park: for the preservation of Poway's history, historical education, community events, programming, and operations that "bring to life" Poway's history.

1.2 **CITY PRIORITY.**

The City of Poway and the Community Services Department have first priority for use of facilities. The City retains the right to cancel approved Facility Use Permits in order to accommodate City needs. The City will make every attempt to notify permittee in advance when a use permit is to be canceled; however, no notification is required.

1.3 **PERMIT REQUIRED.**

Reservation of a facility is granted by permit only and users are subject to observance of all City rules and regulations. Permits may be revoked for violation of any City, County, State, and Federal rules or regulations. Permittee is responsible for payment of all fees and conditions outlined in this policy, the City's Facility Use Fee Policy, and Master Fee Schedule.

1.4 **USE AGREEMENTS.**

City may enter into use agreements with other agencies, groups and/or organizations under terms that differ from this policy, the Facility Use Fee Policy, or the Poway Center for the Performing Arts Use Policy, when it is determined that such agreement is warranted. The terms of the use agreement will supersede this policy.

SECTION 2 DEFINITIONS

- 2.1 **CAMP means 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), sleeping or making preparations to sleep, storing personal belongings as above defined, regularly cooking or consuming meals, or living in a parked vehicle. These activities constitute camping when it reasonably appears, in light of all the circumstances that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaged. (PMC § 9.48.010 A)**

- 2.2 **CITY** means the City of Poway, California.

- 2.3 **CITY COUNCIL** is the City Council of the City of Poway, California.

- 2.4 **CITY MANAGER** is the City Manager or designee of the City of Poway, California.

- 2.5 **COMMUNITY SERVICES FACILITY/FACILITIES**, hereinafter referred to as "facility/facilities" includes parks, recreation facilities, cultural facilities, public trails,

and for the purposes of this policy, City Hall Council Chambers, patio, courtyard, and kitchen facilities.

- 2.6 **COMMUNITY SERVICES SITE EMPLOYEE** means any person employed by the City whose position is assigned to the Community Services Department with duties conducted in or around any indoor or outdoor City park, recreation facility, or cultural facility or area. (PMC § 9.48.010 G)
- 2.7 **CULTURAL FACILITY** shall include City buildings and outdoor areas that are primarily used for the purpose of arts, education and nature exploration, including all land, water, road improvements, parking, and facilities therein. (PMC § 9.48.010 E)
- 2.8 **DIRECTOR** means the Director of Community Services or a designated representative. (PMC § 9.48.010 F).
- 2.9 **PARKS** are designated as City parks, recreation areas, and reserves by the City Council including all land, water, road improvements, parking, and facilities therein. (PMC § 9.48.010 C)
- 2.10 **PROGRAMS** are programs, camps, classes, and events organized, sponsored and/or conducted by the Community Services Department.
- 2.11 **PUBLIC AGENCIES** are government agencies such as school districts, State of California, San Diego County, etc.
- 2.12 **PUBLIC TRAIL** means all City trails designated by the City Council including all land, water, road improvements, parking, and facilities therein. (PMC § 8.04.020)
- 2.13 **RECREATION FACILITY** or **FACILITY** is any building that is primarily used for the purpose of recreation and leisure activities including all land, water, road improvements, parking, and facilities therein. (PMC § 9.48.010 D)
- 2.14 **RULES AND REGULATIONS** are duly adopted by the City Council.
- 2.15 **SMOKE** or **SMOKING** “Smoke” or “smoking” means (1) the carrying or holding of a lighted pipe, cigar, cigarette or other lighted smoking product or equipment used to burn any tobacco products, weed, plant, or any other combustible substance; or (2) the carrying, holding or use of an electronic cigarette as defined in California Health & Safety Code Section 119405 (“e-cigarette”) or a similar device intended to emulate smoking, which permits a person to inhale vapors or mists that may or may not include nicotine. “Smoking” also includes emitting or exhaling the fumes or vapor of any pipe, cigar, cigarette, or any other lighted smoking equipment used for burning any tobacco product, weed, plant or any other combustible substance, or any e-cigarette, hookah, or other similar device. (PMC § 8.04.020)

- 2.16 **SPECIAL EVENT** means any event that seeks the temporary use of all or part of, and affects general public access to, parks, public trails, streets, recreation facilities, or any other property managed by the City of Poway; and/or requires additional City resources above and beyond those provided for standard facility operations.
- 2.17 **USERS** are those persons utilizing facilities either on a first-come, first-served basis, or with a permit. Those persons utilizing facilities with a permit are also referred to as “permittees” or “rental clients.”

SECTION 3 AUTHORITY

3.1 **AUTHORITY.**

The Director shall promulgate rules and regulations for the operation of City Community Services facilities, and fees and charges for the use of City Community Services facilities, which shall be effective from the time they are approved by the City Council. Such rules and regulations, or excerpts thereof, shall be posted in City Community Services facilities if such posting is feasible in the opinion of the Director; irrespective of posting, copies of such rules and regulations shall be available to persons desiring copies thereof at the office of the Director during business hours. No person shall violate and no person shall fail to comply with such rules and regulations. (PMC § 9.48.030)

These rules and regulations are adopted pursuant to state law. The City Council may, from time to time by resolution, adopt additional rules or fees supplementary to and consistent with these regulations and when so adopted, they shall have the same force and effect.

3.2 **VIOLATIONS.**

All persons found or observed violating any of these regulations by a Community Services site employee will be ordered to leave the recreation facility. No one shall obstruct or interfere in any manner with an employee of the City in the exercise of his or her duties.

- A. **Any person who violates the Facility Use Rules and Regulations or any provision [of Chapter 9.48 of the Poway Municipal Code] which protects the health or safety of any other person, and, after being directed by Community Services site personnel to cease and desist from such conduct, refuses or fails to do so, shall remove himself from the facility if so directed by a Community Services site employee. No person who is ordered excluded from a Community Services facility shall remain upon or return to the Community Services facility property during the period covered by the order. (PMC § 9.48.310)**
- B. **The directive excluding a person from a Community Services facility for a period no longer than seventy-two (72) hours may be in verbal form and reported to the Director. Directives exceeding seventy-two (72) hours shall be in writing, signed by the Director of Community**

Services or designee, and shall not exceed one hundred eighty (180) days. Directives may be appealed to the City Manager or designee. Appeal may only be commenced by a written request for a hearing filed in the office of the City Manager during the period that the person is excluded from the Community Services facility. The appeal shall be conducted promptly. Formal rules of evidence shall not apply. The hearing officer shall issue the decision in writing. The decision of the hearing officer shall be final. (PMC § 9.48.310)

- C. Penalties for all other violations are contained in Section 1.08.010 of the Poway Municipal Code.

3.3 APPLICATION AND OTHER LAWS.

In addition to City regulations, all other applicable Federal, State, or County laws, ordinances, regulations and rules, including those relating to public health, sanitation and safety, are binding upon all persons within the City Community Services facilities.

3.4 DIRECTOR TO OPERATE FACILITIES.

- A. **The operation of all City facilities shall be under the control of the Director subject to the supervision of the City Council.**
- B. **Each Community Services site employee is responsible for enforcing the provisions of [Chapter 9.48 of the Poway Municipal Code] and these rules and regulations and shall take appropriate action in the case of any violations thereof.**
- C. **Any peace officer shall have the power to make arrests for violations of the provisions of [Chapter 9.48 of the Poway Municipal Code] and to issue citations for such violations as provided in PMC § 1.12. (PMC § 9.48.020)**

3.5 LAWFUL DIRECTIVE OF STAFF.

No person shall fail to obey any lawful directive of a Community Services site employee. (PMC § 9.48.300)

3.6 LIMIT OF CITY LIABILITY.

All persons entering upon, remaining within, or using facilities shall do so entirely at their own risk. Neither the City, its Council, officers, or employees shall be liable for any personal injuries or property damages or losses incurred by anyone entering upon, remaining within, or using the facilities.

3.7 LIMITATIONS ON USE.

The Director shall define the boundaries of rentable building and park spaces that are subject to rental fees contained in the City's Master Fee Schedule, herein after referred to as "Fee Schedule". Use must be compatible with the established purpose of that facility and must be within the allotted permit time. Business or

commercial activities are not permitted except by special agreement with the Department. Permit time schedules and charges include all preparation, setup, and cleanup. The setting up of tables, chairs, etc., and storage of same at the conclusion of the activity is the responsibility of the permittee. Control of lights, keys, locks and locking of doors, gates, etc., will be the responsibility of the Community Services site employee on duty. City employees on duty are authorized to refuse the use of the facility, or any portion thereof, to any person whose use, in the sole judgment of the employee, would constitute a hazard to the health and safety of the person or others.

SECTION 4 HOURS OF OPERATION

4.1 CITY PARKS.

Except as otherwise posted, City parks shall be open to the public between sunrise and sunset. Except by special permit, no person shall be present in any City park at any time that the park is not open to the public.

(PMC § 9.48.040)

4.2 COMMUNITY SERVICES FACILITIES, EQUIPMENT, AND PROGRAMMING.

The City Manager, or designee, shall establish the hours of operation for Community Services facilities, outdoor facility lighting, fishing, boating and City programming. Hours of operation shall be posted at the main entrance of each facility. Notice of any changes shall be posted in the same area at least one week in advance, except when weather conditions, user conduct, or unsafe conditions warrant immediate change.

4.3 CLOSING HOURS.

No person shall remain upon the grounds of a City facility or occupy the grounds of such facilities, or any part thereof, or use any of the facilities or equipment therein, or permit any vehicle to remain therein after closing time, as posted, unless authorized by the Director. The Director may designate and enforce an earlier closing time, which shall be posted, for such grounds or facilities and for the use of such equipment. *(PMC § 9.48.190)*

4.4 CLOSED AREAS.

No one shall enter any posted, restricted, or closed area.

4.5 CLOSURE.

The City Council, City Manager, Director or any employee of the City designated by them is hereby authorized to close a facility for and during such times as are necessary for its management, maintenance, repair, protection or conservation, and for the safety of the public.

SECTION 5 REGULATIONS – FACILITIES

5.1 CHILDREN.

No person shall permit any child under the age of seven years to play in any playground area, or fish, swim, or play in or near any lake or pool unless such child is attended by an adult. *(PMC § 9.48.230)*

5.2 DRUGS, INTOXICANTS, AND ALCOHOLIC BEVERAGES.

- A. **Being under the influence of any intoxicating beverages, drugs, or other substances prohibited by the California Health and Safety Code is prohibited.**
- B. **No person shall transport into a City Community Services facility, or consume upon the premises of a City Community Services facility, any intoxicating liquors having an alcoholic content in excess of twenty percent by volume.**
- C. **No person shall consume any alcoholic beverage at any time at the Archery Range, in facility parking lots, or a playground area of a City park.**
- D. **Except as expressly provided below, no person shall consume any alcoholic beverage in any other indoor or outdoor area of a City Community Services facility between 9:00 p.m. and 10:00 a.m.:**
 - 1. **On Lake Poway or within the high water line or concession balcony of Lake Poway during the established operating hours; or**
 - 2. **At the Poway Center for the Performing Arts; or**
 - 3. **Pursuant to permit issued by the City for a special public event.**
- E. **No person shall consume any alcoholic beverage at any City Community Services facility during times that it has been rented, with or without remuneration to the City, to house a youth event. Youth events include rite of passage celebrations such as bar mitzvahs, bat mitzvahs, quinceañeras, “sweet 16” parties, and 18th birthday parties, in addition to youth sports team games and parties, and all events involving social groups whose participants and/or members are primarily under the age of twenty-one (21) years. (PMC § 9.48.270)**

5.3 WEAPONS AND FIREARMS.

No person shall use, transport, carry, fire, or discharge any firearms, air gun, archery device, slingshot, or explosive of any kind across, in or into a City Community Services facility; provided, however, this prohibition shall not apply to activities permitted by the Director of Community Services nor the possession or use of any archery device in or upon a City archery range. (PMC § 9.48.120)

5.4 BARBECUES AND COOKING FOOD.

No person using a barbecue shall permit such barbecue to remain in an untidy or unsanitary condition, nor shall any such person fail to clear away therefrom all cooking and eating utensils and waste matter after use thereof.

Any person who uses a barbecue shall, when such use is completed, deposit the coals in the hot ash coal container. (PMC § 9.48.140)

5.5 CAMPING.

No person shall camp, lodge or sleep overnight, or between sunset and sunrise, except in areas specifically designated for such purpose and as may be permitted by the Director. (PMC §9.48.050)

5.6 FIRE HAZARD.

No person shall ignite or permit to be ignited, a fire in any location in a City Community Services facility except in a campfire or cooking area provided by the City. No person shall throw away any lighted tobacco product, or any burning or combustible material or other matter that could set fire to grass, shrubs, buildings, or any other combustible substance. Burning tobacco materials may only be disposed of in proper ashtray or receptacle provided for such purpose.

An exception may be approved by the Director for standard cake candles less than four inches that are intended to be easily blown out, and standard “sterno” cans only for the purpose of heating chafing dishes to serve food. (PMC § 9.48.130)

5.7 VEHICLE USE AND PARKING.

A. No person shall drive a vehicle within a City Community Services facility other than in a reasonable and prudent manner and with due regard for traffic and road conditions. In no event shall a vehicle be driven at a speed which endangers the safety of persons, property, or wildlife. No vehicle shall be driven at a speed greater than ten miles per hour in camp, parking lots, picnic, utility, or headquarters area and areas of general public assemblage, and no vehicle shall be driven at a speed greater than twenty miles per hour in other areas. (PMC § 9.48.210)

B. No person shall park any vehicle at any City Community Services Facility except for the duration of the visit to such facility or pursuant to special permit issued by the Director of Community Services. No person shall leave or park any motor vehicle on any driveway or at any other place except at such place or places as are designated as places for vehicle parking. (PMC § 9.48.220)

C. No person shall engage in the washing, cleaning, polishing, repairing, renovating or painting of any vehicle within a City Community Services facility, except that emergency repairs immediately necessary to render such vehicle safe may be made. (PMC § 9.48.200)

D. Operation of an unauthorized automobile, truck, trailer, or vehicle of any description other than upon designated open and paved roads or in other than designated parking areas is prohibited. (PMC § 9.48.330)

- E. A Community Services site employee shall designate where specialized vehicles may park for a permitted event.

5.8 REMOVAL/DEFACEMENT OF PROPERTY.

No person shall in any way deface, mutilate, or remove any sign, tree, fence, wall, building, railing, playground equipment, camp or picnic structure, monument, or any other object or structure within a City Community Services facility. Removing a “reserved” sign or willfully occupying and holding a camp site, area, building or facility, which has been reserved and for which a valid permit has been issued, is prohibited. Users or permittees will be personally responsible for any damage to a building or facility and shall be responsible for reimbursing the City for any loss or damage to City property caused by such use. (PMC § 9.48.100)

5.9 ANIMALS-TREATMENT.

- A. **No person shall trap, kill, wound, or maltreat any wild or domesticated bird or animal, and no person shall permit any pet to pursue, trap, kill, or wound any wild or domesticated bird or animal. (PMC § 9.48.070)**

5.10 ANIMALS-PRESENCE.

- A. **Subject to the conditions set out in this section, animals are permitted in City parks and outdoor areas during the hours that such areas are open to the public.**
- B. **Notwithstanding the provisions of subsection (A) of this section, no person shall bring a dog into, permit a dog to enter into or remain in, or possess a dog in any City Community Services facility without first having obtained a valid license for such dog. Evidence of such valid license shall be presented by the person responsible for such dog when required by a Community Services site staff employee.**
- C. **Except in an area specifically set aside and designated by the Director of Community Services as a "dog park," all animals in City Community Services facilities shall be physically restrained at all times, either by being attached to a substantial leash no more than six feet in length, or by being confined in a tent, trailer, or other appropriate structure.**
- D. **No dogs, horses, or other animals are allowed within one hundred feet of Lake Poway.**
- E. **Controlled and supervised animal shows may be allowed with prior written approval of the Director of Community Services and are subject to all conditions and fees stated in this policy. Every person displaying animals, or providing animal rides on City property, shall sign a copy of the City’s Animal Care Guidelines and adhere to terms stated in said guidelines.**

- F.
 - 1. **Except as provided in subsections (C) and (E) of this section, no person shall bring an animal into or permit an animal to enter and/or remain within, or possess an animal within any structure in a City Community Services facility other than the Lake Poway Animal Facility.**
 - 2. **This subsection shall not apply to an assistance dog accompanying or assisting an unsighted or disabled person, or therapy pets when present in a facility inhabited by the Poway Senior Center during such times permitted by an existing Facilities Use Agreement. For purposes of this section “assistance dog” is one that has been specially trained as a guide dog, signal dog or service dog, and “therapy pet” is one that is trained along with its handler(s) to achieve specific physical, social, cognitive, and emotional goals with patients.**
- G. **No person shall keep or permit within a City Community Services facility, a noisy, vicious or dangerous animal, or an animal which disturbs other persons within the boundaries of a City Community Services facility after having been directed by a Community Services site employee to remove such animal.**
- H. **Any person bringing an animal into a City Community Services facility is solely responsible for the actions of such animal. Any injury inflicted by such animal upon any person or any damage caused by such animal to any real or personal property shall be reported to a Community Services site employee.**
- I. **The Director may further regulate animals in, or may exclude animals from, any City Community Services facility or section of a City Community Services facility where the Director finds that the presence of animals substantially conflicts with the general use and enjoyment of such Community Services facilities. (PMC § 9.48.180)**
- J. Individuals responsible for animals must cleanup and properly dispose of animal waste.
- K. Domesticated animals are not permitted within the confines of the Kumeyaay-Ipai Interpretive Center.
- L. Animals shall not be left unattended in vehicles or trailers.

5.11 **ANIMALS-HORSES.**

- A. **No horse or other animal shall be hitched to any tree or shrub or structure in a manner that may cause damage to Community Services facility property. No person shall ride, drive, lead or keep a saddled horse or other animal in any City Community Services facility, except**

on such roads, trails or other areas as the Director may designate and subject to such regulations as the Director may promulgate.

- B. No person shall hitch any horse within a Community Services facility except for the duration of the visit to such Community Services facility or pursuant to special permit issued by the Director of Community Services. No person shall leave or hitch any horse on any driveway or at any other place except at such place or places as are designated as places for hitching horses. (PMC 9.48.170)**

5.12 PLANTS AND GEOLOGICAL FEATURES.

- A. No person shall pick, dig up, mutilate, destroy, injure, disturb, move, molest, burn or carry away any plant or vegetation, or portion thereof, including aquatic plants. (PMC § 9.48.060)**
- B. No person shall destroy, disturb, deface or remove earth, sand, gravel, oil, minerals, rocks or fossils, features of caves, or any parts thereof. (PMC § 9.48.080)**
- C. The Director may grant a permit to remove, destroy, or otherwise disturb plants or animals or geological, historical or archaeological materials upon finding that such will be in the best interests of the City. (PMC § 9.48.090)**

5.13 PEACE AND QUIET/NOISE.

- A. No person shall disturb the peace and quiet of a City Community Services facility by any loud or unusual noise, or by the sounding of automobile horns or noise-making devices, or by the use of profane, obscene or abusive language or gesture. (PMC § 9.48.260)**
- B.**
 - 1. Operation of musical equipment or instruments and/or electronic sound reproduction equipment including television, radio, and digital players in excess of the noise standards established in PMC § 8.08.140 is not permitted.**
 - 2. Amplified music and live entertainment are subject to approval of the Director.**
 - 3. Outdoor and indoor facility users are responsible for controlling noise that could be disturbing to other activities or the surrounding neighborhood. Should site staff determine that a facility user's noise has become a disturbance the facility user will be asked to reduce the noise level. Failure to do so is a violation of PMC § 9.48.300 and user will be asked to leave the facility.**
 - 4. Operation of generators shall be permissible by permit only.**

5.14 **ENTERTAINMENT.**

No person shall setup or maintain any exhibition, entertainment device, animal ride, show, performance, lecture, oration or concert without written permission to do so from the Director. (PMC § 9.48.250)

5.15 **SOLICITING, SELLING, AND ADVERTISEMENT.**

A. **No person shall sell or offer for sale any goods, wares, articles, or merchandise; or practice, carry on, conduct or solicit for any trade, occupation, business or profession within a City Community Services facility without the authorization of the Director. Nothing in this provision shall prohibit sales of articles or solicitations by nonprofit organizations that are otherwise allowed by law.**

B. **No person shall distribute, circulate, give away, throw, or deposit any commercial handbill, circular, pamphlet, tract or advertisement in any Community Services facility within the City. It is not unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it. No person shall post or affix to any pole, tree, car, fence or structure situated therein any kind of handbill, circular, pamphlet, tract or advertisement. Nothing herein shall prohibit the posting of an advertisement on any community bulletin board maintained by the City for that purpose. Nothing herein shall prohibit the placement and maintenance of signs and/or banners by the City in connection with community activities or by facility use permittees in connection with permitted activities. (PMC § 9.48.240).**

5.16. **CAMPAIGNS AND POLITICAL ACTIVITY.**

Political activity is permitted within the exterior spaces of City of Poway parks; however, intervention may occur should participants become loud, unruly, or disturb the peace of others utilizing adjoining spaces. Participants must adhere to Chapter 9.48 of the Poway Municipal Code, as well as Code that is not specific to parks such as hand-held signage (PMC § 9.40.010) and the placement of political signs (PMC §17.40.090D.4); and non-participation/assistance by Community Services Staff (State of California Government Code Sections 3201-3209).

5.17 **SPECIAL EVENTS.**

A. **A Special Event requesting the use of City facilities requires a Public Facility Use Application and payment of applicable permits, insurance, and rental and staffing fees as contained in the Master Fee Schedule.**

B. **A Special Event requesting or requiring the use of streets, sidewalks, or any other public rights-of-way (including, but not limited to: parades, races, street fairs, or activities impacting traffic circulation) requires a Temporary Use Permit (TUP).**

- C. The planned size and proposed location of a Special Event shall be reviewed to determine whether it has the potential to impact the natural habitat, water quality, or wildlife along public trails, or cause damage to trails, lead to erosion, or disrupt the general public's ability to enjoy the trails. Permission to hold the event may be withheld or withdrawn if the City determines that it will have an adverse impact on the trail environment.
- D. A Special Event that significantly impacts or substantially restricts the public's normal, typical or customary use, level of use, or ability to use a facility is subject to additional requirements including, but not limited to: a parking and shuttle plan for all attendees.
- E. Any preparation for the use of facilities for a Special Event is the responsibility of the applicant and is solely at the applicant's risk. It is the applicant's responsibility to obtain any permits required by the City and other public agencies.

5.18 **WASTE WATER.**

No one shall dump any waste-water, including dishwater, any place other than into toilets at designated restroom facilities or as directed by the employee on duty.

5.19 **WATER POLLUTION.**

No person shall place any garbage or other waste, or any soiled eating or cooking utensils or anything similar, in any stream, lake, pond, pool or at any hydrant for the purpose of cleaning the same, nor shall any person use any stream, lake, pond, pool or hydrant for washing or bathing, or for disposal of refuse, or for any activity which would tend to cause the pollution thereof. (PMC § 9.48.160)

5.20 **HUMAN WASTE - TOILETS.**

No person shall deposit or cause to be deposited human waste within a Community Services facility, other than in designated sanitary facilities.

5.21 **RUBBISH.**

No person shall leave, dispose of or throw away any garbage, refuse, cans, trash, ashes, bottles, broken glass, or like substances, or any animal carcass, in any place except containers provided for that purpose; nor shall any person bring any such substance, except litter accumulated in the course of automobile travel, into a City Community Services facility for the purpose of disposal thereof in City Community Services facilities. (PMC § 9.48.110)

5.22 **TOILET FACILITIES.**

No male person shall resort to nor loiter about any toilet facilities set apart for women and no female person shall resort to nor loiter about any toilet facilities set apart for men; provided, this shall not apply to children accompanied by their father, mother or guardian. (PMC § 9.48.150)

5.23 **PEDESTRIAN WALKWAYS.**

No person shall ride, operate or use any vehicle, skateboard, bicycle, scooter, roller skates, or roller blades in any area of a City facility designated and posted as a pedestrian walkway. This prohibition shall not apply to Community Services site employees or City authorized personnel in the course of their duties. (PMC § 9.48.280)

5.24 **GLASS PROHIBITED.**

No person shall possess any glass container in any indoor or outdoor area of a City Community Services facility except pursuant to a permit issued by the City. (PMC § 9.48.290)

5.25 **SMOKING PROHIBITED.**

A. No person shall smoke in a public building, on public grounds, in a public park, or on a public trail, except in areas designated by the Director of Community Services as smoking areas. (PMC § 8.04.030)

B. The provisions of this chapter do not apply in any circumstance where federal or state law regulates smoking if the federal or state law preempts local regulation, or if the federal or state law is more restrictive. (PMC § 8.04.030)

C. Permanent signs shall be installed at all City parks and City trails indicating "This Park/Trail Is a Smoke Free Zone." Smoking areas, as designated by the Director of Community Services, shall be posted using clear and prominent signs. (PMC § 8.04.040)

D. No person shall smoke within 25 feet of any playground or tot lot sandbox area unless utilizing a public sidewalk. No person shall dispose of a cigarette, cigar, or other tobacco-related product, or e-cigarettes, cartridges for e-cigarettes, or other components of e-cigarettes, within 25 feet of any playground or tot lot sandbox area. No person shall smoke a cigarette, cigar, or other tobacco-related product inside a public building or within 20 feet of a main exit, entrance or operable window of a City facility.

5.26 **SHADE DEVICES.**

Shade devices greater than one hundred (100) square feet in area may be erected by permit only. Staking shade devices into the ground is not permitted.

5.27 **INFLATABLES AND PLAY EQUIPMENT.**

A. Inflatable air jumps and play equipment are only allowed with an approved Air Bounce Permit, proper insurance, and payment of applicable permit fees as contained in the Fee Schedule.

B. Air Bounces and other inflatable play equipment are limited to areas authorized by the Director.

C. Requests to utilize inflatables and equipment with hard surfaces, mechanical parts, or water features require review from risk management.

D. Staking of air bounces and play equipment is not allowed.

5.28 **POWERED MODEL VEHICLES.**

The Director shall authorize and designate areas and times for the operation of powered model vehicles to ensure compliance with PMC Section 8.08.060 and to minimize disturbances to other facility users. "Powered model vehicles" means, but is not limited to: airborne, waterborne, or landborne vehicles such as model airplanes, model boats, and model vehicles of any type or size, which are not designed for carrying persons or property and which can be propelled in any form other than manpower or wind power.

5.29 **MOBILE FOOD VENDORS.**

Mobile food vendors shall be allowed within a facility in accordance with the Community Services Department Policy for Mobile Food Vendors, on file with the City Clerk and at each recreation facility, as adopted by the City Council and adopted herein by reference.

SECTION 6 CITY FACILITY USE AND RENTALS

6.1 **APPLICATION PROCEDURES AND POLICIES.**

A. **GENERAL.** Rental fees for reservation of facilities are charged for users requesting specific dates, times, and areas. Liability insurance or security may be required depending upon (1) nature of use, (2) user hazard classification, and 2) alcohol use.

B. **APPLICATION FORM.** A completed Public Facility Use Application form is required in order to reserve a facility.

C. **APPLICATION SUBMISSION.**

1. Until such time that reservations can be made via an online reservation system, or unless otherwise authorized by the Director of Community Services, an application must be submitted in person during regular business hours at the following locations:

- a. Poway Community Swim Center, 13094 Civic Center Drive, for use of the Poway Community Swim Center;
- b. Poway Center for the Performing Arts, 15498 Espola Road, for use of the Poway Center for the Performing Arts;
- c. Poway City Hall Community Services Department, 13325 Civic Center Drive, for use of all other Community Services facilities.

2. When available, online reservations will be accepted 24 hours per day, barring any planned or unplanned service interruptions.

3. The rental client named on the application shall assume all liability and responsibility for payment.

4. Applications will be accepted for specific dates and times. Time requested must include all setup and cleanup time. Cleanup time is a minimum of 1 hour for indoor facilities and ½ hour for outdoor areas.
5. A Poway business or a Poway nonprofit organization may not submit an application for a personal, private function, such as a wedding or birthday party. The private party must submit the application with residential address, and fees will be assessed according to the Facility Use Fee Policy and Master Fee Schedule.
6. Applications will be accepted in advance as follows:
 - a. Poway Center for the Performing Arts: As provided for in the Poway Center for the Performing Arts Use Policy.
 - b. For all other facilities, applications must be submitted at least fourteen (14) days in advance of the date requested. Advance applications are subject to the following limitations:
 - i. Within Poway City Limits: Businesses, organizations, groups, and private parties located within the City limits of the City of Poway may reserve a City facility up to one year in advance.
 - ii. Within Poway City Limits-exception for non-profit organization meetings: Poway-based, non-profit organizations may schedule no more than one meeting per week or four meetings per month. Applications will be accepted in December for January-March, in March for April-June, in June for July-September, and in September for October-December.
 - iii. Outside of Poway City Limits: Businesses, organizations, groups, and private parties located outside of the Poway City Limits may reserve a Community Service facility no sooner than six-months in advance, except for weddings, which may be reserved one year in advance.

D. RECURRING RESERVATIONS.

Outside of pre-approved, City-sponsored or co-sponsored events, and exceptions stated herein for Poway-based nonprofit organizations, Facility Use applications will not be accepted for any group or individual for multiple uses on a continuing basis. A reserved event must be completed before an application for a subsequent reservation will be approved.

E. APPLICATION REVIEW/APPROVAL.

1. Applications will be reviewed and use will be prioritized by the Director according to the Facility Use Fee Policy adopted by the City Council.

2. Applications are approved for specific rooms, park areas, picnic areas, and athletic fields, depending on group size, type of activity, and availability. No activity shall be scheduled for more than room capacity.
3. Fees for approved applications will be assessed according to the Facility Use Fee Policy and Master Fee Schedule adopted by the City Council.
4. Approval for use will not be granted to a person under twenty-one (21) years of age.

F. **SPECIAL ACCOMMODATIONS.**

The Director may make special accommodations for approval, including but not limited to: the accommodation of a facility use application submitted less than fourteen (14) business days in advance, subject to availability.

G. **SUPPLEMENTAL REQUIREMENTS.**

The Director may impose supplemental requirements as a condition of approval including, but not limited to:

1. Requirement of additional security, City staff, or insurance.
2. Requirement of a contractual agreement outlining additional requirements, fees, and limitations.

The applicant shall bear all costs incurred for any supplemental requirements.

H. **CONFIRMATION.**

An approved copy of the facility use application and a facility use permit with permit number are confirmation of the requested date and times.

I. **DENIAL/CANCELLATION.**

The Director may deny a use application, or cancel an approved use application. A written notification of denial or cancellation with an appropriate explanation will be given by the Director. Reasons for denial/cancellation include, but are not limited to:

1. Unsatisfactory prior use by applicant.
2. Existing hazardous condition(s).
3. The application is submitted less than the required minimum number of days in advance.
4. Nonpayment of fees and/or failure to submit required insurance, or meet supplemental requirements by the required due date.
5. A higher priority activity takes precedence.
6. The request would prevent adequate public access or exceed staffing capacities.

J. **INELIGIBLE USERS/USES.**

1. The use of any facility will not be granted or permitted to any individual, society group, or organization which has as its objectives to overthrow or advancing of the overthrow of the present form of government of the United States or the State of California by force, violence, or other means.
2. Except as otherwise provided in these Rules and Regulations, use of any facility as a regular and primary church, synagogue, temple, assembly hall, or other place of worship on the part of a religious organization is prohibited.
3. Any use that may cause damage to the condition of a facility or grounds will not be approved.

6.2 **GENERAL RULES GOVERNING FACILITY USE**

A. **REQUIREMENTS.**

An approved facility use permit, insurance, and appropriate fees must be paid according to the terms of the approved facility use agreement or lease. The responsible party must be present with the Facility Use Permit in order for Community Services onsite staff to open and close the facility. The Community Services site employee cannot open the facility prior to the time stated on the Facility Use Permit, and cannot leave until the rental client has left the premises.

B. **CONDITION OF FACILITY.**

On the day of the rental, the permittee must initially inspect the premises with site staff and complete a preliminary Condition of Facility Report before the permittee can begin setup. A Condition of Facility Report must be completed and signed before the permittee can begin setup for an event.

C. **TIME EXTENSION.**

A Community Services site employee cannot extend a rental at the time of the event. Changes to reservation times must be done at least 14 days prior to the rental date through City Hall during regular business hours. Facility use and staff time beyond that which was approved and allowed in the permit will be deducted from the deposit or billed to the user.

D. **LEADERSHIP.**

All groups must be under the direction of their own leadership. There must be at least one adult, at least 21 years of age, present and responsible for every twenty (20) minors.

E. **DEPARTMENT EQUIPMENT.**

Except as noted under use limitations, equipment is available for use in facility buildings. With approval, chairs and tables may be used in an exterior rental space when rented in conjunction with an interior space.

F. **LIABILITY INSURANCE.**

Insurance is required of a permittee using a facility with a group of 50 or more, or with a group of any size when alcohol is served. Event insurance may be purchased through the City of Poway, or may be provided by the rental client's own service provider. At a minimum, the City of Poway requires:

1. Commercial General Liability Insurance coverage, minimum of \$1,000,000 each occurrence, and \$2,000,000 general aggregate;
AND
2. An Additional Insured Endorsement naming the City of Poway and its elected and appointed boards, officers, and employees as additional insured with respect to operations on City of Poway property.

G. **BUSINESS CERTIFICATE.**

Businesses hired by a rental client, including, but not limited to: catering, security, and air bounce companies, are required to have a City of Poway Business Certificate.

H. **RIGHT TO ACCESS.**

The Department reserves the right to full access for all activities in order to ensure that all rules and regulations are being observed, and may terminate the activity for the safety and welfare of the citizens or City property.

I. **ABIDING THE LAW.**

No activity will be permitted that is a violation of local, state, or federal ordinances, statutes, or regulations. Applicants must adhere to all City policies and fire codes during their use of the facility.

J. **SECURITY.**

In an effort to maintain order and safety, the director shall establish, and update as needed, written facility security staff requirements, to be on file with the City Clerk and at each recreation facility, and which shall be deemed to be incorporated herein by reference on the date approved by the director. Permittees shall, at their own expense, provide uniformed security at such times and in such manner as contained in the requirements. Failure to do so will result in immediate termination of the rental and evacuation of the facility. A copy of the signed agreement with the security company, and a signed acknowledgement of the security staff requirements are due to City Hall at least 14 days prior to the rental date, except for rental packages, which are due at least 30 days prior to the rental date.

K. **DECORATIONS.**

Rental client may decorate the interior of the facility using only non-damaging materials, such as painter's tape. Nails, tacks, staples, glue, and duct tape are not allowed. Permittees are responsible for providing their own equipment, including extension cords and ladders. Decorations used on facilities must be removed at the conclusion of the event. Users must comply with the health and safety code pertaining to the flame proofing of all

decorations. Permittees will be personally responsible for all damages to the building or appurtenances thereof and shall be responsible for reimbursing the City for any loss or damage to city property by such use described herein.

L. **USE OF RICE, BIRDSEED, CONFETTI, GLITTER, OR DYES.** are not permitted inside or outside any facility.

M. **FOOD SALES/CATERING.**

All rentals selling food products, or that are catered, must be licensed by and adhere to the rules of the San Diego County Department of Environmental Health. The caterer must post a current health certificate at the door. Failure to do so will result in termination of the event.

N. **RENTAL EQUIPMENT.**

Rental equipment must be dropped off and picked up during the hours listed on the Facility Use Permit.

O. **LOSS OR THEFT.**

The City of Poway is not responsible for any loss or theft of property. This includes items left by or waiting for pick-up from caterers or rental companies.

P. **OCCUPANCY.**

Occupancy by a permittee of interior and exterior spaces may not exceed that which has been established by the City. Occupancy limits shall be posted in each facility.

Q. **CLEANUP AND REFUNDS.**

1. At the end of the event, rental client is responsible for cleaning all equipment, counters and tablespots used, soiled, or dampened; sweeping floors and carpets; and when used, cleaning the kitchen and all amenities used i.e., refrigerator, stove, oven, and sinks. Additionally, the rental client is responsible for disposing of all trash in proper receptacles and removing all personal items, decorations and/or displays.

2. Rental client is responsible for taking down and putting away all tables and chairs.

3. At the end of the cleanup and rental period, the rental client will inspect the premises with site staff and finalize the Condition of Facility Report.

4. Failure to satisfy cleanup requirements will result in a loss of the deposit, equal to cleaning and administrative processing costs incurred by the City. The City may also retain the deposit, or any

portion thereof, for reimbursement to the City for costs incurred to repair any damages to the facility arising out of user's use of the facility. Refunds of all or part of the deposit will be issued within 21 days after the rental date.

5. Rental clients of reserved park areas and picnic areas that are not subject to the requirement of completing a Condition of Facility report, are responsible for adhering to all other requirements under this Section 6.2, and may be invoiced by the City if deemed responsible for cleaning and damage repair costs incurred by the City.

6.3 **ALCOHOL BEVERAGE USE – COMMUNITY SERVICES FACILITY RENTAL**

A. **ADHERENCE TO LAW/RULES.**

All groups dispensing alcoholic beverages shall abide by regulations promulgated by the State of California Department of Alcoholic Beverage Control, the City of Poway Municipal Code, and rules and regulations contained herein.

B. **ALCOHOL BEVERAGE CONTROL LICENSE.**

The proper license must be obtained if alcohol is to be sold, a donation is requested, or admission is charged when alcohol is present. Said license shall be displayed in a visible location.

C. **MINORS.**

No alcoholic beverage shall be served to any person under twenty-one years of age. Minors must be accompanied by an adult over the age of twenty-one (21) when alcohol is present. Alcohol is not permitted at rentals intended for a youth-oriented activity.

D. **LIMITS TO USE:**

When alcohol is served:

1. Insurance is required and must be approved or purchased through City Hall.
2. Alcoholic beverages having alcohol content in excess of 20% by volume are not allowed in City facilities.
3. Security must arrive 30 minutes before alcohol is served. Alcohol cannot be opened until security has checked-in with Community Services staff.
4. Consumption of alcohol must end one hour prior to the end of the rental, not inclusive of cleanup time, or by 9:00 p.m., whichever occurs first.
5. Security cannot leave early and must stay until the rental has been cleaned-up and officially signed out by Community Services staff, irrespective of the number of hours the event host has contracted for service.

6.4 **MOTION AND STILL PHOTOGRAPHY**

A. **PROFESSIONAL/PORTRAIT PHOTOGRAPHY/VIDEO.**

1. Portrait photography/video (family/engagement/wedding portraits) or other posed portraiture by professional photographers/videographers or amateurs acting in the role of a professional, is allowed only when the products are for personal, private use, and the products are not resold for commercial purposes.
2. Professional photographers/videographers are required to have a City of Poway Business Certificate.
3. Outdoor areas that are not reserved may be used on a first-come, first-served basis for the purpose of portrait photography/video defined above; however, the activities may not infringe upon those who are in possession of a valid Facilities Use Permit. Users shall first check-in with the Community Services site employee to provide contact information. The Community Services site employee may determine the appropriate area for staging a shoot.
4. The exclusive use of a facility or a defined space for professional/portrait photography for personal, private use requires approval of a Facility Use Application, and payment of applicable hourly rental rates and staffing fees.

B. **COMMERCIAL FILM AND PRINT.**

1. The exclusive use of a facility or a defined space for the purpose of staging and/or obtaining still or motion images for commercial purposes requires the approval of a Commercial Film and Print Application, payment of applicable fees as contained in the Fee Schedule, and insurance at such level commensurate with the risk.
2. It is the responsibility of the business to obtain a City of Poway Business Certificate, and any permits required by the Development Services and/or Safety Services departments. A Right-of-Way permit and associated fees are required if the activity involves a street closure and/or requires traffic control.

C. **STUDENT FILM AND PRINT.**

1. The use of a facility or a defined space for the purpose of staging and/or obtaining still or motion images for a student project requires the approval of a (no fee) Commercial Film and Print Application, and signature of a Waiver/Release of Liability.
2. Outdoor areas that are not reserved may be used on a first-come, first-served basis; however, the activities may not infringe upon those who are in possession of a valid Facilities Use Permit. Users shall first check-in with the Community Services site employee to provide

contact information. The Community Services site employee may determine the appropriate area for staging a shoot.

3. The exclusive use of a facility or a defined space requires payment of applicable hourly rental rates and staffing fees.

SECTION 7 FISHING AND BOATING REGULATIONS

- 7.1 **LAKE USE PERMITS REQUIRED.** Every person eight (8) years and older using Lake Poway who possesses any fishing gear or occupies a boat containing any fishing gear must possess a valid lake use permit. Persons aged seven (7) years or younger who possess any fishing gear or occupy a boat containing any fishing gear require a permit, but do not have to pay the fee. They must be accompanied by a person aged sixteen (16) or older who is in possession of a valid fishing permit. A permit is required each day, and is not transferrable.
- 7.2 **NIGHT FISHING.** All persons night fishing must be aged sixteen (16) years or older, or be accompanied by an individual aged sixteen (16) years or older who is in possession of a valid fishing permit. All persons under the age of 18 must be out of the park by 9:45 p.m. or be accompanied by an individual aged eighteen (18) years or older who is possession of a valid permit.
- 7.3 **CATCHES BY CHILDREN.** The catches of any child age seven (7) years or younger shall apply to the limit of the accompanying adult.
- 7.4 **NO FISHING AREAS.** No person shall fish from or within 100 feet of any boat ramp, boat float, buoy, or other floating structure other than a designated fishing float or from or within any other posted area. Fishing in restricted areas is prohibited.
- 7.5 **CATCH LIMITS AND FISH REGULATIONS.** No largemouth bass less than 12 inches in total length shall be taken from Lake Poway. No trout shall be released after being caught. Game fish, including bluegill and sunfish, shall not be used as bait to catch other fish. Shad from Lake Poway may only be used as bait if caught by net. Chumming is prohibited. Snagging and/or netting game fish are prohibited. Kernel corn is prohibited as bait. Catch limits for Lake Poway shall be established by the Director at such levels to maximize fishing opportunity while maintaining a sustainable stock. All state freshwater fishing regulations apply with respect to gear and method of take with the exception of possession of a California State Fishing License.
- 7.6 **WATER CONTACT.** Human contact with the water is not permitted. This includes: swimming, wading, bathing, cleaning fish, skin, or objects; or engaging in any activity, which may cause pollution.

7.7 **CLEANING.**

No person shall deposit or cause to be deposited, food, scraps, fish remains, paper, bottles, cans, or any other waste material, organic or inorganic, into the water or along the shoreline of Lake Poway. Cleaning fish is allowed only where designated.

7.8 **BOAT PERMITS.**

Possession of a valid boat permit is required for each boat on Lake Poway. Permits are not transferrable.

- A. Persons must be twelve (12) years old to rent a pedal boat, and sixteen (16) years old to rent a rowboat or motorboat. A responsible person over the age of 16 must accompany children under the age of eight (8).
- B. All boats must be returned on time. Late returns are subject to an additional charge.

7.9 **PRIVATE BOATS/GASOLINE MOTORS.**

The use of any type of private boat or private gasoline motors on Lake Poway is prohibited.

7.10 **BOAT SAFETY.**

Each user must adhere to all safety rules, posted or otherwise, including, but not limited to:

- A. Children under the age of twelve (12) must wear a life vest.
- B. Passengers may not be dropped off or picked up at any location except the boat dock.
- C. All boats must keep (100) feet from the shoreline, boat dock, any fishing float, and other boats.
- D. No boat shall be beached on the shoreline except in posted areas for the use of temporary restroom facilities.
- E. No boat shall be operated on Lake Poway with more passengers than its assigned capacity.
- F. Passengers must sit only on the seats in the boats. Sitting on the stern, bow, or rails is prohibited.
- G. Standing on the motors, or steering the motor by foot is prohibited.
- H. When night fishing, the boat must have a light turned on at sunset which shall remain on the entire time the boat is on the Lake.
- I. Human waste shall be disposed of only at the public restrooms and no containers are permitted in the boats.

- J. Smoking is prohibited in the boats.
- K. Unsafe boat operation and horseplay are not allowed.

7.11. **WATER QUALITY.**

In order to preserve water quality and protect the integrity of the Lake Poway water system, Community Services site employee may prohibit the presence of gear or items determined to be potential contaminants.

SECTION 8 LAKE POWAY RECREATION AREA RULES AND USE LIMITATIONS

8.1 **CAMPING-EXCEPTION.**

The Director, by special written permit, may allow under exceptional circumstances, eligible youth groups and the public to camp in designated areas.

8.2 **CAMPING-ADULT REQUIRED.**

A responsible adult must be present for each program camping registration.

SECTION 9 BLUE SKY ECOLOGICAL RESERVE RULES AND USE LIMITATIONS

9.1 **RULES AND REGULATIONS.**

Visitors to the reserve must abide by all California State Department of Fish and Game, County of San Diego, and City of Poway rules and regulations.

9.2 **UNAUTHORIZED BICYCLES OR VEHICLES.**

Visitors may not ride any bicycle nor drive any unauthorized vehicle beyond the limits of the parking lot.

SECTION 10 NEIGHBORHOOD PARK RULES AND USE LIMITATIONS

10.1 **USE.**

Neighborhood parks are for the enjoyment of all Poway residents. In scheduling the use of neighborhood parks, the objective shall be to balance the use of the park for the enjoyment of the surrounding neighborhood, and use of the park to meet the needs of organized sports.

10.2 **PRIVATE USE.**

A permit is not required for personal private use. Any use by a group, business, or organization for an organized event will require a Facility Use Permit and payment of applicable fees.

10.3 **ORGANIZED SPORTS.**

- A. Park use scheduling shall be done by the Department in consultation with the Poway Sports Association.
- B. In scheduling field usage for organized youth sports, school fields shall be considered first, followed by community parks, and finally neighborhood parks.

- C. Priority shall be given to local neighborhood teams and youth sports shall receive preference over adult sports in the scheduling of neighborhood parks. Priority shall also be given to Poway residents over nonresidents.
- D. When a neighborhood park is required for team use, games shall not be scheduled back-to-back, so as not to negatively impact traffic or parking within the neighborhood.
- E. Scheduled events at the neighborhood park shall be posted at the park by the Department.
- F. Organized sports at neighborhood parks shall not be scheduled on Sundays.
- G. In scheduling neighborhood parks, the objective shall be to administer these procedures equally for all neighborhood parks.
- H. The Department shall monitor the use of the neighborhood parks, and the Parks and Recreation Advisory Committee shall periodically review the policy and procedures for needed changes.
- I. Organized teams must have an approved Facility Use Permit on file with the City and meet all requirements of said agreement. Users not holding a valid permit will be required to vacate the premises.

10.4 **AIR BOUNCE.**

- A. Air bounces are allowed in certain neighborhood parks by permit only and shall be limited to residents of the City of Poway.
- B. One Air Bounce Permit will be issued per neighborhood park, per day.
- C. Possession of an Air Bounce Permit does not grant or guarantee a designated space.

SECTION 11 SKATE PARK - RULES AND REGULATIONS

The Poway Skate Park is primarily an unsupervised facility with access granted by permission only.

11.1 **REGISTRATION.**

Anyone wishing to obtain access and the parent/guardian for those under the age of eighteen (18) years, must first submit to a thumbprint and photograph taken by Community Services staff, and complete the Unsupervised Poway Skate Park Participant Waiver Form. Registration will take place at the Poway Community Park office and Swim Center, located at 13094 Civic Center Drive during regular business hours.

11.2 **UNAUTHORIZED PRESENCE.**

Anyone with an unauthorized presence will be asked to leave and not return until they have complied with the provisions of this section. Failure to leave, or to return

without authorization, will be considered a violation of PMC § 9.48.300 and punishable as such. Registered users found permitting access to non-registered users will lose entry into the skate park for up to sixty (60) days.

11.3 **ADHERENCE TO POWAY MUNICIPAL CODE.**

It is unlawful and punishable as set forth in PMC § 1.08.010 for any person:

- A. To ride a skateboard, to skate, or to be within the fenced area surrounding the skate facility in a skate park owned or operated by the City, whether supervised or not, unless that person is wearing a helmet, elbow pads and knee pads, which are in serviceable condition and properly fastened in accordance with the manufacturer's recommendations for such equipment;**
- B. To ride, jump, carry, possess, or have any scooter or bicycle in a skate park owned and/or operated by the City; provided, however, that bicycles and scooters may be ridden jumped, possessed or maintained in a skate park owned and/or operated by the City during such times, and subject to such limitations, designated by the Director of Community Services and clearly identified in appropriate notices posted at the skate park;**
- C. To operate motorized equipment in the facility;**
- D. To perform stunt, trick, or luge maneuvers in or around the skate park, or in the skate park parking lot;**
- E. To consume any food, beverage, alcoholic beverage, or drugs in or upon the skate park;**
- F. To use tobacco products within the skate park;**
- G. To possess glass within the skate park;**
- H. To use the skate park under wet conditions;**
- I. To possess or use unauthorized ramps, jumps, or obstacles in the skate park;**
- J. To fail to wear the protective equipment required by this section and to remain at the skate park after having been directed to leave by any peace officer for that reason;**
- K. To enter or to return to the skate park for the purpose of using the skate park unless said person is wearing the protective equipment required by this section;**

- L. **To use the skate park when under the age of twelve unless accompanied by a parent or guardian;**
- M. **For a parent, guardian, or other adult person having custody of a minor under the age of eighteen years to allow such minor to use the skate park unless said minor is wearing the protective equipment required by PMC § 9.48.320.**

City of Poway staff, Sheriff's Department personnel, and similarly authorized individuals are exempted from the provisions of this section when their presence is in conjunction with the performance of their duties.

The City shall erect and maintain regulatory signs at all skate parks owned and/or operated by the City. Such signs shall give notice that any person riding a skateboard or skates in the facility must wear a helmet, elbow pads, and kneepads, and that any person failing to do so will be subject to citation under Section 9.48.320 of the Poway Municipal Code. Such signs shall also give notice that any person riding, jumping, carrying, possessing or having a scooter or bicycle in the facility shall be subject to citation under PMC § 9.48.320. In addition, said sign will give notice that a violator's skates, skateboard, scooter or bicycle may be impounded subject to an impound fee of twenty-five dollars.

Any peace officer, public safety volunteer, or Park Ranger shall have the authority to seize and confiscate any property, thing or device which is located in the skate park and which is used in violation of this section. The property may be impounded and seized as evidence of the violation. If property is impounded, impound fee as set by Resolution from time to time will be charged. (PMC § 9.48.320)

SECTION 12 TWIN PEAKS MULTIPURPOSE CENTER & MEADOWBROOK GYMNASIUM RULES AND USE LIMITATIONS

12.1 JOINT USE FACILITY.

Use of the gymnasiums is governed by the Joint Use Agreement between the City of Poway and the Poway Unified School District.

12.2 FACILITY SUITABILITY.

Gymnasium usage will not be granted when other City facilities are deemed more suitable for requested use.

12.3 ITEMS NOT PERMITTED.

Food, beverages, and hard-or black-soled shoes are not permitted.

12.4 ACTIVITIES NOT PERMITTED.

Hanging on the rim or net, dunking the ball, or throwing or kicking balls into the ceiling are not permitted.

12.5 **IMPACTED USE.**

When five (5) or more players are waiting, games in progress will be limited to an eleven (11) point advantage.

12.6 **GROUNDS FOR EXPULSION.**

Fighting, shoving, and aggressive behavior are grounds for expulsion.

SECTION 13 POWAY CENTER FOR THE PERFORMING ARTS RULES AND USE LIMITATIONS

13.1 **JOINT USE FACILITY.**

Use of the Poway Center for the Performing Arts is governed by the Joint Use Agreement between the City of Poway and the Poway Unified School District.

13.2. **PRIORITY USE.**

Priority use is determined by the Poway Center for the Performing Arts Use Policy. Use is permitted by an approved Facility Use Agreement only, with fees charged according to the Fee Schedule. The terms of said Agreement shall include, but not be limited to:

- A. The specified portions of the facility and its stage equipment on an “as is” basis.
- B. The services of a technical theater coordinator or stage technician who shall open and close the facility, and coordinate all other technical theatre staff services to be provided to the Licensee on a fee for service basis.
- C. The supervisor responsible for the Poway Center for the Performing Arts shall determine, at his/her sole discretion, the number and types of technical and other personnel that are required to safely and effectively execute rehearsals and the performance requirements of the Licensee.

13.3 **ALCOHOL.**

No alcoholic beverages shall be sold or consumed on the premises on which the Poway Center for the Performing Arts is situated at any time during which students are attending a school sponsored activity at the Center or at any time during which a performance is being given by groups of persons under the age of twenty-one (21) years. Alcohol sold or served must conform with the Alcohol Beverage Control License and regulations in effect at that time.

13.4 **PARKING.**

For weekday, daytime shows there is no parking available on site. Cars that are illegally parked in the PCPA's parking lot, or adjacent Poway High School parking lots will be ticketed and subject to towing. All weekday, day-time performances will require that patrons park at Lake Poway and shuttle bus service be provided at the Licensee's expense. Shuttle bus arrangements to and from Lake Poway must be made with the front of house coordinator no less than thirty (30) days in advance of the rental date.

SECTION 14 LAKE POWAY ARCHERY RANGE RULES AND USE LIMITATIONS

14.1 **RESERVATIONS.**

Reservations will be accepted for group use only and will not be granted to a person under twenty-one (21) years old.

14.2 **PARKING.**

Parking for the Lake Poway Archery Range will be in marked stalls within the limits of Lake Poway Recreation Area.

14.3 **ARCHERY RANGE CARD.**

- A. Cards may be purchased at the Lake Poway Concession Wednesday through Sunday.
- B. Applicants must obtain a Lake Poway Archery Range Card. The fee for Archery Range Cards is established in the Fee Policy, with the card valid for one year from date of purchase.
- C. A parent or guardian must sign a waiver for minors under the age of eighteen (18).
- D. An Archery Range Card is not transferable to any other person.
- E. Attendees of a one-time permitted rental are not required to purchase a Lake Poway Archery Range Card, but must sign a City of Poway Waiver/Release of Liability.

14.4 **USE.**

Use of the archery range may only occur during Lake Poway park hours. All users must check in with the Community Services site employee prior to use. Shooting may begin 30 minutes after sunrise and must end 30 minutes before sunset.

14.5 **USER ELIGIBILITY AND RESPONSIBILITY.**

- A. **GROUPS** -All groups must be under the direction of their own leadership. There must be at least one adult present and responsible for every ten (10) minors. An adult must be present at all times and in possession of a Lake Poway Archery Range Card issued by the City of Poway.
- B. **INDIVIDUALS** - Each user must be in possession of a current Lake Poway Archery Range card while utilizing the archery range facility and be prepared to present the card upon staff request.
- C. **AGE** - Users and spectators under the age of sixteen (16) must be accompanied by an adult eighteen (18) years or older.

- D. TARGETS AND EQUIPMENT - Users must supply and remove their own targets and equipment.
- E. TRASH - Users are responsible for the proper disposal of all trash.
- F. PROHIBITED ITEMS - Broad heads, alcoholic beverages, and glass are prohibited.
- G. PROHIBITED ACTIVITIES - Trapping, killing, wounding or maltreating any wild or domesticated animal is prohibited.
- H. OBEY ALL RULES - Failure to obey all rules and regulations posted or otherwise, may result in revocation of privileges.

14.6 **CROSSBOWS.**

- A. The use of crossbows is not permitted unless it is for the sole purpose of crossbow siting by those in possession of a valid Disabled Archer Permit.
- B. Advance reservations are required, with a two-hour minimum rental period, and are limited to no more than two times per calendar year, per person, and are subject to approval by the Lake Poway Recreation Area Supervisor.
- C. In order to qualify, the individual must be in possession of a valid State Department of Fish and Game Disabled Archer Permit and Lake Poway Recreation Area Archery Range Card. Both, along with a valid government-issued ID, must be presented to the City at the time of reservation and during use.
- D. Facility use fees contained in the Fee Schedule for crossbow siting will be waived, however the Archery Range Card fee does apply.

14.7 **SAFETY RULES.** Each user must adhere to all safety rules including, but not limited to:

- A. All shooters must shoot from the same distance.
- B. No one may move forward of the shooting line until all shooting has stopped and all arrows removed from all bows.
- C. No drawing of bows with arrows unless at the shooting line.
- D. Loudly announce any observed problem or dangerous situation and order all shooting to be stopped immediately.
- E. Shoot only at standard target bales (No hills, etc.).
- F. Shoot no more than six arrows at a time.
- G. Be considerate of other archers and keep noise levels down.

SECTION 15 DOG PARK RULES AND USE LIMITATIONS

15.1 OWNER RESPONSIBILITY.

Owners are to remain in the fenced area with their dogs, ensure that dog licenses and vaccinations are current, keep their dogs on a leash until they are within the fenced area, and properly cleanup after their dogs.

15.2 DOG SHOWS AND TRAINING CLASSES.

Dog shows and training classes may be held within the Dog Park by reservation only.

15.3 ADULT SUPERVISION.

Children under the age of ten (10) years must be supervised by an adult at all times within the boundaries of the Dog Park.

SECTION 16 TENNIS COURTS RULES AND USE LIMITATIONS

16.1 AVAILABILITY AND USE.

Court use shall be based on the honor system: one hour for singles and two hours for doubles. Users must be aware and respectful of other users and stay within the time limit.

16.2 PRIORITY USE.

City of Poway classes and tournaments have priority use of courts.

16.3 PRIVATE LESSONS PROHIBITED.

Private lessons are not permitted.

SECTION 17 SPORTS FIELDS AND TEAM USE RULES AND LIMITATIONS

17.1 The Department will establish priority in scheduling fields to meet the greatest need for recreational youth sports organizations in the City of Poway community. Priority within each category is given on a longevity basis, with new teams added to the bottom of the priority list.

A. In-season recreational youth sports organizations belonging to the Poway Sports Association (PSA) with fifty-one percent (51%) or more Poway residents.

B. In-season traveling/competitive PSA teams with fifty-one percent (51%) or more Poway residents.

C. In-season PSA club teams with fifty-one percent (51%) or more members Poway residents.

D. Off-season PSA recreational youth sports organizations with fifty-one percent (51%) or more Poway residents.

- E. Off-season PSA traveling/competitive teams with fifty-one percent (51%) or more Poway residents.
- F. Off-season PSA club teams with fifty-one percent (51%) or more members Poway residents.
- G. Nonresident youth sports organizations.
- H. Nonresident club teams.

17.2 As members of the PSA, leagues will notify the Department within twenty-four (24) hours of all field use cancellations at City facilities. A penalty fee will be assessed according to the Fee Policy if said notice is not received.

- A. The City of Poway does not charge PSA member organizations during a sport's regular season for outdoor facilities, with the exception of fees for lights and tournaments, as established in the Fee Policy. Fees will be charged for field and light use during the off-season for practices and games according to the Fee Policy. Regular fees will be in effect for all coaches for individual use.
- B. In the event the Sheriff's Department is called out for any related disturbance, the field rental will be terminated immediately.
- C. Groups must have a facility reservation contract approved by Department to utilize fields.
- D. Reserved field time must be used or released for rescheduling. A fee will be charged according to the Fee Policy for unused field time.
- E. Passenger vehicles are not allowed on fields or walkways. Any vehicle that will be used to prepare the fields must be designed to accomplish that purpose and be approved by the City.
- F. Public address systems or amplification may not be used without prior written approval by the City.
- G. Fields will be closed during inclement weather.
- H. Alcohol use is not permitted at any PSA activity.
- I. Use of fields, for which the City has a Joint Use Agreement with another public agency, is subject to the terms of said agreement.
- J. All coaches, umpires, participants, and visitors who are not residents of the City of Poway must pay the nonresident parking fees at Lake Poway as provided for in the Fee Schedule.

SECTION 18 POWAY COMMUNITY SWIM CENTER RULES AND USE LIMITATIONS.

18.1 CHILDREN.

- A. Children (7) years old and under must be accompanied in the water by a responsible adult (up to two children per adult). The adult must pay the admission fee and wear swim attire.
- B. An adult must supervise non-swimming children of any age at all times (up to two children per adult).
- C. Any child 8 or older may be required to take a swim test to demonstrate they can swim without being accompanied by an adult. Upon successful completion of a swim test, the child will be allowed to swim on that day without being accompanied by an adult.

18.2 GENERAL RULES.

- A. All persons wearing swimming attire must pay to be in the Swim Center.
- B. All persons entering the pool must wear proper swim attire.
- C. All persons must shower before entering the pool.
- D. Pool steps, ladders, and railings are to be used for entering and exiting the water only.
- E. Swimmers moving in the pool from the deep end to the shallow end, or vice versa, should be considerate of lap swimmers. Do not pass through their lap lanes.
- F. Kickboards are not allowed in the shallow or deep end during recreation swim times, only in the lap lanes for purposes of swimming laps.
- G. Use of toys, flotation devices, masks, fins, snorkels, balls, and any other throwing or diving items must be approved by pool staff before entering the pool.
- H. All food and beverage items must be consumed in the concession area and picnic areas only. No glass containers are allowed.
- I. Food and beverages are not permitted in locker room areas or in the pool.
- J. All persons shall obey the pool staff at all times. Horseplay, roughhousing, fighting, and abusive language will not be tolerated in the facility.

18.3 SAFETY RULES. All safety rules posted or otherwise, shall be followed, including but not limited to:

- A. No running; walk slowly.
- B. Do not swim with open cuts, sores, or infections of any kind, or if ill.
- C. Emergency and evacuation procedures must be observed.

- D. Diving from the side of the pool is permitted only in water posted as deeper than 6 feet.
- E. No back flips, jumping backward, twisting, or forward flips are allowed off the side of any areas of the pool.
- F. Swimming in the diving board area is prohibited unless the boards have been closed.
- G. Dunking, chicken fights, wrestling, throwing or pushing people in the water is prohibited.
- H. Any behavior deemed unsafe by the lifeguards is prohibited.

18.4 **LAP SWIMMING RULES.**

- A. During any time the pool is open to the public, lanes will be set aside for lap swimming. Certain times may be designated for adult lap-swim only.
- B. Playing in the lap lanes is not permitted.
- C. Swimmers shall not move lap swimmers out of lanes for the purpose of providing a structured workout to a group of two or more swimmers.
- D. Coaching organized individuals or swim team participants is prohibited unless authorized by the Director. Swimmers who wish to have a timed swim must request to do so through pool staff during the noon hour.
- E. Children are not permitted in the lap lanes unless they are swimming laps and are accompanied by a responsible adult. The adult must be in the lane with the child.

18.5. **WADING POOL RULES.**

- A. Children who are not toilet trained are required to wear waterproof pants or diapers in the wading pool and the main pool.
- B. Toys are acceptable as long as they are not being thrown or used in an unsafe manner.
- C. Kickboards are not allowed in the wading pool during open recreation swim times or during crowded times of the day.
- D. Parents must accompany children in the wading pool at all times. Children in the wading pool without adult supervision will be asked to leave the area.
- E. Children 6 years and older are not permitted in the wading pool.

18.6 **LOCKER ROOM RULES.**

- A. Do not leave personal items unattended in the locker room at any time.

- B. Duration of showers is to be kept to a minimum; shower faucets should be turned off after showering.
- C. Parents with a child over the age of 6 and of the opposite sex should bring the child to the pool dressed and ready to swim prior to using the facility. In the event the child needs to use the restroom, the lifeguard will escort the child to the appropriate facility.

18.7 **ACTIONS.**

Roughhousing, fighting, and failure to adhere to posted rules or requests from pool staff will result in expulsion from the Swim Center.

18.8 **GROUP RENTALS.**

- A. On day of reservation, groups may increase the number of participants from that listed on the application by no more than twenty percent (20%).
- B. Any special requests must be made in writing to the Swim Center Recreation Supervisor.
- C. The Swim Center Recreation Supervisor must approve toys, flotation devices, masks, snorkels, balls, etc., prior to reservation date. During summer recreational swim hours, these items will not be allowed.
- D. Groups must enter the pool area by the side gate and must review pool rules with a lifeguard prior to entering.
- E. There must be one (1) adult for every twenty (20) minors present during a rental.
- F. Groups are responsible for cleaning up after themselves and keeping their areas clean.

SECTION 19 CITY COUNCIL CHAMBERS AND COURTYARD USE LIMITATIONS

19.1 **USE DURING CITY HALL REGULAR BUSINESS HOURS.**

- A. **City Council Chambers and Observation Room:** Organizational meetings, educational seminars, and training sessions, are considered acceptable uses. Parking at City Hall is limited during regular hours; therefore, meetings where more than 50 people are anticipated to attend are permitted only by permission of the Director of Community Services. Setup is permitted beginning at 7:30 a.m. with guests arriving no earlier than 8:00 a.m. and departing no later than 10:00 p.m.
- B. **Courtyard:** Social events are permitted. Setup for outdoor functions is permitted beginning at 2:00 p.m. with guests arriving no earlier than 5:30 p.m. and departing no later than 10:00 p.m. Occupancy is limited to 250.
- C. **City Hall Office Building Kitchen:** Access is permitted beginning 2:00 p.m. with cleanup finished by 11:00 p.m.

19.2 **USE DURING OTHER TIMES.**

- A. City Council Chambers and Observation Room: Organizational meetings, educational seminars, training sessions, and social events are considered acceptable uses. With the exception of Tuesdays, when no rental is permitted, setup is permitted beginning 7:30 a.m. with guests arriving no earlier than 8:00 a.m. and departing no later than 11:00 p.m.
- B. Courtyard: Social events are permitted. Setup for outdoor functions is permitted beginning 8:00 a.m. with guests departing no later than 10:00 p.m.
- C. City Hall Office Building Kitchen: Access is permitted beginning 8:00 a.m. with cleanup finished by 11:00 p.m. Access to the City Hall office building is not permitted.

19.3 **EQUIPMENT:**

Chairs are available for use for meetings held inside the Council Chambers. All other equipment must be provided by the permittee. Permittees must provide own audio/visual equipment unless authorized by the Director and staff service charges will apply according to the Fee Policy.

19.4 **RESTING PERIOD:**

The Courtyard requires a 72-hour interval between reservations utilizing the grassy area unless permitted in writing by the Director.

SECTION 20 OLD POWAY PARK RULES AND USE LIMITATIONS

20.1 All persons must cross the railroad tracks at approved locations only.

20.2 Standing on or walking along the railroad tracks while the train is in use is prohibited.

SECTION 21 CHANGES TO THE POLICY.

Changes to existing law by applicable government agencies that affect this policy shall be included as necessary, in addition to applicable resolutions of the Poway City Council. Future changes or amendments to the Poway Municipal Code affecting this policy shall be deemed to have been incorporated into this policy by this reference, as if fully set forth in the policy. In the case of any conflicts between this policy and the Poway Municipal Code, or any other applicable laws, the Code provision or applicable law shall control over the policy.

SECTION 22 SEVERABILITY.

If any section, subsection, sentence, clause, phrase, part, or portion of this policy is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this policy. It is hereby declared that this policy and each section, subsection, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sentences, clauses, phrases, parts, or portions be declared invalid or unconstitutional.