

Napa Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES](#)**Chapter 12.36 PARK AND RECREATION AREA USE REGULATIONS**

12.36.005 Definitions.

As used in this chapter:

“Director” means the community resources director, or a designee of the community resources director or the city manager.

“Park” means any property or recreational facility that is designated as a city park by city ordinance or resolution. for purposes of this chapter, the term “park” shall include, but not be limited to, any public square, recreation facility, reserved park area, playground, tot lot, public trail, or trail system.

“Smoking” means the burning, carrying or holding of any lighted cigar, cigarette, pipe, weed, plant or other equipment or combustible substance that is intended to be inhaled and/or exhaled. Smoking includes emitting or exhaling the fumes from any equipment or substance listed herein. Without limiting the foregoing, this definition is not intended to include the burning of incense, candles, and other similar materials.

“Vehicle” means any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled, but does not include baby carriages, strollers, wheelchairs or other mobility assistive devices for disabled park visitors and vehicles in the service of the City of Napa. (O2009 2; O2009 9)

12.36.010 Hours of use.

It is unlawful for any person to enter, loiter or remain in or upon any city park, playground, tot lot or other facility at any time between dusk and dawn, except as may be otherwise posted at the entrance to the facility or as designated by the community resources director. The community resources director may close parks to public use if he/she deems it necessary due to unsafe conditions such as extreme fire danger or when such park is unsafe.

(O93 022)

12.36.020 Restrooms, washrooms.

It is unlawful for any person to fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition, or use such facilities for purposes other than those intended.

(Ord. 2989)

12.36.030 Fires.

It is unlawful for any person to build, light, kindle, or maintain any open or outdoor fire at any place within the boundaries of any city park unless either: (A) the person is acting in compliance with written authorization from the director and the city fire safety official, or (B) the person is acting in accordance with signs posted by the city that authorize outdoor fire within specified areas or facilities and the fire is for the purposes of food preparation and contained within a designated barbeque area.

(O2009 2)

12.36.040 Use of water.

A. No person shall enter any body of water owned, managed, controlled or operated by the city for the purpose of swimming, wading or bathing except in those areas designated.

B. All persons operating or docking a boat on land or water owned, managed, controlled or operated as a city park shall comply with posted restrictions, conditions, regulations and all state and city laws.

C. No person shall pollute in any manner any water owned, managed, controlled or operated as a city park and no person shall deposit or cause to be deposited any foreign material such as glass, paper, garbage, or rubbish of any kind in said waters.

(Ord. 2989)

12.36.050 Section reserved.

(O2009 2)

12.36.060 Overnight camping.

It is unlawful for any person to camp overnight, erect a campsite or tent on land owned, managed, controlled or operated as a city park, playground, tot lot or other facility except with permission of the community resources director.

(O93 022)

12.36.070 Permits for commercial uses of parks.

It is unlawful for any person, or group of people, to use a park for any commercial purpose, including the sale of any service, merchandise or food, except to the extent authorized by permit pursuant to Chapter 12.48.

(O2009 2)

12.36.080 Section reserved.

(O2009 2)

12.36.090 Park reservations and permits for use.

Any person desiring to reserve a portion of a park or recreational facility, or desiring to use a portion of a park or recreational facility for which a permit from the City is required, shall submit an application to the director pursuant to Chapter 12.48. It is unlawful for any person to use or enter any recreational facility, or reserved park area unless that person is acting in accordance with a permit issued by the city in accordance with Chapter 12.48.

(O2009 2)

12.36.100 Use of vehicles.

A. It is unlawful for any person to operate any vehicle in or on any park (particularly any portion of any park that is turfed, landscaped or unimproved), except as authorized by state law on any public street or in an area posted for parking of vehicles, and except to the extent authorized by permit pursuant to Chapter 12.48. As used in this section, the terms "bicycle," "vehicle" and "street" are defined by the California Vehicle Code.

B. It is unlawful for any person to wash or repair any vehicle, any other wheeled conveyance (including any

bicycle, trailer or wagon), or any other equipment in a park, except to the extent authorized by permit pursuant to Chapter 12.48.

C. It is unlawful for any person to park, abandon or otherwise allow to remain within any park any vehicle or other wheeled conveyance between dusk and dawn, except to the extent authorized by permit pursuant to Chapter 12.48.

D. It is unlawful for any person to operate any bicycle in or on any park, except as authorized by state law on any public street, bike path, or any area posted for parking of vehicles; except on any park area that is improved (by paving or gravel) and is designated as authorized for the operation of a bicycle (for example, in accordance with the terms of the license for use of the BMX track); and except to the extent authorized by permit pursuant to Chapter 12.48.

(O2009 2)

12.36.110 Projecting dangerous objects.

It is unlawful for any person to throw, hit, or otherwise project any hard object (such as a baseball, golf ball, stick or stone) in any manner that unreasonably interferes with the lawful use of a park by any other member of the public; unless the person is acting in accordance with signs posted by the city that authorize the activity (for example, at a baseball field).

(O2009 2)

12.36.120 Gambling.

No gambling of any kind or description shall be permitted within the boundaries of land or water owned, managed, controlled or operated as a city park, playground, tot lot or other park or playground facility.

(Ord. 2989)

12.36.130 Operation of models.

A. No person shall fly motorized model airplanes or operate motorized model boats or motorized model automobiles or motorized model craft of any kind or description on land or water owned, managed, controlled or operated as a city park, playground, tot lot or other park or playground facility, except in areas set aside for those specific activities and with authorization and permit issued by the director of community resources.

B. The director of community resources shall be authorized to develop conditions of use or rules for the safe and orderly operation of models in those areas so designated. The director of community resources shall have the right to prohibit violators of any rules established by the director from operating any models on city maintained parks or facilities.

C. Hours for operation of gas powered models shall be from nine a.m. to five p.m. Monday through Saturday, twelve noon to four p.m. Sunday or as posted by the director of community resources.

(O93 022)

12.36.140 Fixed winged craft—Para-planes—Parasails.

It is unlawful for any person to land, takeoff in or otherwise use small aircraft, gliders, or any other fixed winged craft, or a paraplane or parasail in a city park, playground, tot lot or other facility except with the permission of the community resources director.

(O93 022)

12.36.150 Hot air balloons in city parks.

It is unlawful for any person to land or otherwise operate a hot air balloon within a city park, playground, tot lot or other facility without prior written permission of the director. The director shall not withhold permission if the applicant (A) lands only when other appropriate landing sites are not accessible, and (B) provides a certificate of insurance covering, and indemnification of, the city for the proposed activity to the satisfaction of the director, in consultation with the city attorney.

(O2009 2)

12.36.160 Damaging, tampering with property.

A. It is unlawful for any person to mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, table, bench, fireplace, railing, fence, paving, water line or other utility, monument, stake, post or other structures or equipment, facilities or city park property or appurtenances whatsoever, either real or personal, including, but not limited to, wood or other pieces of trees or vegetation.

B. It is unlawful for any person to engage in any games, actions or conduct injurious to or to injure in any manner any trees, shrubs, plants, flowers or other property in any city park, playground, tot lot or other park or playground facility.

C. It is unlawful for any person to misuse, damage, cut, carve, transplant or remove any tree, plant, wood, turf or ground cover, or pick the flowers or seeds of any tree or plant, or attach any rope, wire or other object to any tree or plant within any city park, playground, tot lot or other park or playground facility, except as may be designated by the community resources director.

(O93 022)

12.36.170 Possession of hatchets, other cutting devices.

It is unlawful for any person to possess in a city park, playground, tot lot or other park or playground facility any hatchet, ax, machete, brush knife or any other device, other than a legal pocket knife or cutlery necessary for the preparation of food, capable of cutting, defacing or mutilating trees or shrubs except in a place, manner and time as may be designated by the community resources director.

(O93 022)

12.36.180 Climbing trees, walking, sitting on fixtures.

It is unlawful for any person to climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

(Ord. 2989)

12.36.190 Animals.

A. It is unlawful for any owner/guardian or responsible party to permit a dog to enter upon land or water owned, managed, controlled, or operated as a city park (including any playground, tot lot, or other park or playground facility), except as provided by Section 6.04.170 and this section.

1. Consistent with the provisions of Section 6.04.170, the city council may, by resolution, identify certain

parcs or areas within city parks or recreational areas as "off leash areas." Any off leash area shall be posted with conspicuous signage, consistent with Section 12.36.270(B). In any "off-leash" area, no more than five dogs per owner/guardian, or per responsible party, shall be allowed at any one time, and the owner/guardian, or responsible party, must be physically present at the park at all times. Any dog whose owner/guardian, or responsible party, is not physically present may be impounded pursuant to the authority set forth in Chapter 6.04.

2. It is a violation for any owner/guardian or responsible party to permit a dog to enter into any park area that is posted as a play area for children, including sand or wood-chip covered play equipment areas or other fenced tot lots, or play areas.

B. A person shall not leave or deposit dogs, cats or other animals, fowl or fish, whether dead or alive, within the boundaries of land or water owned, managed, controlled or operated as a city park, playground, tot lot or other park or playground facility.

C. It is unlawful for any person to hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile, or bird, or remove or have in his or her possession the young of any wild animal, or the eggs or nest or young of any reptile or bird.

D. It is unlawful for any person to take or collect fish or any other aquatic life except in areas and at times designated by the community resources director.

E. It is unlawful for any person to hunt, trap or pursue wildlife at any time in any city park, playground, tot lot or other park or playground facility, nor shall any person, other than peace officers in the discharge of their duties, possess, carry or use firearms of any description, or air or gas rifles, spring guns, bows and arrows, slings or any other form of weapon potentially inimical to wildlife and dangerous to human safety, or any kind of trapping device. The mere possession of such firearm or device herein specified in any city park shall be a violation of this section, whether such firearm or device is loaded or unloaded. Shooting into park areas from beyond park boundaries is forbidden.

F. No person other than one acting under authorization or direction of the community resources director shall ride a horse, pony, mule or animal of any description onto or over land owned, managed, controlled or operated as a city park, playground, tot lot or other park or playground facility other than upon roads and trails and at times designated for such riding.

(O2009 2)

12.36.200 Wearing of proper shoes.

No person shall wear shoes or foot covering that will damage, injure or create the need for excessive maintenance on any field, park, turf or specialized surface prepared for particular games or activities. In areas posted with a sign specifying footwear authorized or approved, it is unlawful for any person to enter any such area in other than the footwear so required.

(Ord. 2989)

12.36.210 Refuse, trash and litter.

It is unlawful for any person to dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse in a place other than in the receptacles provided therefore.

(Ord. 2989)

12.36.220 Alcoholic beverages.

A. No person shall serve, or cause to be served, consume, or possess alcoholic beverages of any kind whatsoever within the boundaries of land or water (or within a building) owned, managed, controlled, or operated, as a city park, playground, tot lot, or other facility without a permit.

B. Subsection not used.

C. The director may, at his/her discretion, issue permits only for certain facilities owned or operated by the city. Any permit issued may, at the discretion of the community resources director, contain conditions as to the type and amount of beverages to be served, numbers of persons, time and place, security precautions, and any other conditions reasonably related to the maintenance of public health and safety. When alcoholic beverages are being served pursuant to such a permit, the permit shall be on the premises and available for inspection by any city employee.

(O2007 18)

12.36.230 Decorations.

No person shall attach to any park facility materials, devices or equipment for the purpose of decorating that facility or for any similar purpose without first having obtained the permission of the parks and recreation director.

(Ord. 2989)

12.36.240 Glass beverage containers.

Within the limits of any existing or future park or tot lot in the city, it is unlawful for any person, firm, or corporation, to use or possess any glass beverage containers within the boundaries of any park or tot lot.

(Ord. 2989)

12.36.250 Skateboards and rollerskates.

It is unlawful for any person to ride a skateboard, roller skates, inline skates or scooter in a city park unless (A) the person is acting in accordance with signs posted by the city that authorize the activity in a particular area with facilities designated and maintained for recreational skateboard use, and (B) the person is wearing a helmet, elbow pads and kneepads.

(O2009 2)

12.36.260 Jump houses and inflatable structures prohibited.

Jump houses and all other inflatable structures, including, but not limited to, moonwalks, inflatable slides, waterslides, and other inflatable play structures, are prohibited in all city parks (including recreation areas), except to the extent authorized by permit pursuant to Chapter 12.48.

(O2009 2)

12.36.270 Park rules—Administrative regulations and signs.

A. The city manager is authorized to establish and maintain written administrative regulations which implement the requirements of this chapter and Chapter 12.48. A copy of the administrative regulations shall be maintained in the office of the city clerk. The administrative regulations shall be approved by the city manager, based on the recommendation of the community resources director, and subject to the review and approval as to

form by the city attorney. The administrative regulations may include, but are not limited to the following elements: identification of any delegation of duties to qualified city employees, identification of the processes by which city staff will post signs at city parks and recreational facilities to reasonably notify the public regarding the requirements of this chapter, and identification of any other administrative actions that are necessary to preserve park property and public safety by regulating park space and facilities among competing uses, including the prohibition of certain activities in certain areas, and the restriction of certain activities to certain areas or times.

B. Whenever any activity or use is restricted or prohibited in specified areas of any park, the city manager shall cause signs to be posted to reasonably notify the public of such restrictions or prohibitions, and to reasonably notify the public of the punishment for a violation. It is a violation of this code punishable pursuant to Chapter 1.16 for any person to either: (1) fail to obey any restriction or prohibition stated in any sign posted in accordance with this chapter, or (2) fail to comply with any requirements of this chapter, after receiving actual or constructive notice of the requirement.

(O2009 2)

12.36.280 Smoking prohibited in all city parks.

Smoking shall be prohibited in all city parks as that term is defined in Napa Municipal Code Section 12.48.020.

(O2009 9)