

**ORDINANCE NO. 2007-001**

**AN ORDINANCE OF THE ISLA VISTA RECREATION AND PARK DISTRICT ESTABLISHING PARK HOURS AT CHILDREN'S PARK**

THE BOARD OF DIRECTORS OF THE ISLA VISTA RECREATION AND PARK DISTRICT DOES ORDAIN AS FOLLOWS:

**Section 1. Short Title.**

This ordinance shall be known and may be cited as the "Children's Park Hours of Operation Ordinance."

**Section 2. Definitions.**

For the purpose of this Ordinance, the following definitions shall govern unless the context clearly requires otherwise:

"Park District" means the Isla Vista Recreation and Park District.

"Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.

"Children's Park" means the recreation facility known as Children's Park located at 810 Camino Del Sur, Isla Vista, California.

**Section 3. Park Hours Established.**

(a) Except as otherwise set forth in paragraph (b), Children's Park is closed from sunset to sunrise of the following day. No person shall be present in or remain in or upon Children's Park during the hours the property is closed.

(b) This section shall not apply to:

(i) District personnel.

(ii) Persons attending activities or events otherwise allowed by a permit obtained from the Park District.

(iii) Persons attending a recreation activity, meeting, or other event or similar activity provided that the activity, meeting or event is sponsored or co-sponsored by the Park District.

(c) Persons attending activities or events as set forth in paragraph (b) (2) and (3) shall exit Children's Park immediately after the conclusion of the activity or event.

**Section 4. Violation of Ordinance.**

When it appears that a person (s) has violated this Ordinance, the General Manager of the Park District, or any other person directed to enforce this ordinance, may direct said person(s) to leave the park. This, however, will not preclude the Park District from prosecuting that person(s) pursuant to this Ordinance or any other provisions of California law.

**Section 5. Penalty.**

Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a maximum fine of \$1,000 or by imprisonment in the County jail for six months, or by both fine and imprisonment.

**Section 6. Enforcement.**

Any uniformed District employee, peace officer, including but not limited to, members of the Isla Vista Foot Patrol, the Santa Barbara County Sheriff's Department, the California Highway Patrol, and the University of California Campus Police, shall enforce this Ordinance. Those possessing this authority to act within the boundaries of Isla Vista Recreation and Park District will have the authority to enforce this Ordinance and they will have the authority to eject or cause to be ejected from Children's Park any person (s) acting in violation of this Ordinance. Furthermore, the General Manager and District staff shall have the authority to deny use of Park District parks and facilities and participation in Park District programs to individuals and groups who fail to comply with this Ordinance.

**Section 7. Effective Date.**

This Ordinance shall be in full force and effect on March 1, 2007

**Section 8. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The Board of Directors of the Isla Vista Recreation and Park District hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 9. Review.**

Twelve months after the adoption of this ordinance, the General Manager shall place on a regular Park District agenda this Ordinance for review and discussion by the Board of Directors.

PASSED, APPROVED AND ADOPTED this 1<sup>st</sup> day of February, 2007

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Chairperson

ATTEST:

APPROVED AS TO FORM

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Gabe Bretado, Board Secretary

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Roxanne M. Diaz, Co-General Counsel

I, Gabe Bretado, Board Secretary of the Isla Vista Recreation and Park District, do hereby certify that the foregoing Ordinance No. 2007-001 relating to the park hours at Children's Park was duly adopted and passed at a regular meeting of the Isla Vista Recreation and Park District City Council on the 1<sup>st</sup> day of February, 2007 by the following vote:

AYES: Burns, Conn, Kennedy, Pritchard, Warfield

NOES:

ABSTAIN:

EXCUSED: