

Olivehurst Public Utility District



Agenda Item Staff Report

Meeting Date: July 18, 2019

Item description/summary: Consider waiving the restrictions of Yuba County Ordinances in order to facilitate a Community Block Party, and authorize Staff to execute any documents associated with the event.

Since 2016, community members have held a community event in Eufay Wood Sr. Memorial Park, and requested that the Board waive the restrictions on having alcohol in the park. The Board waived the restriction, and the event was held with great success. This year, organizers of the event have approached the District with the same request, and have additionally requested that the Board waive the restriction on the Dusk-to-Dawn ordinance to facilitate clean up after the event. Staff is requesting that the Board authorize the execution of the event's liquor license, as well as waiving the Dusk-to-Dawn ordinance. Typically, the organizers of the event are charged \$300 for the Cleaning Deposit (refundable), and \$100 for the Special Event Fee (non-refundable).

Fiscal Analysis:

None.

Employee Feedback:

Employees are in favor of community events.

Sample Motion/Staff Recommendation:

Move to waive the restrictions of Yuba County Ordinances 8.76.090 and 8.76.030, and further move to authorize Staff to execute any documents associated with the event.

Prepared by:

Elizabeth Mallen, District Clerk/Executive Assistant

fixtures or furnishings not designated for such purposes or within ten (10) feet of a designated spraypark or “splashpad.”

- (u) Ride or otherwise operate any skateboard, scooter, skates, rollerblades or similar coasting device within any park, skatepark or “skate plaza” without the proper use of a helmet, elbow pads and knee pads. The Director of Public Works and/or OPUD shall maintain signage in all such skatepark or “skate plaza” facilities affording reasonable notice that any person in violation of this provision shall be subject to citation in accordance with this ordinance.

8.76.060 Vehicles – Within any park or recreation area that lies within the jurisdiction of Yuba County and/or OPUD, it shall be prohibited for any motor powered vehicle to be driven, stopped, stood or parked except in those places designated for such purposes. This section shall not apply to electric powered wheelchairs or similarly assistant devices for the disabled.

8.76.070 Boat Launch Facilities – It shall be unlawful to park, stop or stand a vehicle on or about any boat ramp facilities within Yuba County except for such purposes as launching or retrieving vessels or flotation devices to and from the water.

8.76.080 Animals within Parks and Recreation Areas

- (a) It shall be unlawful for any person who owns or has the charge, care, control or custody of any animal to allow, cause or permit such animal to be in or upon any park or recreation area belonging to the County and/or OPUD beyond boundaries established for such purposes (i.e. “dog-park,”) unless such animal is on a leash not exceeding eight (8) feet in length and under the complete control of the person in charge of such animal.
- (b) It shall be the responsibility of any person who owns or has the charge, care, control or custody of any animal in or upon any County and/or OPUD park or recreation area to clean up fecal matter from the animal before leaving the facility and to properly dispose of same.

8.76.090 Alcoholic Beverages – It shall be unlawful for any person to possess, use or consume any alcoholic beverage in or upon the premises of any County or OPUD park or recreation area except those Parks listed below or unless otherwise approved by the Board of Supervisors or OPUD, respectively:

- (a) Shad Pad Park - Alcoholic beverages may be possessed, used or consumed within the boundaries of Shad Pad Park.

- (b) Star Bend Boat Ramp – Alcoholic beverages may be possessed within the Star Bend Boat Ramp and parking areas for the purpose of transit between vehicles and vessels intended to be launched or retrieved from the Feather River.
- (c) Hammon Grove Park / Sycamore Ranch - Alcoholic beverages may be possessed, used or consumed within the boundaries of Hammon Grove or Sycamore Ranch as defined in Section 8.79.

8.76.100 Signs –

- (a) The director of Public Works is authorized and directed to place and maintain appropriate signs giving notice of any restriction imposed by this chapter including, without limitations, signs regulating applicable laws, ordinances, restrictions, hazards or the operation of motor vehicles in or upon any County park or recreation area.
- (b) The Olivehurst Public Utility District is authorized and directed to place and maintain appropriate signs giving notice of any restriction imposed by this chapter including, without limitations, signs regulating applicable laws, ordinances, restrictions, hazards or the operation of motor vehicles in or upon any OPUD park or recreation area.

8.76.110 Penalties – Except as otherwise provided in this chapter, any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof is punishable by imprisonment in the County jail for a term not exceeding six months or a fine not exceeding one thousand dollars (\$1,000.00) or both. Each separate day during which any violation occurs is a separate offense.

8.76.120 Enforcement – The provisions of this chapter may be enforced by any duly appointed peace officer recognized by the State of California. Any such person authorized to enforce the provisions of this chapter may issue an arrest, citation or a notice to appear before a magistrate as appropriate per applicable statute.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

8.76.030. - Hours.

It shall be unlawful for any person to enter or remain upon the premises of any park or recreation area within the jurisdiction or control of the County and/or OPUD within the period of:

- (1) No later than 30 minutes after sunset and;
- (2) No earlier than 30 minutes prior to sunrise, with the exception of authorized personnel acting as a caretaker, custodian, or County or OPUD employees engaged in their duties; or agents thereof. The County or OPUD, respectively, may authorize extended or reduced hours for an approved use within their respective parks under an operation and maintenance agreement or other agreement or permit as approved by the Board of Supervisors or OPUD.
- (3) Where permissible, daily limits and hours for overnight camping shall be set by resolution of the Board of Supervisors.
- (4) As defined by Yuba County Ordinance Code 8.79 for Hammon Grove Park and Sycamore Ranch.

(Ord. No. 1498)