

OCEANO COMMUNITY SERVICES DISTRICT
ORDINANCE 1995 - 1

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
OCEANO COMMUNITY SERVICES DISTRICT
1) REPEALING ORDINANCE 1985-2 (ARTICLE 6 OF
THE DISTRICT'S ADMINISTRATIVE PROCEDURES); AND
2) ESTABLISHING RULES AND REGULATIONS FOR THE USE OF
THE PARK LOCATED AT 19TH AND WILMAR, OCEANO, CALIFORNIA

WHEREAS, the Parks and Recreation Department of the Oceano Community Services District (District) operates a park located at 19th and Wilmar, Oceano, California, commonly known as the Wilmar Park; and,

WHEREAS, the Wilmar Park is located in a residential section of the District; and,

WHEREAS, the Wilmar Park is primarily a toddler park that has been provided playground equipment for use of young children under ten years of age; and,

WHEREAS, the Board of directors determines that it is in the interest of the District's residents to establish a policy for the use of the park consistent with the use of the park by children under ten years of age; and,

WHEREAS, this public meeting has been properly noticed pursuant to Government code Section 54954.2 (the Brown Act); and,

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Oceano Community Services District as follows:

Ordinance No. 1985-2 (Article 6 of the District's Administrative Procedures) is hereby repealed in its entirety and restated as follows:

Article 6
Wilmar Park Rules and Regulations

Section 6-1. ALCOHOLIC BEVERAGES

It shall be unlawful for any person to serve or consume any alcoholic beverages as defined in Section 23004 of the California Business and Professional Code. This section shall not be deemed to make punishable any act or acts which are prohibited by any law of the State.

Section 6-2. AMPLIFIED SOUND

It shall be unlawful to conduct or allow the presence of a band, orchestra, or electronic sound reproduction and/or amplification device/system other than battery operated radios (or similar device) without a permit from the District.

Section 6-3. ORGANIZED EVENTS

It shall be unlawful for a group in excess of twenty (20) persons to use the park without a permit from the District.

Section 6-4. QUIET HOURS

A. It shall be unlawful to conduct or allow the presence of a band, orchestra, radio phonograph, or any other electronic sound reproduction and/or amplification device/system between the hours of 9:00 p.m. and 7:00 a.m. which produces sound and volume sufficiently loud to disturb the peace, quiet, or repose of persons of ordinary and normal sensitivity in the neighborhood. The

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operation of any such equipment in a manner as to be plainly audible either at a distance of fifty (50) feet from the location of the source or from inside a neighboring residence shall be prima facie evidence of this section.

B. It shall be unlawful to conduct or allow loud or boisterous noise or commotion between the hours of 9:00 p.m. and 7:00 a.m., if such noise is sufficiently loud to disturb the peace, quiet, or repose of persons of ordinary and normal sensitivity in the neighborhood. Such noise or commotion, which can be plainly heard from either at a distance of fifty (50) feet from the location of the party or from inside a neighboring residence shall be prima facie evidence of a violation of this section.

Section 6-5. PERMITS

All permits required by this Ordinance shall be available for inspection at the Wilmar Park during the time that the permit is required.

Section 6-6. VIOLATIONS

A. **Misdemeanors and infractions.** Any person who violates or fails to comply with any provision of this Ordinance shall be guilty of a misdemeanor, unless the District's legal counsel determines that, in the best interest of justice, the violation shall be an infraction and prosecuted as an infraction.

B. **Punishment.**

1. Any person convicted of a misdemeanor under the provisions of this Ordinance shall be punished by a fine of not more than \$1,000.00, or by imprisonment in the County Jail for a period of not more than six (6) months or by both such fine and imprisonment.

2. Every person convicted of an infraction shall be punished upon a first conviction by a fine not exceeding \$50.00, for a second conviction within a period of one year by a fine not exceeding \$100.00, and for a third or any subsequent conviction within a period of one year by a fine not exceeding \$200.00.

Section 6-7. PERMIT PROCEDURES

Procedures for obtaining a permit for the use of the park will be established by Board action with reference to this section.

Section 6-8. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 6-9. EFFECT OF HEADINGS IN ORDINANCE

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

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Section 6-10. EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before expiration of fifteen (15) days after passage it shall be posted in three (3) public places with the names of the members voting for and against the Ordinance and shall remain posted thereafter for at least one (1) week. The Ordinance shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in the Five Cities Times Press Recorder.


Introduced at a regular meeting of the Board of Directors held on November 23, 1994, and passed and adopted by the Board of Directors of the Oceano Community Services District on the 11th day of January, 1995, by the following roll call vote, to wit:

AYES: Director Angello, Director Baughman, Director Twitchell,
Director Wetmore, President Searcy


NOES: None

ABSENT: None

ABSTAINING: None


RICHARD P. SEARCY, PRESIDENT

ATTEST:


GINA A. DAVIS
DEPUTY BOARD SECRETARY