

# **ATTACHMENT A**

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## MONTEREY COUNTY CODE SECTION 14.12.040

### 14.12.040 Park access, passes and permits.

- A. No person shall enter or use any County park, or any of its facilities, without obtaining all required permits and/or passes as required by this chapter.
- B. The Director is authorized to issue Permits and Passes for the use of County parks.
- C. Unless otherwise provided in this Chapter, a pass shall be required for entry into all County parks.
  - 1. A pass shall be issued when all associated fees have been paid.
  - 2. A pass issued for day use is not valid for reentry into a County park on a different day.
- D. A Permit is required for the following activities:
  - 1. Reservation of County park facilities;
  - 2. Possession or consumption of alcohol;
  - 3. Camping;
  - 4. Boating;
  - 5. Commercial activities including photography;
  - 6. Amplified sound;
  - 7. Any assembly of more than fifty (50) people; or
  - 8. All other activities as required in this Chapter.
- E. Any permit for an event with an expected attendance greater than five thousand (5,000) people requires final approval by the Board of Supervisors.
- F. No person shall refuse to show parks personnel, volunteers or contractors any pass or permit when requested for inspection of said pass or permit for the purpose of enforcing compliance with this Chapter.
- G. Pass holders or permittees may be required to show valid photo identification.
- H. Whenever a permit is required by the provisions of this Chapter, an application shall be filed with the Director in a form prescribed by the Director stating:
  - 1. The name and address of the permittee (responsible party);
  - 2. The name of the person, group, organization or corporation sponsoring the activity;
  - 3. A description of the proposed activity, including any special activities (such as inflatables, rock climbing walls, food trucks/services, live or amplified music);
  - 4. The date(s), hours, and County Park for which the permit is desired;
  - 5. The estimated total number of people expected to attend the event; and,
  - 6. Any other information relevant to the public health, safety and welfare, or risk to the County, which the Director finds reasonably necessary to make a fair determination whether a permit should be issued.
- I. The Director shall issue a permit when it is determined that the proposed use of the County park as submitted in an application meets all of the following criteria:
  - 1. Will not unreasonably impact the County park or use thereof.
  - 2. Will not unreasonably interfere with or detract from the public health, welfare, safety and recreation.
  - 3. Is not reasonably anticipated to incite violence, crime, or disorderly conduct.
  - 4. Will not entail unusual, extraordinary, or burdensome expense or security operations by the County.
  - 5. Will not conflict with County park facilities that have been reserved for use by others.
  - 6. All applicable fees to reserve the County park have been paid in full, including deposits.
  - 7. All permits or plans as required by federal, state or local regulations for the use of the County park have been obtained by the permittee.
  - 8. All other information requested per Section 14.12.040.H.6.
- J. The Director may require a cash bond to be deposited with the County for an amount equal to fifty (50) percent of the anticipated gross receipts due the County, if gross receipts for an event requiring a permit are expected to exceed two thousand (\$2,000.00).
- K. The Director may charge a deposit as a condition of permit approval in accordance with the deposit fees as may be approved in the Monterey County Master Fee Resolution. If a cash bond is required, the deposit may be included in the amount of the cash bond. The Director shall refund all or any unused portion of the deposit after completion of the event and the final costs have been determined.

- L. The Director may limit access to all or a portion of a County park by a Permittee during any part of a permit term when the Director determines that the permitted event will negatively impact the general public's ability to safely access and use the County park while avoiding the area of the permitted event. The Director may close the County Park to the public under extraordinary circumstances when a permitted event will make access to any portion of the County Park by the general public unsafe. In such case, the Director may charge the Permittee a fee that compensates the County for any lost revenue as a direct result of closing the County park.
- M. Permits shall be in a form prescribed by the Director and may include additional details about the event including the activities to take place during the event, the final permits required by federal, state, or local regulations, plans including medical, safety, communications traffic, sanitation, security or other supplemental plans as needed, insurance and indemnification requirements approved by the Office of County Counsel-Risk Management, local law enforcement, and any other information which the Director finds reasonably necessary to ensure the public health, safety and welfare, and limit risk to the County.
- N. The Director may deny a permit under this Chapter on the basis that the proposed use is injurious to or will interfere with the public safety, peace, and/or enjoyment of a county facility or park.
- O. Any Person whose application for a Permit has been denied or granted conditionally may appeal to the Board of Supervisors, in writing, within ten (10) days after any such denial or conditional granting. Such appeal shall specify the grounds upon which it is taken, and shall be accompanied by a filing fee as adopted by the Board of Supervisors. The Clerk of the Board shall set such appeal for hearing at the earliest practicable time, and shall notify the appellant and Director, in writing, of the time so set at least five (5) days prior to the hearing of the appeal. After such hearing, the Board of Supervisors may reverse, wholly or partly, or may modify the order or determination from which the appeal was taken.
- P. Permits may not be transferred except with the express written permission of the Director.
- Q. Allocation of Costs to Permittee. In the event that the County incurs costs exceeding the average daily expense for the operation of the County park as a result of a permitted event, those costs shall be paid by the permittee. Such costs may include, but not be limited to, overtime for parks personnel when the event includes non-park hours, directing traffic and parking, providing security, providing trash/sewer disposal services, or utilization of County equipment in support of permittee activities. Actual costs to County for labor and materials and equipment rental rates shall be charged as currently established within County agreements.
- R. Alcohol in County parks.
  1. No person shall, within a County park, drink, use, consume, or be in possession of any opened, sealed, or unsealed container of any Alcohol unless such possession or consumption has been specifically authorized by first obtaining a valid permit issued by the Director specifically allowing such use or consumption.
  2. Alcohol other than beer and wine shall be prohibited in all County Parks except for Laguna Seca Recreational Area, Lake San Antonio North Shore, Lake San Antonio South Shore, Lake Nacimiento, within a reserved campsite in San Lorenzo Park, or within residential areas within a County park (e.g. Parks Personnel housing, live-on volunteer housing sites).
  3. Alcohol shall be prohibited in youth overnight area camping areas.
  4. A permit allowing use or consumption of Alcohol shall not be required for the Laguna Seca Recreation Area, Lake San Antonio North Shore, Lake San Antonio South Shore, Lake Nacimiento, or within a reserved campsite in San Lorenzo, or within residential areas within County parks (e.g. Parks Personnel housing, live-on volunteer housing sites).
- S. Noise and Amplified Sound.
  1. No person shall, within a County park, operate any machine, mechanism, device, or contrivance which produces sound exceeding fifty (50) decibels as measured at a distance of fifty (50) feet from the source on a sound level meter using the A-weighted network without a permit issued by the Director specifically allowing such activity.
  2. The Shooting Range at Laguna Seca Recreation Area and Boating activities on San Antonio Lake are excluded from the provisions of this Subsection 14.12.040.S.

(Ord. No. 5313, §§ 1, 2, 6-25-2019)