

8-4 PARKS, RECREATION, OPEN SPACE, WATERFRONT AND ALBANY HILL AREAS.

8-4.1 Purpose.

The purpose of this section is to provide regulations for the use of City parks, recreation, open space, waterfront and Albany Hill areas within the City of Albany. (Ord. #99-02, §1; Ord. #99-07, §1)

8-4.2 Definitions.

- a. *Parks, recreation and open space areas* shall include but not be limited to those park and recreation areas commonly known as Memorial Park, Middle School Park, Terrace Park, the Dartmouth-Talbot Tot Lot, the Ohlone Greenway, the Key Route Strip, or other parks, recreation and open space areas of the City.
- b. *Waterfront areas* shall include but not be limited to those public areas west of the freeway which lie between Albany's northern and southern borders.
- c. *Albany Hill open space areas* shall mean and include but not be limited to all those public areas on Albany Hill including but not limited to public property areas abutting and contiguous to Cerrito Creek, and the area known as Creekside Park.
- d. *Vehicle* shall mean and include any vehicle that is self-propelled or a device by which any person or property may be propelled, moved, or drawn upon a highway. Vehicle does not include a self-propelled wheelchair, invalid tricycle, or motorized quadricycle when operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.
- e. *Bicycle* shall mean a device upon which any person may ride, propelled exclusively by human power through a system of belts, chains, or gears, and having one or more wheels.

(Ord. #99-02, §1; Ord. #99-07, §1; Ord. #00-06)

8-4.3 Hours of Operation.

- a. No person shall use, remain in or enter upon any waterfront and Albany Hill area between 10:00 p.m. and 5:30 a.m., other than duly authorized City employees, persons participating in City sponsored activities or other activities which the City has provided prior written permission to utilize the waterfront area beyond the closing time. The hours of operation of specific facilities within any waterfront area may also be specified by the Director of the Recreation and Community Services Department.

b. No person shall use, remain in or enter into Memorial Park between 11:00 p.m. and 5:00 a.m., other than duly authorized City employees, persons participating in City sponsored activities or other activities which the City has provided prior written permission to utilize Memorial Park beyond the closing time. The Director of the Recreation and Community Services Department is authorized to modify the hours of operation for specific facilities within Memorial Park.

(Ord. #99-02, §1; Ord. #99-07, §1)

8-4.4 Camping.

No person shall loiter, camp or lodge in any park, recreation, open space, waterfront or Albany Hill area. No person shall set up tents, shacks, sleeping bags or any other shelter within any park, recreation, open space, waterfront or Albany Hill area for the purpose of overnight camping. No person shall leave any tents, shacks, sleeping bags or any other shelter, structure or specialty vehicle to be used or could be used for overnight camping, including but not limited to house trailers, camp trailers, camp wagons, and any other mobile or stationary camper in any park, recreation, open space, waterfront or Albany Hill area. The restrictions contained within this section shall not apply to programs sponsored or co-sponsored by the City. (Ord. #99-02, §1; Ord. #99-07, §1)

8-4.5 Fires.

No person shall build, maintain or light any open outdoor fire within any park, recreation, open space, waterfront or Albany Hill area except within those facilities and/or areas provided and so designated for that purpose. Exceptions to this requirement must be obtained from the Albany Fire Chief. No person shall leave a fire unattended on City owned property. (Ord. #99-02, §1; Ord. #99-07, §1)

8-4.6 Alcoholic Beverages.

No person in any waterfront or Albany Hill area shall consume or have in his/her possession, custody or control, either open or unopened, any alcoholic beverage of any kind whatsoever, except when attending a function operated under an alcohol permit issued in accordance with the rules and regulations of the Department of Recreation and Community Services. No intoxicated person shall enter, remain or be within any waterfront or Albany Hill area. (Ord. #99-02, §1; Ord. #99-07, §1)

8-4.7 Unauthorized Activities.

Unless authorized by permit, it is unlawful to do the following in any park, recreation, open space, waterfront or Albany Hill area:

- a. Dig or remove any soil, rock, sand, stones, trees, shrubs, plants or other wood and/or materials, or make any excavation;
- b. Construct or erect any building of any kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such areas;
- c. Attach anything, whether rope, cable or otherwise, to any shrub, tree, fence rail, bridge, bench, or other structure;
- d. Place or cause to be placed in any waters of any fountains, streams or any other body of any substance, matter, or thing, liquid or solid which may result in pollution of said water;
- e. Fail to deposit refuse and/or rubbish in the receptacles provided. In the event receptacles are not available, all refuse and rubbish shall be carried away from such areas by the person responsible for its presence;
- f. Possess or set off any fireworks, or other incendiary devices;
- g. Store personal property; and
- h. Operate any vehicle/bicycle in the Albany Hill open space area (except for City maintenance and emergency services), excluding when designated by the City the area for a vehicle/bicycle path along Cerrito Creek or any paved public streets.

(Ord. #99-02, §1; Ord. #99-07, §1; Ord. 00-06)