

TO: PARKS AND RECREATION COMMISSIONS

FROM: DAREN ANDERSON DEPARTMENT: COMMUNITY SERVICES

DATE: SEPTEMBER 28, 2021

SUBJECT: SIDEWALK VENDORS IN OPEN SPACE AND PARKS

RECOMMENDATION

Staff recommends that the Parks and Recreation Commission review and approve the draft sidewalk vendor regulations and their justifications (Attachment A); and recommend that the City Manager approve the updated Open Space and Park Regulations to add new Regulation R1-41 (“Sidewalk Vendors”) (Attachment B) upon the City Council’s adoption of a sidewalk vendor ordinance.

BACKGROUND

Within the City of Palo Alto, the Police Department has historically been delegated the responsibility of regulating and issuing permits to “pushcart vendors” which are defined a person licensed to “offer food intended for immediate consumption or flowers for sale from a wagon, cart or mobile stand from a stationary location on a public sidewalk.” See PAMC section 4.10.035.

In 2018, the State of California approved SB 946, which requires cities and counties to permit “sidewalk vendors” to operate within their jurisdictions. SB 946 provides specific provisions for how local governments may regulate sidewalk vendors, and it is intended that local governments will adopt local rules within such limits.

SB 946 requires that sidewalk vendors be able to operate in City parks; however, the City may regulate the time, place, and manner of sidewalk vendors if one or more of the following conditions are met:

- (1) Directly related to objective health, safety, or welfare concerns.
- (2) Necessary to ensure the public’s use and enjoyment of natural resources and recreational opportunities.
- (3) Necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.

The Police Department is currently drafting a replacement ordinance to be compliant with SB 946. As part of this process, Community Services staff and the Parks and Recreation Commission (Commission) is developing new Open Space and Park Regulations for sidewalk vendors in parks and open space.

California’s law on sidewalk vendor in parks--Gov. Code 51038(b)(2)(A) and (B).

Gov. Code 51038(b) (2) (A) A local authority shall not prohibit a sidewalk vendor from selling food or merchandise in a park owned or operated by the local authority, except the local authority may prohibit stationary sidewalk vendors from vending in the park only if the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.

(B) Notwithstanding subparagraph (A), a local authority may adopt additional requirements regulating the time, place, and manner of sidewalk vending in a park owned or operated by the local authority if the requirements are any of the following:

(i) Directly related to objective health, safety, or welfare concerns.

(ii) Necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities.

(iii) Necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.

DISCUSSION

The Community Services Department's (CSD) goal is to maintain its parks, open spaces, and facilities as safe, well-programmed, and accessible sites for all to enjoy and recreate in. While vending items in a park is allowed in the City of Palo Alto, new regulations are necessary to ensure sanitary, safe, and clean conditions; to protect wildlife and habitat; and to continue to provide a positive visitor experience.

On May 25, 2021, the Commission reviewed examples of potential regulations for sidewalk vendors operating in parks and open space ([Staff Report](#)). The Commission also established a new Ad Hoc Committee for the Sidewalk Vendors. Commissioners Greenfield, Brown, and Moss serve on the Ad Hoc Committee.

The Ad Hoc Committee and staff met multiple times to develop draft regulations that define where and how sidewalk vendors are allowed to operate in park and open space. The draft regulations include maps identifying locations where vendors can operate in open space. The Ad Hoc Committee and staff also developed justifications for each of the sidewalk vendor regulations, and included the relevant rationale categories in SB 946, which allow the City to regulate the time, place, and manner that sidewalk vendors to operate.

The Ad Hoc Committee and staff considered several factors while developing the draft regulations. The draft regulations aim to ensure that sidewalk vendors can safely operate in parks and open space without:

- Blocking trails and parking spaces
- Damaging landscaping and vegetation
- Disrupting active and passive recreation for park visitors
- Disrupting or harming wildlife and habitat
- Impacting scenic views
- Damaging park infrastructure
- Encouraging food in places where it may cause problems (food stains on playgrounds, encouraging pests that pursue food waste, introducing additional food related waste)

TIMELINE

- October/November 2021: Anticipated Council discussion and potential adoption of new sidewalk vendor ordinance
- Park and Open Space Regulations will go into effect after the ordinance is adopted and 15 days after the updated Open Space and Park Regulations are approved by the City Manager

ATTACHMENTS:

Attachment A: Draft Sidewalk Vendor Regulations and Justification
Attachment B: Park and Open Space Regulations

Attachment A

Draft Sidewalk Vendor Open Space and Park Regulations with Justifications

Note: the (1) (2) and (3) refers to the following rationale categories for park rules defined in SB 946 (2018) and to be adopted as a City ordinance:

- (4) Directly related to objective health, safety, or welfare concerns;
- (5) Necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities; or
- (6) Necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.

Vendors shall not vend in the following areas in Palo Alto parks:

- Maintenance or storage yards (1)
 - Justification: Sidewalk vendors are precluded from these areas because maintenance equipment would pose a hazard to vendors and their customers.
- Parking lots, parking stalls or designated parking areas (1)
 - Justification: Sidewalk vendors are precluded from parking areas because it would risk public safety for both the drivers and vendors.
- Trails (less than 8 feet wide) (2 and 3)
 - Justification: Sidewalk vendors on trails less than 8 feet wide would interfere with the public's enjoyment of the trails and preclude them from using the trail systems. It would also increase trail-widening and otherwise impact the natural condition of the trails, by forcing trail users off trail.
- Grass, synthetic turf, synthetic track and vegetated areas. Vendors may only be on hardscape areas, such as asphalt, concrete, decomposed granite, and dirt trails and must be at least 8-feet wide (See above) (2)
 - Justification: Sidewalk vendors would cause damage to the grass and synthetic turf, impacting the public's ability to use and enjoy the fields.
- Recreation areas designated for specific sports or activities. (playing fields, courts, skateparks, etc.) (1 and 2)
 - Justification: Sidewalk vendors would cause damage to the grass and synthetic turf, impacting the public's ability to use and enjoy the recreation areas.
- In any location that interferes in any way with anyone engaged in a physical activity or entering onto any playing field, sport, or similar facility for use by participants or approaching spectators who are watching a sporting activity.
 - Justification: It is essential that the community be able to safely use parks without undue interference with sidewalk vendors.

- Within 100 feet of any building, recreation center, senior center, bathroom, structure, or playground. Sidewalk vendors must not in any way impact the use and operation of these facilities) (2)
 - Justification: Sidewalk vendors located too close to public facilities will exacerbate existing trash build-up, aggressive wildlife seeking food, and add clean-up costs for hard to reach places like playground structures. This would also detract from the public's ability to enjoy the facilities.
- Anywhere in the Baylands Athletic Center and Stanford Palo Alto Playing Fields when snack shacks are open for business and are designated by the City as an exclusive concession. (3)
 - Justification: City is permitted by state law to exclude sidewalk vendors when there is an exclusive concession in a specific park.
- Within 5 feet of park benches (2)
 - Justification: Sidewalk vendors located too close to park benches may prevent park visitors from enjoying the peace and quiet in nature.
- Within 25 feet of picnic tables (2)
 - Justification: Sidewalk vendors located too close to picnic tables may prevent park visitors from enjoying a peaceful and quiet experience in nature.
- Within 25 feet of any fountain, monument, or art installation (2)
 - Justification: Sidewalk vendors located too close to fountains, monuments, or art installations may block the public's ability to view and enjoy the features.
- Any park or open space area that has an exclusive permitted food provider (e.g. the Baylands Golf Links)
 - Justification: City is permitted by state law to exclude sidewalk vendors when there is an exclusive concession in a specific park.
- 13. Any portion of a park or open space within 250-feet of any school site instructional hours.
 - Justification: Vendor must not in any way impact the use and operation of school facilities while instruction is in session.

In the following Palo Alto Open Space Areas, Sidewalk Vendors are permitted only in the areas specifically designated as follows:

Baylands Nature Preserve

Justification: Baylands Nature Preserve is an environmentally sensitive area. It is a popular location with limited parking. The selected location is least impactful to park visitors. Sidewalk vendors are not permitted further in the preserve because the park consists mainly of unpaved trails used for hiking and biking use and we want to preserve the natural character of the preserve for park users, not sidewalk vending

In the following area of the Baylands Nature Preserve, there is a limit of 1 vendor at a time (first come first served). Any additional vendors would start to block access for park visitors.



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In the following area of the Baylands Nature Preserve, there is a limit of 1 vendor at a time (first come first served). Any additional vendors would start to block access for park visitors.



Esther Clark Park

* There are no suitable locations for sidewalk vendors at Esther Clark Park.

Justification: Esther Clark Park has no areas that allow for sidewalk vending due to the fact it has no sidewalk or paved areas, as well as its location in a single-family residential neighborhood. The park is undeveloped and has no parking lots. The presence of sidewalk vending (in any location in Esther Clark Park) would negatively impact the vegetation and/or block the trails that allow the public to enjoy use of the park.

Foothills Nature Preserve

Justification: Foothills Nature Preserve is an environmentally sensitive area. It is a popular location with limited parking. One parking space will be converted to a vending location, and the selected location is least impactful to park visitors. Sidewalk vendors are not permitted further in the preserve because the park consists mainly of unpaved trails used for hiking and biking use and we want to preserve the natural character of the preserve for park users, not sidewalk vending.

In the following area of the Foothills Nature Preserve, there is a limit of 1 vendor at a time (first come first served). Any additional vendors would start to block access for park visitors.



Pearson Arastradero Preserve

Justification: Pearson Arastradero Preserve is an environmentally sensitive area. It is a popular location with extremely limited parking. The selected location is least impactful to park visitors and the only location where a sidewalk vendor wouldn't interfere with vehicle, bike, and pedestrian safety. Sidewalk vendors are not permitted further in the preserve because the park consists of unpaved trails used for hiking, biking, and equestrian use and we want to preserve the natural character of the preserve for park users, sidewalk vending.

In the following area of the Pearson Arastradero Preserve, there is a limit of 1 vendor at a time (first come first served). Any additional vendors would start to block access for park visitors and reduce available parking.



Vendors in all park and open space areas are to comply with the following:

- Sidewalk vending (including set-up and clean-up) is permitted only between 9:00 A.M. and 30 minutes prior to sunset and vacate the park by sunset. (2)

- Justification: Sidewalk vendors must exit the park or preserve by sunset in order to complete all clean-up, trash pick-up, and equipment removal while it is still light. It is difficult to clean once the sun has set.
- No vending conveyance, stand, or pushcart shall touch, lean against, or be affixed to any lamp post, parking meter, mailbox, traffic signal, picnic table, fire hydrant, tree, plant, planter box, rock formation, bench, bus shelter, or trash can. (1, 2)
 - Justification: Sidewalk vendors should not affix their equipment to any public furniture or facilities in order to prevent damage and to allow the public to utilize the facilities (e.g., allow the public to use a trash can, wait for a bus, and not obscure signage, etc.)
- Nothing in these regulations authorizes vending of personal services including but not limited to boot camps, massage services, yoga, dog training, animal rides, petting zoos, or sports/fitness classes. (2)
 - Justification: Sidewalk vendors should not advertise or offer personal services that may cause noise, crowds, or other impacts that may detract from the ability of the public to enjoy the park. Permitted vendors of sports, fitness, and other classes have permits with the City. Unpermitted and unregulated services may result in health and safety risks.
- Cannot sell products whose use is prohibited in the park, including tobacco and cannabis. (2)
 - Justification: Parks are intended to be safe and enjoyable for all park users. Sidewalk vendor should not sell items that would promote breaking existing rules and laws within parks.
- Cannot sell unsanitary or unsafe, dangerous, or harmful food, beverage, or merchandise. Including archery equipment, knives, sling shots, or any objects that appear to be weapons, such as squirt guns, toy guns, or toy knives. (1)
 - Justification: Parks and Open Space areas are intended to be safe and enjoyable for all park users. Wildlife are protected and may not be harassed or harmed in anyway. Sidewalk vendors should not sell anything that could promote disruptive or dangerous activities.
- Are responsible for clean-up, storage, and subsequent removal from the park or preserve of any waste, food items, package, litter, or materials occurring because of or related to their vending activity. (1, 2, 3)
 - Justification: Sidewalk vendors must completely clean anything left behind from their activity. Any remaining debris would detract from the public's ability to enjoy the natural beauty of the park and may cause damage to the natural character of the park. It may also attract pests.

- Are prohibited from placing any liquid or solid waste in park trash cans, including dumping ice on park property. Vendors must pack out their garbage and waste, including grease. (1, 2, 3)
 - Justification: Sidewalk vendors cannot dump any material onto park property as it may limit the public's ability to enjoy certain areas of the park (if an area is wet or has an odor) and it may degrade the landscape or vegetation of the park and open space areas. It may pose a risk to wildlife and may attract pests.
- Are prohibited from hooking up to or using any water, electrical, or gas outlets for the sale of their food or merchandise. (1, 2)
 - Justification: Sidewalk vendors should not utilize city-utilities for commercial activity as it would detract from the public's ability to use those facilities and/or the city staff, or City's contractor's use of the utilities to service the park for the enjoyment of the public.
- Are prohibited from using park benches and picnic tables. (1, 2)
 - Justification: Sidewalk vendors should not utilize park benches and picnic tables for commercial activity as it would detract from the public's ability to use those facilities.
- For parks, the number of vendors per park are limited (a) to two (2) vendors per acre and not within 25 feet of another vendor, and (b) not to exceed eight (8) at any one time. For open space areas, only one vendor at a time is allowed in the designated area (see maps)
 - Justification: An excessive number of vendors would detract from the park user experience and the natural beauty of the park or preserve.
- Vending in park shall be on a first come first available basis. (2)
 - Justification: Vendors cannot reserve space. Neither the Police or Park Rangers have the available resources to manage a vendor reservation program.
- Vending is prohibited during any City sponsored or permitted special event (e.g., festival, concert, movie night, class, carnival, parade, running event, class, or other permitted activity). (1,2)
 - Justification: City sponsored or permitted special events are exceptionally crowded and busy, and thus require all vendors to be permitted and show proof of insurance; as well as being coordinated with the event.
- For open space areas, sidewalk vendors shall not make any outcry, blow a horn, ring a bell, or use any sound devices or musical instruments for the purpose of attracting the attention of potential patrons. The City noise ordinance applies to all areas within the City.
 - Justification: such noise could negatively impact wildlife and the park user experience.

Attachment B

City of Palo Alto PARK AND OPEN SPACE REGULATIONS (Last Updated February 2021)

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R1-1. DEFINITIONS

The following words and phrases, whenever used in these regulations, shall be construed as defined in these regulations.

- A. "City" means the City of Palo Alto.
- B. "department" means the Community Services Department of the City.
- C. "facility" or "park facility" means any body of water, land, campsite, garden, trail, levee, recreation area, building, structure, system, equipment, machinery or other appurtenance owned, managed, controlled or operated by the Community Services Department.
- D. "director" means the Director of Community Services of the City.

R1-2. APPLICABILITY

The provisions of these regulations apply to all facilities under the jurisdiction of the Community Services Department.

R1-3. CLOSURE OF FACILITIES - AUTHORITY

The director shall have the authority to close any park facility or portion thereof and require the exit of all persons therein when he or she determines that conditions exist in said facility or portion thereof which presents a hazard to the facility or to public safety. No person shall use, enter or remain in any facility, Park or Open Space which has been posted as being closed under this authority.

- A. The Open Space, Parks and Golf Division Manager shall have the authority

to close Open Space trails which have been designated as “seasonal trails” when weather conditions predispose the trail or surrounding habitat to damage or erosion. Such trail closures will be posted on park bulletin boards and at the affected trail junctions.

- B. The Open Space, Parks and Golf Division Manager shall have the authority to temporarily close Open Space trails or facilities when the damage of flora or fauna are threatened by humans or their pets. Such facility closures will be posted on park bulletin boards and at affected trail junctions or facilities.

R1-4. CONTENTS OF PERMIT APPLICATION; SUBMISSION

Whenever a permit is required by provision in these regulations, an application shall be filed with the director stating:

- A. The name of each applicant, sponsoring organization and the person(s) who is in charge of or responsible for the proposed activity;
- B. The address and telephone numbers of each person and/or entity named in subsection (A);
- C. The name of the Park, Open Space land, building, field or tennis courts requested for the activity, specifically identifying the location of the activity within the park or room within the building;
- D. The date and starting time of the proposed activity, together with the anticipated arrival time of guests; The finish time of the proposed activity, including cleanup;
- E. The number of persons expected to attend the activity;
- F. Additional City facilities requested, such as personnel, tables, chairs, etc;
- G. The nature of the proposed activity or activities, including equipment and vehicles to be brought into the Park or Open Space lands; nature and duration of the use of such equipment; nature and duration of the use of any amplified sound; whether fees or donations for service will be solicited or collected; and whether alcohol will be served.
- H. Proof of Palo Alto residency may be required for the permit application.
- I. The necessity for street closure in order to hold an event.
- J. The permit application shall be filed with the director by no later than seven (7) days prior to the date of the special event.

R1-5. ACTION ON PERMIT APPLICATION

The director shall issue a permit within five (5) business days after submission of a completed application if:

- A. The proposed activity or use of the facility will not unreasonably interfere with or detract from the general public enjoyment of the facility;
- B. A facility with the required occupancy load capacity is available;
- C. All conditions, including, where applicable, the payment of fees, approval of the Director of Community Services and insurance coverage, security deposits and/or requirements are met;
- D. The proposed activity or use will not entail unusual, extraordinary or burdensome expense or security operation by the department;
- E. If the proposed special event will have more than twenty-five (25) individuals in attendance, involve road closures, traffic control, or the need for inter-

departmental review (for example, for a “fun run” or a “live music” event), an additional City-wide special event application from the Police Department may be required for the event. City-wide special event permit applications are not generally required for standard picnic reservations. Completed City-wide special event permit applications may be filed as early as one year before the event but must be received no later than 30 days before the actual event date, and no later than 90 days before the actual date of the event if the event requires a street closure.

- F. The facilities desired have not been reserved for other use;
- G. Special conditions requested in applications are reasonable and feasible.
- H. The proposed activity will not negatively impact habitat, wildlife, or vegetation in the Park or Open Space area.
- I. Residency requirements, if any, have been satisfied.

R1-6. FOOTHILLS PARK – RESERVATIONS AND VEHICLE ENTRY

- A. Resident Reservation Preference. The Towle Campground, Oak Grove Group Picnic Area, and the Interpretive Center meeting room at Foothills Park shall have Resident Reservation Preference in making reservations. No other facility existing as of December 2020 shall have Resident Reservation Preference.

Resident Reservation Preference shall be one that permits residents to have access to reservations for no longer than the first 25% of the time period during which reservations for the subject facility may be made. Thus, if the facility in question is made available for reservation by residents for 4 weeks’ time prior to the date of the reservation, the facility must be made available for reservation by non-residents for at least 3 weeks’ time before the date of reservation.

(Note: This rule is governed by the 2020 settlement agreement regarding Foothills Park).

- B. Vehicle Entry Fee. All motor vehicles entering Foothills Park shall be subject to a vehicle entry fee as listed in the City’s Municipal Fee Schedule. Violators shall be subject to administrative citation for failure to comply with park regulations per PAMC 22.04.030. This regulation does not apply to City councilmembers, staff, contractors, or volunteers while conducting official City business/operations in Foothills Park.

R1-7. PERMIT – EXHIBITION

No person shall fail to produce and exhibit a permit he or she claims to have upon request of any department employee, contracted park ranger or any public or peace officer who desires to inspect the permit for the purpose of enforcing compliance with any regulations of this chapter.

R1-8. HOURS OF PARK CLOSURE

For purposes of enforcement of the Park and Open Space closure restrictions promulgated in Chapter 22.04 of the Palo Alto Municipal Code, the terms “sunset” and “sunrise” are defined with reference to a table of times that is determined annually and posted at Open Space facilities. Closure times specified in Chapter 22.04 as

implemented by this regulation shall be posted prominently at each Park or Open Space facility and shall be posted on the City's web site.

R1-9. HAZARDOUS GAMES OR ACTIVITIES

The playing of games and/or activities involving propelled or thrown objects which are sharp or heavy (such as stones, shot puts, arrows or javelins) are prohibited except when a permit is issued by the director in areas compatible for such use. Except in designated areas of Mitchell Park where inflatable structures can be used by City staff or designated contractors as part of a City-sponsored program, inflatable structures, miniature trains designed or used for passengers, pony rides, and dunking tank attractions are prohibited in Parks or Open Space areas.

R1-9A. USE OF METAL DETECTORS IN PARKS

Metal detectors for the purpose of scavenging can only be used within park facilities in such a fashion where turf or landscaped areas are not disturbed, cut or dug into.

R1-10. PICNIC SITE USAGE

Group picnic site reservations at Mitchell Park Arbor, East Meadow, Pine Grove and Redwood areas; and Rinconada Park Sequoia area are available to Palo Alto residents only. No more than 60 individuals shall occupy a group picnic site at Mitchell Park Arbor, East Meadow and Redwood areas; 100 individuals at the Pine Grove picnic area; 75 individuals at Rinconada Park Sequoia picnic area; or 150 individuals at Foothills Park Oak Grove. No more than 15 individuals shall occupy any table in an individual picnic site at Mitchell Park and Rinconada Park. With the exception of the two table/one barbecue at individual picnic sites of Mitchell Park, each group of participants shall not occupy more than one individual site.

R1-10A. LYTTON, COGSWELL AND KING PLAZA

- A. Use of tables: For permitted events and activities, no more than four six-foot tables are permitted at one time at Cogswell Plaza; no more than ten six-foot tables are permitted at Lytton Plaza; and no more than twenty six-foot tables are permitted at King Plaza. Tables shall not be arranged in a configuration longer than twelve-foot wide span and there must be a minimum of three-feet between sets.
- B. The City shall be compensated the full cost of replacement of any chair, tables or other furnishings damaged by the event or special use.
- C. Special event organizers must cover existing trash receptacles and provide their own waste stations (compost/recycle/trash) that they will then be responsible for removing after the event.
- D. Damage deposits may be required for any special event or use at the discretion of City staff.
- E. No tables, tents or other structures shall be set up closer than ten (10) feet from the nearest structure.
- F. Shade canopies may be authorized in a permit so long as the shade structure measures ten-foot by ten-foot, or less. Canopies shall be weighted or anchored to prevent blowing over.

- G. Stage platforms shall be no higher than twenty-four inches tall and ten-feet by twelve-feet in maximum area.
- H. As per the Chapter 22.04 of the Palo Alto Municipal Code, no alcoholic beverages may be served or consumed at these plaza parks.
- I. No barricades or cordoning off areas of the plaza.
- J. No jump/bounce houses are permitted on plaza.
- K. Special event organizers must supply a layout of all items to be placed within plaza and be approved by City staff before the event.
- L. As per Palo Alto Municipal Code Section 22.04.160, no commercial solicitation or business transactions other than those associated with and supportive of City programs or City-sponsored activities for which a permit has been issued by the director is permitted in parks or plazas.
- M. As per Palo Alto Municipal Code section 22.04.300, open flames, including candles, are not allowed without a permit from the Director in these Plazas.

R1-10B. LYTTON PLAZA NOISE REGULATION

- A. A permit under Palo Alto Municipal Code Section 22.04.040 is not required of any person in order to engage in the playing of an amplified musical instrument at Lytton Plaza, which otherwise meets the requirements of sections 9.10.050 and 22.04.180 and subject to the following: the playing of an amplified musical instrument occurs on a first-come, first-served basis during the following days and times of day: (a) Monday through Thursday, 5:00 PM to 10:00 PM; (b) Friday, 5:00 PM to 11:00 PM; (c) Saturday, noon to 11:00 PM; and Sunday, noon to 10:00 PM. The term "first-come, first-served" means the first person or group of persons to commence playing an amplified musical instrument at Lytton Plaza shall be entitled to play to the exclusion of all others for a period not exceeding three (3) consecutive hours.
- B. A City-wide special event permit application is required of any person seeking to engage in the playing of an amplified musical instrument at Lytton Plaza outside of the days and times of day specified in paragraph A above. No unpermitted amplified musical instrument may be played during the period of time for which a person holds a permit to play an amplified musical instrument.
- C. Paragraph A notwithstanding, a person may file a City-wide special event permit application to play an amplified musical instrument within the time period specified in R1-4. If a City-wide special event permit is issued, the permit holder's right to play any musical instrument at Lytton Plaza will take precedence over any person claiming the right to play under the first-come, first-served basis condition set forth in paragraph A of this Rule.
- D. The director will post or caused to be posted to the department's web site the days and times of days for which reservations to play musical instruments have been secured.
- E. The preceding paragraphs notwithstanding, the playing of any acoustic musical instrument at Lytton Plaza is permitted during posted park use hour or, if no hours are posted, during the regular park use hours.
- F. A City-wide special event permit application shall be filed whenever a group of more than twenty-five (25) persons attends the playing of any musical instrument

or musical instruments regardless of whether any instrument is amplified or acoustic.

- G. The noise ordinances set forth in Palo Alto Municipal Code chapters 9.10 and 22.04 shall apply to all persons playing amplified and acoustic musical instruments at Lytton Plaza.

R1-11. RACQUET COURT (TENNIS AND PICKLEBALL) USAGE

Any person or group using a City racquet court shall do so according to the following rules:

- A. No person shall operate, drive or ride a bicycle, unicycle, roller skates, roller blades, skateboard or other coasting device on City-owned tennis courts.
- B. No person shall provide or offer lessons for compensation on City-owned tennis courts except as part of a City-sponsored program, class or camps.
- C. City-owned racquet courts may be reserved for City programs and tournament play only.
- D. All players must use the court control board to determine which court they shall play on and their playing position.
- E. No individual person can occupy a court by him or herself if other persons are waiting to play.
- F. Unleashed dogs are not permitted within courts.
- G. No person shall play a sport other than tennis or pickleball on City-owned courts unless expressly allowed via permit issued by the Community Services Department.
- H. Mitchell Park racquet courts 6 and 7 are dual-use courts with designated pickleball and tennis times. Pickleball has priority from 8:00 AM to 2:30 PM seven days a week. Tennis has priority from 3:00 PM to 10:00 PM seven days a week. If courts are not in use, anyone can use the court but must vacate the space if the priority sport arrives and needs the space.

R1-12. ATHLETIC FIELD USE

Any person or group using a City athletic field shall do so according to the following rules:

- A. No activity other than softball (or Little League baseball) is permitted at El Camino Park softball field unless expressly allowed by permit.
- B. No activity other than baseball is permitted at Baylands Athletic Center Baseball Field unless expressly allowed by permit.
- C. No activity other than softball is permitted at Baylands Athletic Center Softball Field unless expressly allowed by permit.
- D. No person shall use an athletic field which is posted (on-site, on-line, or by voice message) as being closed, whether the closure is for excess rainfall or for field maintenance or other reason.
- E. Field markings applied to athletic fields shall be allowed by permit only and must follow City of Palo Alto Open Space, Parks and Golf Division guidelines.
- F. Soccer goals must be anchored at all times when located on the playing fields. When goals are not being utilized for play, they must be secured off the playing fields in a manner which will not permit tipping or any hazardous condition that

might cause injury to any person. When a field is being utilized for multiple purposes, goals that interfere with the intended use of the field shall be provided by the user groups that require the use of a soccer goal. These goals must be assembled and disassembled before and after each event. The storage of these goals can be coordinated with the Recreation Division. Any goal left on site will be removed and stored until a removal/storage fee of \$75.00 is paid.

R1-13. PEERS PARK AND JOHNSON PARK VOLLEYBALL USE

Any person or group playing volleyball or related game at Peers or Johnson Parks shall do so according to the following rules:

- A. Drop-in volleyball or related game play is permitted only in the posted area at Johnson Park or on the north end of Peers Park.
- B. The volleyball area may be reserved for volleyball play, by permit, only on the first Saturday and first Thursday of each month. The director may make additional weekend days available for reservation during the months of June, July and August.

R1-14. SKATEBOARD FACILITY

The Skateboard Facility, located in John Lucas Greer Park, is for skateboard use only. Use of roller blades, scooters, bicycles, or any other equipment other than skateboards is prohibited. Any person using or playing upon the skateboard facility shall do so according to the following rules:

- A. Each person skateboarding in the Skateboard Facility must wear a helmet, elbow pads and knee pads.
- B. Use of roller blades, scooters, bicycles, or any other equipment, other than skateboards is prohibited.
- C. No more than seven persons shall skate in the bowl at any given time.
- D. No person shall do a body flip while riding a skateboard.
- E. No person shall ride a skateboard facing entirely backwards.
- F. Two or more persons may not ride on the same skateboard.
- G. No person shall ride a skateboard on their knees.
- H. No person shall cause a skateboard to shoot out away from their feet or body.
- I. No persons shall skateboard in tandem within three (3) feet in front or behind another rider.
- J. No glass containers are allowed in the facility.
- K. No skateboarding is allowed when the facility is wet or while it is raining.
- L. Trash receptacles are to be used to dispose of waste or any other unwanted items.

No person shall use, remain in or enter the Skateboard Facility outside of regular park hours between 10:30 PM and sunrise (PAMC 22.04.320). No person shall enter or remain in the Skateboard Facility when that facility is posted as being closed, whether such closure is because of excess moisture or hazard or for any other reason.

R1-15. GOLF COURSE

Any person or group using or playing upon the golf course shall do so according to the following rules:

- A. No person shall use the golf course, or any portion thereof, without first having obtained a receipt or other written authorization in due form so to do.
- B. No golf player shall cut in on, or double back over, any portion of the course, or to play upon the course without a receipt duly issued for the round being played.
- C. No golf player shall refuse to or fail to show such golf receipt or other written authorization to any employee connected with the municipal golf course, when requested to do so.
- D. No person shall willfully or maliciously injure any turf on the golf course or in any way destroy or injure property thereon or remove property or equipment from the golf course.
- E. Privately owned power golf carts are not allowed to be used on the municipal golf course.

R1-16. SWIMMING

No person shall swim, bathe or wade in any water or waterways within any park facility when such activity is prohibited and so posted by the director. No person shall use, remain in or enter the Rinconada Pool facility between the hours listed as follows: January 1 through June 15 9:00 PM – 6:00 AM. June 16 through December 31 10:00 PM – 6:00 AM.

Rules for the safe use of the Rinconada Swimming complex:

- A. Children 7 years of age and younger must be directly supervised by a chaperone 16 years of age or older. Chaperones must wear a swimsuit, accompany the child in the water and be within arm's length at all times. Children may not be left unattended in the facility at any time.
- B. All swimmers must wear swimsuits. Clothing including undergarments is not permitted. Clean overshirts are permitted for modesty or sun protection as long as they are worn over swimsuits. Infants and toddlers who are not yet toilet trained must wear swim diapers.
- C. Flotation devices including water wings, padded swimsuits and inner tubes are not permitted except US Coast Guard approved lifejackets.
- D. Flippers, snorkel masks, and hard balls are not permitted.
- E. All persons entering the facility must pay, including those not intending to swim, except children 2 years of age and younger.
- F. Patrons must pay again to re-enter the facility after leaving.
- G. Walk at all times on the pool deck.
- H. Bicycles, rollerblades, scooters, and skateboards are not permitted on the pool deck.
- I. Dogs, cats and other animals are not permitted on the pool deck (does not apply to service animals as defined by state and federal law).
- J. Fighting, roughhousing, chicken fighting, screaming, profane language, and pretending to drown is not permitted in the facility.
- K. Patrons are not permitted to sit on guard chairs, lane lines, starting blocks or railings.
- L. Barbecues, alcohol and glass/breakable containers are not permitted in the

- facility.
- M. Food and drinks must be consumed at picnic tables, on grass and farther than 10 feet from poolside.
 - N. Heed instructions from Lifeguards and overhead announcements at all times.
 - O. Aquatics staff reserves the right to ask anyone who violates these rules to leave the facility.
 - P. To maintain a safe environment, pool rules are subject to change at any time.

Lap Pool:

- A. Swimmers must be able to swim competently for at least one lap to enter the deep end and/or use the diving boards. Lifeguards have sole discretion. Please ask for a swim test.
- B. Lap swimmers using lap lanes during recreation swim may use flippers, kickboards and snorkels as needed. Flippers, kickboards and snorkels are not permitted outside of the lap swim lanes. Non-lap swimmers are not permitted to swim across lap lanes.

Diving boards:

- A. One person on the board and ladder at a time.
- B. Wait to dive until area is clear.
- C. Walk or perform a proper diving approach. Do not run on the diving board.
- D. Bounce only once and jump/dive off the end of the board facing forward.
- E. Divers may not jump to anyone in the pool and must swim to the wall unassisted. After diving, swim out toward the closest ladder. Do not swim under, between or in front of the diving boards.

Wading Pool:

- A. Swimmers must be able to reach the foot pedals to use the "Aquaducks." Pedaling with hands is not permitted.
- B. Swimmers may not sit on or otherwise block the water pressure of the fountains.

Slide:

- A. Swimmers must be no taller than the slide to use it.
- B. One person is permitted on the slide and ladder at a time. Form line on the ground.
- C. Do not stand, jump or push other swimmers off the top of the slide.
- D. Swimmers must go down slide sitting, feet first.

R1-17. BOAT USE

The dock at Foothills Park and the sailing platform at the Baylands Nature Preserve is intended for the hand launching of canoes, kayaks, small inflatable boats and boats less than sixteen feet in length. The launching of any larger vessel is prohibited. While hand carts may be used to carry boats from the parking lot to the dock or sailing platform, hand carts or other personal equipment may not be used on the docks or left unattended in the immediate vicinity of the dock or sailing platform. Items left unattended will be impounded by a park ranger or police officer.

- A. Sail boards, sail craft and motorized boats are prohibited on Boronda Lake in Foothills Park.

R1-18. BICYCLES, SKATEBOARDS AND ROLLER SKATES

- A. Bicycles are prohibited on unpaved trails of Foothills Park. Skateboards, roller skates or blades, scooters, and other coasting devices are prohibited in Foothills Park.
- B. Bicycles are prohibited on unpaved trails of Open Space parks and preserves, unless designated for bike access within the Pearson-Arastradero and Baylands Preserves. Skateboards, roller skates or blades, or other coasting devices are prohibited in Open Space parks and preserves, except on paved, multi-use bike paths.
- C. Helmets: No person shall operate a bicycle or similar device on Parks or Open Space preserves without wearing an A.N.S.I. or Snell-approved bicycle helmet for head protection. No parent or guardian shall allow any child under the age of 18 to ride a bicycle without a helmet.
- D. Unsafe operation: No person shall operate a bicycle in a reckless or negligent manner so as to endanger public property, or the life, limb, or property of any person or animal. No person shall ride in or upon a portion of a bicycle not intended for passengers. No person shall operate a bicycle while wearing earphones that interfere with hearing ambient noise.
- E. No person shall leave a bicycle, scooter or skateboard in any place or position where other persons may trip over or be injured by it.

R1-19. HUMAN FLIGHT

No person shall hang-glide, parachute, parasail or engage in any human flight on, over, or into park or Open Space, except by written permit in designated areas.

R1-20. TRAIL USE SPEED LIMITS

The maximum speed for all trail uses is 15 miles per hour, unless a lesser maximum speed is posted, and no person shall exceed the maximum speed on any trail; however, no person shall operate a bicycle, or ride a horse or other such animal at a speed greater than is reasonable, prudent, or safe. Bicyclists and equestrians are required to slow to 5 miles per hour when passing others or approaching blind turns.

R1-20A. USE OF DESIGNATED TRAILS, PATHS AND RECREATIONAL LAWN AREAS IN OPEN SPACE LANDS

No person other than authorized City staff or other persons specifically authorized by City staff shall walk, run or tread in any Open Space lands except on designated trails, paths, recreational lawn areas or roads, unless expressly permitted to do so pursuant to park regulations or a special use permit. "Designated trails" is defined as those trails which appear on current City of Palo Alto park maps, planning documents, trail guides and/or those trails marked with City directional signs.

R1-21. COMMERCIAL ACTIVITIES AND SOLICITATION

Commercial activities are prohibited in Parks and Open Space lands unless they are associated with and supportive of City programs or City-sponsored activities for which a permit has been issued by the Director. Persons soliciting for donations or engaging in

commercial activities approved by the Director shall comply with all applicable laws, including those requirements for permits issued under Title 4 of the Palo Alto Municipal Code as applicable.

R1-21A. COMMERCIAL PHOTOGRAPHY AND FILMING

No person shall photograph or film for commercial purposes in City Parks or Open Space except pursuant to a permit authorizing such activity or except for those activities associated with and supportive of City programs or City-sponsored events. For the purpose of this section, "photograph or film for commercial purposes" means the recording, on any medium, of still or motion images that involves the use of professional models or commercial articles filmed or photographed for the purpose of commercial advertising, or the use professional casts, settings, or crews in any motion picture, television, or similar production. This section shall not apply to the commercial operation of cameras as part of the bona fide reporting of news, or for small photo or film events, consisting of a single photographer or videographer with a total group size of no more than 24 persons (permit is required for exclusive use of any area of park land), as long as all other rules and regulations are followed.

- A. Applications shall be submitted not less than ten (10) working days before the proposed use.
- B. No sound amplification equipment, which will disturb the peace, may be used in connection with any photo shoot, except when used by City employees or safety officers for purposes of crowd control.
- C. No permit shall be granted for any event between the hours of 8:00 PM and 9:00 AM without the prior approval of the Director.
- D. No permit shall be granted when the closure would result in hampering prompt access to an area or location by emergency vehicles.
- E. Wherever appropriate, the City will require the applicant to provide and erect barricades according to City specifications for public safety. The person or persons making the application shall be responsible for placing and dismantling all barricades. All barricades shall be removed within one-half (1/2) hour of the ending time of the event. Barricades shall also be immediately removed upon request of any authorized officer or employee of the City. In some situations, the Permittee may be required by the City to provide traffic control and a qualified flag person if City streets or parking lots are involved.

R1-22. RESTROOMS

Male persons shall not enter any restroom or washroom set apart for females, and female persons shall not enter any restroom or washroom set apart for males; except, this shall not apply to persons with special needs or their accompanying attendants or children under the age of six years old who are accompanied by a person who is of the sex designated for that facility and who has reason to be responsible for such person.

R1-23. UNAUTHORIZED USE OF KEYS OR LOCKS

No person other than one acting under the direction of the Director shall duplicate or cause to be duplicated a key used by the department for a padlock or door lock of any type or description, nor shall any person divulge the combination of any lock so equipped

to any unauthorized person. No person, other than the one acting under the direction of the director, shall use a key to access any Park and/or Open Space facilities. The director may issue keys to user groups. Said user groups must use the keys for permitted activity only and return issued keys to the City upon completion of the activity. No person shall place a lock upon any gate or fence in any Park or Open Space area without prior permission from the Director.

R1-24. WATER POLLUTION

While within the boundaries of any park facility, no person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water or in any tributary, stream or drain flowing into such waters any substance, matter or thing, liquid or solid, including but without limitation to, particles or objects made of paper, metal, glass, garbage, rubbish, rubber, fuel, plant material, food matter, fiber and plastics.

R1-25. HARMFUL SUBSTANCES

No person shall possess, place, or apply any substance harmful to any person, property, wildlife, or vegetation on Park or Open Space lands.

R1-26. LITTERING

No person within any City Park, Open Space lands, and City operated community garden shall leave any garbage, trash, cans, bottles, papers or other refuse elsewhere than in the receptacles provided therefor. Disposing of garbage, trash, cans, bottles, papers or other refuse not generated within City Park or Open Space lands is prohibited. PAMC 22.04.230.

R1-27. DISPOSAL OF EFFLUENT

No person shall deposit waste water, sewage or effluent from sinks, portable toilets, or other fixtures upon or into the ground or water.

R1-28. SMOKING

No person shall smoke any substance in any public places or any area that is within twenty feet of bleachers, backstops, or play structures or any area designated as a playground, nature trail or nature area or in or on any park facility where smoking is posted as being prohibited. Pursuant to Palo Alto Municipal Ordinance 9.14.010 (i), public places are defined as: "Public places" means enclosed areas within publicly and privately-owned buildings, structures, facilities, or complexes that are open to, used by, or accessible to the general public. Public places include, but are not limited to, stores, banks, eating establishments, bars, hotels, motels, depots and transit terminals, theaters and auditoriums, enclosed sports arenas, convention centers, museums, galleries, polling places, hospitals and other health care facilities of any kind (including clinics, dental, chiropractic, or physical therapy facilities), automotive service centers, general business offices, nonprofit entity offices and libraries. Public places further include, but are not limited to, hallways, restrooms, stairways, escalators, elevators, lobbies, reception areas, waiting rooms, indoor service lines, checkout stations, counters and other pay stations, classrooms, meeting or conference rooms, lecture rooms, buses, or other enclosed places that are open to, used by, or accessible to the general public.

R1-29. FIREWORKS

No person shall possess, give, sell, discharge, set off, or cause to be discharged, on or into any portion of Park or Open Space lands any firecrackers, missiles, rockets, fireworks, or explosives.

R1-30. ANIMALS

No person other than public or peace officers, rangers, city naturalists, animal control officers in the discharge of their duties shall:

- A. Hunt, molest, harm, provide a noxious substance to, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal within the boundaries of any park facility, nor remove nor have in his possession the young, eggs or nest of any such creature;
- B. Abandon any animal, dead or alive, within any park facility;
- C. Remove any animal not his own from within any park facility; exception is made to the foregoing in that proper season, fish may be fished and removed from areas designated for fishing by licensed persons, in accordance with the California Fish and Game Code and other related laws, and boarded horses may be removed from a park facility, upon proper notification to the department;
- D. Bring into or maintain in or upon any park facility any dog, cat or other animal unless such animal at all times is kept on a leash (extended no further than six (6) feet while in Open Space lands) and under full control of its owner or custodian; provided, however, the Director may designate areas and times within which persons may exercise, show, demonstrate or train unleashed animals under full control or their owners or custodians. No person shall allow a dog, cat, or domesticated animal, even if leashed, to disturb, chase, molest, injure, or take any kind of native wildlife, whether living or dead, or remove, destroy, or in any manner disturb the natural habitat of any animal on Parks or Open Space land.
PAMC 22.04.155
- E. Permit cattle, sheep, goats, pigs, or other animals owned by him/her or in his/her possession to graze within the boundaries of any park facility without express approval of the director;
- F. No person shall keep or raise cattle, horses, sheep, or other livestock on Park or Open Space land, unless pursuant to a lease, license, or other entitlement of use granted by the City of Palo Alto.
- G. Ride or lead a horse, pony, mule, burro or other animal onto or over any park facility, other than at times and upon roads or trails designated for riding of animals; except with approval of the Director.
- H. No person owning or having custody or control of any dog shall permit such dog to defecate on any public street, sidewalk, park or parkway without immediately removing the resulting excrement at the time of occurrence. The excrement so removed shall not be disposed of on any property listed in this chapter except in public refuse receptacles. Persons using service animals are exempt from this section.
- I. No person owning or harboring any dog or other animal shall allow or permit such dog or animal to swim, bathe or wade in any water or waterways within any park facility when such activity is prohibited and so posted by the Director.

R1-31. NUISANCE DOGS

No person shall allow or have on Park or Open Space land a dog that is threatening or a nuisance to people, other animals, or property. This includes, but is not limited to growling, barking, bearing of teeth, or challenging in any manner, people, animals, or property. PAMC 6.20.040 Care should be taken with leashed pets in playgrounds to ensure that their presence does not impact children's use and they should be removed upon request from other playground users.

R1-32. DOG EXERCISE AREA

- A. Dogs may be allowed off leash only within the designated dog exercise areas in Hoover Park, Greer Park, Mitchell Park, and Peers Park.
- B. Dogs must be licensed, vaccinated, and wearing a collar with ID and license tag.
- C. Dogs must be leashed until safely inside the dog park and returned to a leash prior to exiting.
- D. Dog owners must remain in the fenced area and monitor and manage their dogs at all times.
- E. Dogs behaving aggressively must be removed from the dog park immediately.
- F. Dog waste must be picked up.
- G. Children accompanying dog owners must be closely supervised.
- H. No more than three dogs per person.
- I. No food or alcohol.
- J. The small dog section is for dogs 25lb and less. The mixed size dog section is for both large and small dogs. (Applicable at dog parks with this option.)
- K. Dog Park Hours are 7:00 AM to 9:00 PM.
- L. The City of Palo Alto assumes no liability for the users of this area. Use these facilities at your own risk.

R1-33. UNAUTHORIZED CONSTRUCTION ACTIVITIES

No person shall deposit any earth, sand, rock, stone or other substance within any park facility, nor shall he/she dig or remove any such material from within any park facility, nor shall he/she erect or attempt to erect any building, wharf or structure of any kind by driving or setting up posts or piles, nor in any manner appropriate or encumber any portion of the real property owned by, operated, controlled or managed by the department without a permit from the director.

R1-34. USE OF UTILITIES

- A. Electrical, phone, data communication, and cable receptacles in Parks and Open Space may only be used or accessed for private use within the terms of a special use permit granted by the Community Services Department.
- B. Gas fixtures, water faucet spigots and irrigation water outlets that require a key or opening device in Parks and Open Space may only be used or accessed for private use within the terms of a special use permit granted by the Community Services Department.
- C. Sanitary sewers or storm drains in Parks or Open Space areas may not be used for the clean-out of personal septic systems under any circumstances.

R1-35. GATHERING WOOD IN OPEN SPACE AREAS

Gathering wood from or possessing wood that has been gathered from Open Space areas is not permitted.

R1-36. PARKING RESTRICTIONS

No person shall park a motor vehicle, except an authorized emergency vehicle, or when in compliance with the directions of a peace officer, ranger, or City employee, in any of the following places:

- A. In areas where prohibited by "NO PARKING" or "FIRE LANE - DO NOT BLOCK" signs.
- B. On any fire trail.
- C. On any equestrian or hiking trail.
- D. In such a place or manner as would block or obstruct any gate, entrance, or exit.
- E. In such a place or manner as to take up more than one marked parking space in any authorized parking area.
- F. In such a place or manner as to block or obstruct the free flow of traffic.
- G. Within 15 feet of a fire hydrant.
- H. Adjacent to any curb painted red.
- I. In any Park or Open Space land after sunset except pursuant to a written permit.
- J. In areas signed for permit parking on Park or Open Space land without a written permit.
- K. In any other place on Park or Open Space land not designated by the City as an authorized area.

The gravel parking lot at the Towle Campground at Foothills Park may only be used for parking by persons with camping reservations. There is a limit of 2 vehicles for the eight person campsites and 4 vehicles for sixteen-person campsites. The parking area is restricted to passenger vehicles and small trucks. Recreational vehicles, trailers or other self-contained vehicles (regardless of size, weight or number of axles) are not allowed in the Towle Campground parking lot or beyond the gate at the edge of Orchard Glen Picnic Area. Recreation vehicles or other self-contained vehicles may not be parked in Foothills Park over-night. Non-camping guests should park in the available day-use parking lots.

R1-37. OPERATION OF MOTOR VEHICLES

No person shall operate, propel, or leave standing any motor vehicle on Park or Open Space land, except:

- A. Emergency vehicles operated within the scope of official use.
- B. Upon roads, trails, or paths, which may from time to time be set aside and posted by the City for the use of specifically designated vehicles.
- C. Upon roads and parking areas open to the public during regular open hours.
- D. Motor vehicle includes, but is not limited to, any vehicle as defined by section 415 and/or 670 of the California Vehicle Code, motorcycles, off-road vehicles, "dirt bikes", and similar vehicles.

This section shall apply to all motorized bicycles, carts, scooters, hoverboards, skateboards, and electric personal assistive mobility devices (Segway or similar device)

except those devices used by disabled persons.

R1-37A. VEHICLE WEIGHT LIMIT ON BAYLANDS ROADS AND PARKING LOTS

No person shall operate or park any vehicle in excess of 6,000 pounds weight on any roads or within any parking lot of the City-owned Baylands or John Fletcher Byxbee Recreational Areas.

R1-38. VIOLATION – PENALTY

- A. The Director shall have authority to revoke a permit upon a finding of violation by the permittee or persons acting under the permit of any regulation contained in this chapter or upon a finding of violation of other City ordinance or law of this state in the exercise of the permit.
- B. The Director or designee shall have the authority to eject from any park facility any person acting in violation of regulations contained in this chapter.

R1-39. PLAYGROUNDS

No person shall use personal exercise equipment, including dumbbells and exercise straps, at any playground if it inhibits children from using the playground, or if the exercise equipment negatively impacts the playground surfacing or equipment.

R1-40. COMMUNITY GARDENS

The City of Palo Alto provides, subject to availability and a license agreement, space for Palo Alto residents to enjoy organic gardening. All persons visiting the Community Gardens must comply with the following rules:

- A. No dogs are allowed within the fenced area of any garden location except service dogs. PAMC 6.16.100
 - B. No smoking inside the Community Garden area or on pathways around the garden. PAMC 9.14.050
 - C. Garden visitors must stay on designated paths, and refrain from picking any produce or flowers subject to PAMC 22.04.270.
 - D. Wood chips at the garden are supplied only for the plot renters at the Community Garden for use within the Community Garden and shall not be removed by unauthorized persons.
 - E. Compost bins are for Community Gardeners use only subject to PAMC 5.20.030.
- The Director may promulgate guidelines for the registration and use of the community gardens that do not conflict with these rules.

R1-41. SIDEWALK VENDORS

- A. These regulations related to sidewalk vendors implement SB 946 (2018) as codified at Govt. Code 51036 *et seq.* “Sidewalk vendor” in this regulation shall have the same meaning as that in Govt. Code section 51036.
- B. Sidewalk vendors shall not operate in the following areas in Palo Alto parks:
 - 1. Maintenance or storage yards;
 - 2. Parking lots, parking stalls or designated parking areas;
 - 3. Trails less than 8 feet wide;

4. Grass, synthetic turf, synthetic track and vegetated areas. (Vendors may only be on hardscape areas such as asphalt, concrete, decomposed granite, and dirt trails that are at least 8-feet wide);
 5. Recreation areas designated for specific sports or activities (playing fields, courts, skateparks, etc.);
 6. In any location that interferes in any way with anyone engaged in a physical activity or entering onto any playing field, sport, or similar facility for use by participants or approaching spectators who are watching a sporting activity;
 7. Within 100 feet of any building, recreation center, senior center, bathroom, structure, or playground. Sidewalk vendors must not in any way impact the use and operation of these facilities;
 8. Anywhere in the Baylands Athletic Center and Stanford Palo Alto Playing Fields when snack shacks are open for business and are designated by the City as an exclusive concession;
 9. Within 5 feet of park benches;
 10. Within 25 feet of picnic tables;
 11. Within 25 feet of any fountain, monument, or art installation;
 12. Any park or open space area that has an exclusive permitted food provider (e.g. the Baylands Golf Links); and
 13. Any portion of a park or open space within 250-feet of any school site during instructional hours;
- C. Sidewalk vendors operating in the following open space areas are permitted only in the areas specifically designated as follows:
1. Baylands Nature Preserve

In the following area of the Baylands Nature Preserve, there is a limit of 1 vendor at a time (first come first served). Any additional vendors would start to block access for park visitors.



In the following area of the Baylands Nature Preserve, there is a limit of 1 vendor at a time (first come first served). Any additional vendors would start to block access for park visitors.



In the following area of the Baylands Nature Preserve, there is a limit of 1 vendor at a time (first come first served). Any additional vendors would start to block access for park visitors.



2. Esther Clark Park

There are no locations for sidewalk vendors at Esther Clark Park. Esther Clark Park has no areas that allow for sidewalk vending due to the fact it has no sidewalk or paved areas, as well as its location in a single-family residential neighborhood. The park is undeveloped and has no parking lots.

3. Foothills Nature Preserve

In the following area of the Foothills Nature Preserve, there is a limit of 1 vendor at a time (first come first served). Any additional vendors would start to block access for park visitors.



4. Pearson Arastradero Preserve

In the following area of the Pearson Arastradero Preserve, there is a limit of 1 vendor at a time (first come first served). Any additional vendors would start to block access for park visitors and reduce available parking.



- D. Sidewalk vendors in all park and open space areas shall comply with the following:
1. Sidewalk vending (including set-up and clean-up) is permitted only between 9:00 A.M. and 30 minutes prior to sunset and must vacate the park by sunset.
 2. No vending conveyance, stand, or pushcart shall touch, lean against, or be affixed to any lamp post, parking meter, mailbox, traffic signal, picnic table, fire hydrant, tree, plant, planter box, rock formation, bench, bus shelter, or trash can.
 3. Nothing in these regulations authorizes vending of personal services including but not limited to boot camps, massage services, yoga, dog training, animal rides, petting zoos, or sports/fitness classes.
 4. Cannot sell products whose use is prohibited in the park, including tobacco and cannabis.
 5. Cannot sell unsanitary or unsafe, dangerous, or harmful food, beverage, or merchandise. Including archery equipment, knives, sling shots, or any objects that appear to be weapons, such as squirt guns, toy guns, or toy knives.
 6. Are responsible for clean-up, storage, and subsequent removal from the park or preserve of any waste, food items, package, litter, or materials occurring because of or related to their vending activity.
 7. Are prohibited from placing any liquid or solid waste in park trash cans, including dumping ice on park property. Vendors must pack out their garbage and waste, including grease.
 8. Are prohibited from hooking up to or using any water, electrical, or gas outlets for the sale of their food or merchandise.
 9. Are prohibited from using park benches and picnic tables.
 10. For parks, the number of vendors per park are limited (a) to two (2) vendors per acre and not within 25 feet of another vendor, and (b) not to exceed eight (8) at any one time. For open space areas, only one vendor at a time is

allowed in the designated area (see maps)

11. Vending in park shall be on a first come first available basis.
12. Vending is prohibited during any City sponsored or permitted special event (e.g., festival, concert, movie night, class, carnival, parade, running event, class, or other permitted activity).
13. In open space areas, sidewalk vendors shall not make any outcry, blow a horn, ring a bell, or use any sound devices or musical instruments for the purpose of attracting the attention of potential patrons.

APPROVED:

City Manager

Date:

Director, Community Services

Adopted by City Council June 24, 2002; Revised June 28, 2004; Revised January 24, 2005. Revised February 3, 2006. Revised April 14, 2008. Revised March 14, 2011. Revised November 19, 2012 Revised May 20, 2013, Revised March 5, 2018, Revised February 2, 2021.