



CITY OF ESCONDIDO
COMMUNITY SERVICES DEPARTMENT
CODE OF CONDUCT

The standards in this Code of Conduct are intended to promote a safe, courteous, and respectful atmosphere at all City of Escondido (“City”) recreational areas.¹ Please be advised that all recreational areas are subject to the provisions set forth in Chapter 18 of the Escondido Municipal Code (“EMC”) and any violation of Chapter 18 may result in immediate ejection from recreational areas, administrative citations which may result in fines, and/or criminal charges which may result in fines and/or custody time.

For more information regarding the recreational areas, including hours of operation and locations, please visit: <https://recreation.escondido.org/facilities>.

STANDARDS OF CONDUCT

All individuals, including facility users, program participants, staff, volunteers, spectators, and visitors, must adhere to the following standards of conduct **at all times** while in recreational areas:

1. Comply with all applicable City policies; recreational area and public-school rules and regulations; and federal, state and local laws, including but not limited to Chapter 18, Article 4 of the EMC.
2. Refrain from any conduct which disturbs the peace and quiet of a recreational area, including by loud or unusual noise, sounding of an automobile horn, sounding of a noise-making device, the use of profane or obscene gestures, or by the use of abusive or threatening language.²
3. Refrain from touching any individual in a harmful or offensive manner, including but not limited to pushing, shoving, striking, or any other non-consensual touching.³
4. Comply with staff instructions during emergencies, including alarms such as security, fire or other emergency alarms; declared national, state, local or public health emergencies; or any other emergency circumstances.
5. Refrain from using any recreational areas outside the designated hours of operation⁴ or as otherwise directed by staff.⁵
6. Refrain from entering or using areas in violation of posted signs.⁶
7. Refrain from littering in any recreational area.⁷

¹ Recreational area means a park, playground, recreation center, public school athletic field, or any other area in the City owned or used by the City which is devoted to active or passive recreation. It shall include all adjacent facilities used in conjunction with the park such as restrooms and locker rooms.

² EMC, § 18-91.

³ Pen. Code, § 242.

⁴ EMC, § 18-72.

⁵ EMC, § 18-73.

⁶ EMC, § 18-76.

⁷ EMC, §§ 18-82 & 18-90.

8. Children under ten (10) years of age must be accompanied by a parent, legal guardian or responsible person at all times while in any recreational area. A responsible person is any individual of at least fourteen (14) years of age and authorized by a parent or legal guardian to have the care, custody and control of the child.
9. Refrain from marking, defacing, disfiguring, damaging, injuring, tampering with, or displacing or removing any City property in any recreational area.⁸
10. Cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.⁹
11. Refrain from polluting any body of water (e.g., any fountain, pond, lake, stream, etc.) in or adjacent to any recreational area with any substance, matter or thing, liquid or solid.¹⁰
12. Refrain from storing personal property anywhere in recreational areas, including in or behind bushes, trees, shrubs, or walls.¹¹ Unattended personal property may be removed and stored by staff.¹² Unclaimed personal property will be discarded after 30 days.
13. Refrain from the following conduct which is strictly prohibited in recreational areas:
 - a. Smoking tobacco or plant product intended for inhalation, whether natural or synthetic, including smoking from an electronic smoking device;¹³
 - b. Unauthorized use or possession of firearms of any description, or air rifles, spring guns, bows and arrows, slings or any other form of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device;¹⁴
 - c. Unauthorized use or possession of fireworks;¹⁵
 - d. Unauthorized building of fires;¹⁶
 - e. Unauthorized alcohol consumption or possession;¹⁷
 - f. Unauthorized possession of a controlled substance;¹⁸ and
 - g. Illegal gambling.¹⁹

DISCIPLINARY PROCESS

Administrative Remedies

A violator of the standards contained in this Code of Conduct may receive a verbal or written warning from staff. If a violator fails to correct a violation, then the violator shall be ejected from the recreational area for a period of 72-hours.²⁰ A warning is not a prerequisite for a re-occurring violation of the same provision within a 90-day period or a serious violation (e.g., violent acts, threats of violence, menacing, intimidating behavior, inappropriate physical contact). Failure to comply, or re-occurring or serious violations may result in a longer ejection period (e.g., 7, 30, 90 days or longer) from the recreational

⁸ EMC, § 18-77.

⁹ EMC, § 18-74.

¹⁰ EMC, § 18-83.

¹¹ EMC, § 17-23.

¹² EMC, § 18-71.

¹³ EMC, § 22A-2.

¹⁴ EMC, §§ 17-67 & 18-98.

¹⁵ EMC, §§ 17-76 & 17-77.

¹⁶ EMC, § 18-88.

¹⁷ EMC, § 18-102(a).

¹⁸ Health & Saf. Code, §§ 11350 *et seq.*

¹⁹ Pen. Code, § 330.

²⁰ EMC, § 18-70.

area. The Director of Communications & Community Services shall maintain records of any violations and disciplinary action.

Any person violating a section of the EMC may be subject to civil penalties by means of an administrative citation.²¹ The penalty assessed shall be at a rate of \$100 for the first violation, \$250 for the second violation of the same provision within one year, and \$500 for the third and each subsequent violation of the same provision within one year.²²

Any violation of the EMC is deemed a public nuisance, and may be, by the City, summarily abated as such.²³ Violations may be referred to the City Attorney's Office for appropriate legal action.

Criminal Penalties

A violation of any section of the EMC is a misdemeanor, unless otherwise provided by a particular section, punishable by a \$1,000 fine and/or six months in jail. Those sections declared to be an infraction where no specific penalty is provided therefor, shall be punishable by a fine of \$100 for a first violation, \$200 for a second violation of the same section within a year, and \$500 for a third or each subsequent violation of the same section within a year.

Any person who harasses or interferes with staff in the performance of their duties in a recreational area, or who by their conduct unreasonably interferes with the use of a recreational area by any other person, or who has committed any public offense in a recreational area, fails to leave, or who re-enters the recreational area within 72 hours after being requested to leave by staff in violation of EMC section 18-70 is guilty of a misdemeanor punishable by a \$1,000 fine and/or six months in jail.

Any person who intentionally interferes with City business, by obstructing or intimidating those attempting to carry on City business, or those persons transacting with the City, and who refuses to leave City premises after being requested to do so by City staff in a managerial or supervisory role or law enforcement at the request of City staff in a managerial or supervisory role, in violation of Penal Code section 602.1(b) is guilty of a misdemeanor punishable by a \$400 fine and/or 90 days in jail.

APPEAL PROCESS OF AGGRIEVED PARTY

A person challenging an ejection may ask to immediately speak with a supervisor.

Any person aggrieved by staff's finding of a violation and/or decision of disciplinary action may appeal to the Director of Communications & Community Services within ten (10) calendar days of said finding and/or disciplinary action. If no appeal is filed within the time prescribed, the violation finding and/or disciplinary action taken shall be sustained.

The decision of the Director of Communications & Community Services may be appealed to the City Manager within ten (10) calendar days of decision. If no appeal is filed within the time prescribed, the decision of the Director of Communications & Community Services shall be sustained. A decision of the City Manager shall be final.

All decisions shall be in writing and shall contain findings of fact and a determination of the issues presented.

All appeals must be filed with the Director of Communications & Community Services, must be in writing, and must include the name, address, and phone number of the appellant, the finding, action or decision

²¹ EMC, §§ 1A-5 *et seq.*

²² EMC, §1A-11.

²³ EMC, § 1-14.

appealed, and a concise statement of the reasons for the appeal. The written appeal of a decision of the Director of Communications & Community Services shall be forwarded to the City Manager upon receipt.