Agenda Report

DATE: February 2, 2010

TO: The Mayor and City Council

FROM: Sean P. Quinn, City Manager
       Gene S. Cortright, Public Works Director
       George R. Hicks, Assistant Public Works Director

SUBJECT: Public hearing and introduce an Ordinance of the City Council of the City of Fairfield amending Chapter 12B Parks and Recreation

RECOMMENDED ACTION
Hold the public hearing, introduce the ordinance, waive further reading of the ordinance in full and approve reading by title only, and approve first reading of ordinance.

STATEMENT OF ISSUE
Staff is recommending certain minor changes be made to Chapter 12B of the Fairfield City Code, which governs Parks and Recreation in the City of Fairfield. Recommended changes include those necessitated by the recent reorganization as well as the inclusion of a definition of firearms as well as several other minor clarifications.

DISCUSSION
As a result of the recently implemented City reorganization, the Park Planning and Park Ranger functions moved from the Community Services Department to the Public Works Department. This re-organization requires several minor changes to sections of City Code Chapter 12B in order to be consistent with this new structure.
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In addition to the code changes being proposed as a result of the City reorganization, changes to section 12B.2 – Unlawful Acts and 12B.9 – Code of Conduct are also being recommended. In reviewing the ordinance, staff noticed that the ordinance was silent on the use of firearms, pellet guns, BB guns, paintball guns, air soft guns, air rifles or any similar compressed air projectile devices, bow and arrow, sling-shot, or any deadly weapon within City parks and open space. Revisions are therefore proposed, which would allow the City to prohibit the use of such devices.

Minor clarifications to sections 12B.4(g)3, 12B.5 and 12B.7 are also included. Section 12B.4(g).3 was revised making it illegal to negligently ride a bicycle in any manner that would not only harm a person, but animal and property as well. Section 12B.5 was revised clarifying it is illegal to play with golf balls in parks or open space areas, but would still permit the use of wiffle-type golf balls. Section 12B.7 was revised to simply clarify the existing intent.

FINANCIAL IMPACT
N/A

PUBLIC CONTACT/ADVISORY BODY RECOMMENDATION
A summary of this ordinance will be printed and published in the Daily Republic. The summary will also be e-mailed to members of the Rockville Hills Regional Park stakeholder list.

ALTERNATIVE ACTION
The City Council could choose not to adopt the proposed amendments to the Fairfield City Code.

DOCUMENTS ATTACHED
Attachment 1: Ordinance

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Coordinated with: City Attorney
Community Resources Department
CITY OF FAIRFIELD
ORDINANCE NO. 2010- 01
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD AMENDING
CHAPTER 12B PARKS AND RECREATION

THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS FOLLOWS:

SECTION 1. Fairfield City Code Chapter 12B, Parks and Recreation, is hereby amended in its entirety to read as follows:

"CHAPTER 12B
PARKS AND RECREATION

12B.1 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Bicycle - A device upon which any Person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one (1) or more wheels. (Ord. 2004-11, § 1.)

City - City of Fairfield.

Director - The Director of Public Works or Community Resources.

Landscape Maintenance Manager - The Person designated to oversee the maintenance of Parks, Rockville Hills Regional Park and all other City owned or managed Open Space Areas.

Open Space Area(s) - Land as defined in Section 12D.7 of the Fairfield City Code, including Rockville Hills Regional Park. (Ord. 2004-11, § 1.)

Park - A Park, including playgrounds, swimming pools, and recreation facilities or buildings within Parks, or any other area in the City, owned or used by the City and devoted to active or passive recreation, excluding golf courses.

Park Planner - The City Planner designated by the Director to oversee the design and development of Parks and Open Space Areas. (Ord. 2004-11, § 1.)

Park Ranger - The Park Ranger(s) of Rockville Hills Regional Park and all other City-owned or managed Open Space Areas. (Ord. 2004-11, § 1.)

Person - Any person, firm, partnership, association, corporation, company, or organization of any kind.

Rockville Hills Regional Park – the regional park owned by the City of Fairfield and located in Solano County.
Skate Park or Node - The facilities and grounds of any area owned by the City of Fairfield and designed and designated for the riding, propelling or operating of skateboards, roller skates or in-line skates. (Ord. 2002-13, § 3; Ord. 2002-14, § 1.)

Use - The presence of any Person at or upon any Park or Open Space Area for any reason whatsoever, regardless of the length or brevity of any such presence.

Vehicle - Any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled, not including a bicycle. (Ord. No. 68-5, § 1; Ord. No. 88-34a, § 1.)

12B.2 Unlawful acts generally.

12B.2.1 No Person Using a Park or Open Space Area shall:

(a) Deface, disfigure, injure, or remove any building, structures, equipment, facilities, property, or appurtenances, either real or personal. (Ord. 2004-11, § 1.)

(b) Use restrooms and washrooms designated for the opposite sex, if over the age of five (5) years.

(c) Construct or erect any building or structure, except on special written permit issued by the Director.

(d) Stray from authorized trails or paths.

(e) Go upon any lawn, play area, or recreation facility where such prohibition is indicated by proper and legible signs.

(f) Hunt, molest, kill, tease, disturb, injure, trap, take, net, poison, harm, or throw objects at any wild animal, whether living or dead, nor remove, destroy or in any manner disturb the natural habitat of any animal. No Person shall molest, disturb, harass, harm, remove or kill any farm animal or in any manner damage or destroy the equipment associated with grazing operations. This section does not apply to the taking of fin fish (fin fish does not include crawfish or frogs) from any water area, and such fishing shall be in accordance with the rules and regulations established by the City of Fairfield; provided, however, that no Person shall utilize a spear or arrow while fishing. (Ord. 2004-11, § 1.)

(g) Ride or bring a horse into a Park or Open Space Area, unless prior written permission has been obtained from the Director. (Ord. No. 88-34a, § 1; Ord. 2004-11, § 1.)
(h) Fish without a valid State of California Fishing License if he or she is over the age of sixteen (16), except as otherwise posted. Every Person, while engaged in taking any fish, amphibian or reptile, shall display his or her valid State Fishing License by attaching it to his or her outer clothing at or above the waistline so that it is plainly visible. All State Fish and Game laws and regulations which are applicable shall apply. (Fish and Game Code, Section 7145; Ord. 2004-11, § 1.)

(i) Damage, injure, collect or remove any plant or tree or portion thereof, whether living or dead, including but not limited to flowers, mushrooms, bushes, vines, grass, turf, cones and dead wood. (Ord. 2004-11, § 1.)

(j) Damage, injure, collect or remove earth, rocks, sand, gravel, fossils, minerals or any article or artifact of geological interest or value. In addition, California Penal Code Section 623 pertaining to damage to caves shall apply. (Ord. 2004-11, § 1.)

(k) Bring glass into any Park or Open Space Area. (Ord. 2004-11, § 1.)

(l) Access the Park or Open Space Area, or allow an animal to access the Park or Open Space Area by crossing over or through a fence, including by placement of a gate in a fence.

(m) Undertake any activity under this Chapter for which a permit, pass, or permission is required without receiving such permit, pass, or permission and paying the fee, if any, as set forth pursuant to Section 12B.18. (Ord. 2004-11, § 1.)

(n) Construct, repair, maintain or alter a trail without written permission from the Director or Park Ranger. (Ord. 2004-11, § 1.)

(o) Use, occupy, or otherwise remain in a building, structure, facility, parking area, picnic area, campsite, or other area for which a fee is charged and a permit or pass required unless that Person has paid the required fee and/or possesses a valid permit or pass, or written permission to do so has been obtained from the Director. (Ord. 2004-11, § 1; Ord. 2007-22, § 1.)

(p) Possess or use any firearm, pellet gun, BB gun, paintball gun, air soft gun, air rifle or any similar type of compressed air projectile device, bow and arrow, sling-shot, or any deadly weapon.

12B.2.2 No Person Using an Open Space Area shall light, smoke or possess lit cigarettes, cigars, other tobacco products or any substances for smoking.
12B.2.3 No Person Using an Open Space Area shall sell, use, possess and/or discharge any fireworks, including, but not limited to, dangerous fireworks or safe and sane fireworks.

12B.3 Sanitation.

No Person Using a Park or Open Space Area shall:

(a) Place, by any means, any substance which will or may result in the pollution of waters.

(b) Dump any refuse or trash, but shall place it in the proper receptacles where these are provided. Where receptacles are not provided, waste shall be carried away by the Person responsible for its presence, and properly disposed of elsewhere. (Ord. No. 68-5, § 3.)

12B.4 Traffic and parking regulations.

No Person Using a Park or Open Space Area shall:

(a) Fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of Vehicles together with such regulations as are contained in this chapter and ordinances of the City regulating traffic.

(b) Ride or drive a Vehicle or Bicycle at a rate of speed exceeding fifteen (15) miles an hour, except upon such roads as designated, by posted signs. (Ord. 2004-11, § 1.)

(c) Drive any Vehicle on any area except paved roads or parking areas, fire roads or such other areas as may on occasion be specifically designated as temporary parking areas by the Director, Park Ranger, Landscape Maintenance Manager, or Park Planner. (Ord. 2004-11, § 1.)

(d) Park or leave standing any motor Vehicle except in parking spaces designated by signs or pavement marked with lines designating such parking spaces.

(e) Park any Vehicle in a parking lot where a fee is charged without paying the fee and displaying the receipt in the required place. (Ord. 2004-11, § 1.)
(f) Leave a Bicycle in a place other than a Bicycle rack when such is provided, and there is space available.

(g) Ride or operate any Bicycle:

(1) On other than a paved vehicular road, fire road, or trail or path designated for that purpose. In a Park, a bicyclist may wheel or push a Bicycle by hand over the grassy area or wooded trail or on any paved area reserved for pedestrian use.

(2) Cross country in Open Space Areas.

(3) In a negligent, unsafe or reckless manner or in a way that endangers a Person, animal or property.

(4) On the main trail of Rockville Hills Regional Park at a rate of speed exceeding five (5) miles per hour, or in an irresponsible manner in violation of published International Mountain Biking trail etiquette or posted Bicycle speed limits.

(5) In any area that is posted as closed.

(6) In Open Space Areas without a helmet regardless of age.

12B.5 Playing or practicing golf.

No Person shall drive, putt, or in any other fashion play or practice golf using golf balls on Park or Open Space Area facilities except in areas set aside for those specific activities. (Ord. No. 68-5, § 5.)

12B.6 Use of model crafts restricted.

No Person shall fly model airplanes, or operate model boats or model automobiles or model craft of any kind or description on Park or Open Space Area facilities, except in areas set aside for those specific activities. (Ord. No. 68-5, § 6.)

12B.7 Swimming.

No Person in a Park or Open Space Area shall swim, bathe, be naked or wade in the water of any lake or stream, except with the permission of a Park Ranger. No Person in a Park or Open Space Area shall pollute the water of any lake or stream. (Ord. No. 68-5, § 7, Ord. 2004-11, § 1.)
12B.8 Picnic areas.

No Person Using a Park shall:

(a) Picnic or lunch in a place other than those designated for that purpose. City staff shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end. Individual/group barbecues or tables and benches shall be used on the basis of "first come, first served," unless reserved by order of the Director. (Ord. 2004-11, § 1.)

(b) Use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other Persons, except in accordance with section 12B.15.

(c) Leave any area before his/her fire is completely extinguished and before all trash and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the area by the picnicker to be properly disposed of elsewhere. (Ord. No. 68-5, § 8; Ord. No. 88-34a, § 1, Ord. 2004-11, § 1.)

12B.9 Rules of conduct.

No Person Using a Park or Open Space Area shall:

(a) Bring alcoholic beverages, or drink alcoholic beverages at any time except where a written permit to possess beer or wine in a specific Park or Open Space Area has been obtained from the Director at least twenty-four hours before Using the area. Gatherings of twenty-five (25) or more people obtaining a written permit to possess beer or wine in a specific Park or Open Space Area must also comply with insurance requirements. Such permit shall be issued upon payment of the permit fee and compliance with the insurance requirements. Notwithstanding the foregoing, no alcohol shall be permitted in Rockville Hills Regional Park at any time. (Ord. No. 95-5, § 1, Ord. 2004-11, § 1.)

(b) Be under the influence of intoxicating liquor.

(c) Have brought or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound, would be dangerous from any of the foregoing standpoints.
(d) No Person shall permit a dog or miniature pot bellied pig to enter or remain unless it be led by leash. The owner or the attendant shall be responsible for any damage caused, in any event, by such dog or miniature pot bellied pig, even if on leash. Notwithstanding the foregoing, no Person shall bring a dog into Rockville Hills Regional Park without first having purchased a pass for that purpose. (Ord. No. 95-5, § 1, Ord. 2004-11, § 1.)

(e) Fail promptly to remove and deposit in an appropriate receptacle any fecal matter deposited by a dog or miniature pot bellied pig in said Person’s charge. (Ord. No. 91-36, § 1; Ord. No. 95-5, § 1.)

(f) Make or kindle a fire for any purpose, except at places provided for such purpose, unless prior special written permission is obtained from the Director or Park Ranger. (Ord. 2004-11, § 1.)

(g) Enter an area posted as "Closed to the Public," nor shall any Person Use any area in violation of posted notices.

(h) Operate, or permit the operation of a sound amplification device or system except where a written permit to operate a sound amplification device in a specific area has been obtained from the Director at least twenty-four hours before Using the area. Such permit shall be issued upon payment of the permit fee and compliance with the insurance requirements. Sound amplification shall not be at a level to disturb the peaceful enjoyment of other Users and the surrounding neighborhood. (Ord. No. 95-5, § 1.) Ord. 2004-11, § 1.)

(i) Expose the genitals, pubic region, buttocks, and/or the areola and nipple of the female breast.

12B.10 (Reserved)

12B.11 Loitering during certain hours prohibited.

No Person shall remain, stay, or loiter in any public Park or Open Space Area, between the hours of 30 minutes past sunset and sunrise of the following day without approval from the Director, Park Ranger or Landscape Maintenance Manager. Persons participating in or attending City-sponsored activities are excepted. Hours may be modified by the Director at any time. (Ord. No. 68-5, § 11; Ord. No. 88-34a, § 1; Ord. No. 95-5, § 1, Ord. 2004-11, § 1, Ord. 2006-24, § 1.)
12B.12 Camping.

No Person shall camp in any Park or Open Space Area, except in areas as established by the City. Camping is defined as erecting a tent or shelter, or arranging bedding, or both, for the purpose of, or in such a way as will permit, remaining overnight.

12B.13 Certain City officials may close sections of Parks or Open Space Areas.

Any section or part of a Park or Open Space Area may be declared closed to the public by the Director, Park Planner, Landscape Maintenance Manager or Park Ranger at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses. (Ord. No. 68-5, § 13; Ord. 88-34a, § 1, Ord. 2004-11, § 1.)

12B.14 Lost and found articles.

The finding of lost articles shall be reported to the Director who shall make every reasonable effort to find articles reported as lost. (Ord. No. 68-5, § 14; Ord. No. 88-34a, § 1.)

12B.15 Permit for exclusive Use of Park or Open Space Area facility.

A permit shall be obtained from the Director for exclusive Use of any Park or Open Space Area facility or grounds.

(a) Application. A Person seeking issuance of a permit hereunder shall file an application with the Director.

(b) Standards for issuance. The Director shall issue a permit hereunder when she/he finds:

(1) The proposed activity and Use will not unreasonably interfere with or detract from the general public enjoyment of the area.

(2) The proposed activity and Use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.

(3) The proposed activity or Use is not unreasonably anticipated to incite violence, crime, or disorderly conduct.
(4) The proposed activity will not entail unusual, extraordinary, or burdensome expense or public safety operation by the City.

(5) The facilities desired have not been reserved for other Use at the day and hour required in the application.

(c) Effect of permit. A permittee shall be bound by all applicable rules and regulations and all applicable ordinances fully as though the same were inserted in such permits.

(d) Liability of permittee. The Person(s) to whom a permit is issued shall be liable for any loss, damage, or injury sustained by any Person whatsoever, by reason of the negligence of the Person to whom such permit shall have been issued.

Revocation. The Director shall have the authority to revoke a permit upon a finding of violation of any rules or ordinance, or upon good cause shown. (Ord. No. 68-5, § 15; Ord. No. 88-34a, § 1.)

12B.16 Rules of conduct at Skate Park or Nodes.

(a) No Person shall Use a designated Skate Park or Node for uses other than riding, propelling or operating a skateboard, roller skates or in-line skates. The riding, propelling or operating of Bicycles, scooters, motorized wheeled devices, Vehicles or other similar wheeled devices in or upon the Skate Park or Node is prohibited.

(b) Any Person riding, propelling or operating a skateboard, roller skates or in-line skates shall wear a properly-fitted protective helmet, elbow pads and knee pads at all times.

(c) Use of a designated Skate Park or Node is prohibited at all times other than normal park operating hours.

(d) The Director shall cause signs to be posted at all designated Skate Parks or Nodes providing reasonable notice of the applicable requirements of this Code and providing that any Person failing to comply with any provision of this Chapter may be subject to citation, ejection from the designated Skate Park or Node and/or may have any skating equipment, Vehicle or other wheeled device confiscated. (Ord. 2002-13, § 4; Ord. 2002-14, § 2.)
12B.17 Enforcement.

(a) The Director, Park Ranger, Landscape Maintenance Manager and any designated City staff shall have the authority to enforce the provisions of this Chapter. (Ord. 2004-11, § 1.)

(b) The Director, Park Ranger, Landscape Maintenance Manager and any designated City staff shall have the authority to eject from a Park or Open Space Area any Person acting in violation of this Chapter. (Ord. 2004-11, § 1.)

(c) The Director, Park Ranger, Landscape Maintenance Manager and any designated City staff shall have the authority to seize and confiscate any property, thing, or device in the Park or Open Space Area that is used in violation of this Chapter. (Ord. 2004-11, § 1.)

(d) This section is not intended to exclude enforcement by any other duly authorized Person or agency.

(e) The ejection of Persons from any Park or Open Space Area as provided in subsection (b) and the confiscation of property as provided in subsection (c) shall not be construed as a specific penalty within the meaning of section 1.7 of the Fairfield City Code. (Ord. No. 68-5, § 16; Ord. No. 79-21, § 1, Ord. No. 88-34a, § 1, Ord. 2004-11, § 1.)

12B.18 Fees.

The City Council may, from time to time, establish fees for permits and passes required under this Chapter 12B. (Ord. 2004-11, § 1.)

12B.19 Applicability of other laws.

Other local, state and federal laws are applicable where not modified herein. (Ord. No. 68-5, § 17.)

SECTION 2. This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Councilmembers voting for and against it.
INTRODUCED at a regular meeting of the City Council of the City of Fairfield on the 2nd day of February 2010; and

PASSED AND ADOPTED this ___ day of ________, 2010, by the following vote:

AYES: Councilmembers: ________________________________

NOES: Councilmembers: ________________________________

ABSENT: Councilmembers: ________________________________

ABSTAIN: Councilmembers: ________________________________

MAYOR

ATTEST:

CITY CLERK