

CITY OF DANA POINT
AGENDA REPORT

Reviewed By:	
DH	<u> x </u>
CM	<u> x </u>
CA	<u> </u>

DATE: SEPTEMBER 13, 2006

TO: HONORABLE MAYOR AND CITY COUNCIL/CITY MANAGER

FROM: SHARIE APODACA, ADMINISTRATIVE SERVICES DIR.
KEVIN EVANS, RECREATION MANAGER

SUBJECT: PARKS AND RECREATION FACILITIES REGULATIONS

RECOMMENDED ACTION:

Staff recommends approval of amendments to the Municipal Code in anticipation of taking ownership of Lantern Bay Park from the County of Orange effective September 1, 2006; to continue and effectively regulate permits for private weddings/events at that park that involve alcohol consumption; to enhance City-sponsored events; and to mitigate public nuisances related to park uses.

A. Approve second reading and adoption of:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 13.04.030, 13.04.090, 13.04.130, 13.04.170, AND 13.04.220 OF THE MUNICIPAL CODE AND ADDING SECTION 13.04.235 TO THE MUNICIPAL CODE REGARDING PARKS AND RECREATIONAL FACILITIES REGULATIONS

DISCUSSION:

At the Council Meeting of August 23, 2006, the City Council approved first reading of the attached ordinance (**ACTION DOCUMENT A**) amending the City's Park and Recreation Facilities Regulations. Staff is requesting the Council approve second reading and adoption of this ordinance which would become effective on October 13, 2006. The ordinance revisions are intended to maintain the quality of life enjoyed by our residents and protect the health and safety of all community members and visitors by:

- Imposing restrictions on amplified sound in City parks, and prohibiting bounce houses from City parks;

- Regulating and restricting the sale, service and consumption of alcohol for private events/weddings to Lantern Bay Park only and subject to the Parks Use Policy and an administrative permitting process; and
- Allowing for the sale, service and consumption of alcohol in any City park but only in conjunction with City-sponsored events, and subject to the Parks Use Policy and an administrative permitting process; and
- Allowing dogs to be off leash when inside Dog Fun Zones, but must be accompanied at all times by its owner or the individual responsible for the dog.

At your prior meeting the Council also approved the revised Parks and Overlooks Use Policy and Fee Schedule, and authorized the City Manager to administratively amend the policy as warranted. The policy was revised by the City Council to change the park use classifications for Pines Park from Classifications 1 through 4 to Classifications 1 through 3. That change will be noted in the final document prior to publication and dissemination once the ordinance is in effect.

Finally, the Council took no action on staff's recommendation to adopt a resolution to designate Del Obispo Park as a No Skateboarding Area. It was the consensus of the Council that skateboarding should not be banned from Del Obispo Park absent an alternative location for this activity. Staff was directed to explore other venues city-wide that could potentially accommodate a skateboard park area, including joint uses with other jurisdictions such as the County and school district. Staff will consider other options and report back to the City Council on this matter.

It is recommended that the Council adopt the ordinance to implement the code amendments described above.

NOTIFICATION AND FOLLOW-UP:

- Post information on City website
- Publish information in Recreation Guide

STRATEGIC PLAN INITIATIVE:

- Protect the health, safety and welfare of our residents, businesses and visitors.
- Promote cultural arts and human services.

FISCAL IMPACT:

None. Administrative costs will be covered by the existing fee schedule. The Facility Use Fees and Security/cleaning Fees will be reviewed for necessary adjustments in conjunction with the City-wide Fee Study that is in progress.

ALTERNATIVE ACTIONS:

Other actions as deemed appropriate by the City Council.

ACTION DOCUMENTS: **PAGE NO.**

- A. [Ordinance amending Chapter 13.04.....7](#)

ACTION DOCUMENT A**ORDINANCE NO. 06-**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 13.04.030, 13.04.090, 13.04.130, 13.04.170, AND 13.220 OF THE MUNICIPAL CODE AND ADDING SECTION 13.04.235 TO THE MUNICIPAL CODE REGARDING PARKS AND RECREATIONAL FACILITIES REGULATIONS.

WHEREAS, the City of Dana Point ("City") seeks to safeguard the safe and orderly use of its parks and recreational facilities for the benefit of residents and visitors alike; and

WHEREAS, the City seeks to either allow, conditionally allow or prohibit certain uses in its parks and recreational facilities in order for people to enjoy the City's parks and recreational facilities to their fullest extent while retaining a safe and orderly environment for all users; and

WHEREAS, to facilitate the above stated goals, the City desires to amend and add sections to Chapter 13.04 of the Dana Point Municipal Code.

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13.04.030 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

13.04.030 Hours of Use.

It shall be unlawful for any person to enter, loiter or remain in any park at any time between the hours of 10:00 p.m. and 6:00 a.m. or in any City building between the hours of 11:00 p.m. and 6:00 a.m. except as follows:

- A. City employees or agents and peace officers when engaged in official business;
- B. Persons with permits issued by the City Council or the City Manager or his/her designee;
- C. Persons and/or spectators participating in City-sponsored or City-approved programs which take place outside posted hours of operation;
- D. Shipwreck Park will be closed at sunset throughout the year.

SECTION 2. Section 13.04.090 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

13.04.90 Leash Requirements for Pets in Parks.

It shall be unlawful for the owner or individual responsible for a dog, or other pet which may become a nuisance if unrestrained, to allow such dog or pet to be within a park unless the dog or pet is restrained on a leash. This leash requirement is not applicable to dogs in enclosed City-designated "Dog Fun Zones" as long as the owner or individual responsible for the dog is within close proximity, supervising the dog, and able to immediately release the dog as necessary. The owner or individual responsible for the dog or pet must immediately clean up any fecal matter deposited by the dog or pet in any park.

SECTION 3. Section 13.04.130 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

13.04.130 Bicycles, Skateboards, Rollerblades and Similar Items.

It shall be unlawful for any person to bicycle, skateboard, rollerblade or use a similar item of any type on tennis courts, handball courts, ball diamonds, patios, porches, play apparatus areas, and all other areas which are not designed or customarily used for such a purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or path reserved for pedestrian use.

SECTION 4. Section 13.04.170 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

13.04.170 Alcoholic Beverages.

It shall be unlawful for any person or organization to serve, or cause to be served, consume or possess alcoholic beverages of any kind whatsoever on any park grounds or in any park building unless specifically permitted by the prior written approval of the City. Permits must be obtained in accordance with City policies regulating the use of City parks and facilities.

SECTION 5. Section 13.04.220 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

13.04.220 Weddings and Private Events.

Weddings, events and related activities held in parks are only authorized if specifically permitted by the prior written approval of the City by its City Manager or his/her designee. Permits must be obtained in accordance with City policies regulating the use of City parks and facilities.

SECTION 6. Section 13.04.235 of the Dana Point Municipal Code is hereby added to read in its entirety as follows:

13.040.235 Bounce Houses.

Bounce houses and similar items are prohibited in all City parks.

SECTION 7. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2006.

LARA ANDERSON, MAYOR

ATTEST:

KATHY WARD,
ACTING CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, Kathy Ward, Acting City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 06-__ introduced at a regular meeting of the City Council held this _____ day of _____, 2006, and passed and adopted at a regular meeting held _____, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

KATHY WARD, ACTING CITY CLERK