Council/Agency Meeting Held:_____ Deferred/Continued to:_____ ❑ Approved ❑ Conditionally Approved ❑ Denied	_____ City Clerk's Signature
Council Meeting Date: 5/16/05	Department ID Number: CA 05-17

CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR CITY COUNCIL MEMBERS

SUBMITTED BY: JENNIFER MCGRATH, City Attorney

PREPARED BY: JENNIFER MCGRATH, City Attorney

SUBJECT: Adoption of Ordinance No. 3715 Amending HBMC Chapter 13.48 relating to animals in the park.

RECEIVED CITY CLERK CITY OF HUNTINGTON BEACH 2005 MAY - 4 A 7:29

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: At the City Council meeting of March 21, 2005, Council directed staff to prepare an ordinance prohibiting dogs in Southern California Edison (SCE) parkland areas. Pursuant to agreements with Southern California Edison Company, the City is permitted to use SCE parks for recreation purposes. Contained in the agreement is a prohibition against dogs in these park areas. Up until now there has been no sign postings in the parks by the City of this prohibition. Adoption of this ordinance would establish a means of enforcement of this provision, which in turn would ensure the City's compliance with the terms of its agreement with SCE.

Funding Source: N/A

Recommended Action: Approve Ordinance No. 3715 Amending Chapter 13.48 of the Huntington Beach Municipal Code Relating to Animals in the Park.

Alternative Action(s): Do not approve Ordinance No. 3715.

Analysis: For many years, the citizens of Huntington Beach have enjoyed SCE parklands for recreational uses. The SCE parklands are an enhancement to neighborhoods and significantly augment the amount of parks in the City as a whole. It is important that the City adhere to all provisions of the park use agreements with SCE to continue this relationship. Violation of the agreement by the City would permit SCE to withdraw from the agreement, thereby prohibiting the public's recreational use of its parklands.

G-26

REQUEST FOR ACTION

MEETING DATE: 5/16/05 **DEPARTMENT ID NUMBER:CA 05-17**

Environmental Status: N/A

Attachment(s):

City Clerk's Page Number	No.	Description
3	1.	Ordinance No. 3715 An Ordinance of the City of Huntington Beach Amending Chapter 13.48 of the Huntington Beach Municipal Code Relating to Animals in the Park
5	2.	Legislative Draft of Chapter 13.48

G-2b.2

G-2b.3

ATTACHMENT NO. 1

ORDINANCE NO. 3715

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 13.48 OF THE HUNTINGTON BEACH MUNICIPAL CODE RELATING TO ANIMALS IN THE PARK

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 13.48.070 of the Huntington Beach Municipal Code is hereby amended to read as follows:

13.48.070 Animals.

(a) No person shall ride, lead or let loose any cattle, horse, mule, goat, sheep, swine, cat, dog, fowl or animal of any kind in a park except that it shall not be unlawful to have dogs, physically restrained by a leash not in excess of six (6) feet, or to ride horses on trails specifically provided for them. No person shall permit a dog to be or remain unattended outside a tent, camper or other enclosed vehicle between the hours of sunset and sunrise. No person shall keep or permit to remain any dog which is noisy, vicious or dangerous or which disturbs other persons within the boundaries of a park after such person has been directed by a park ranger to remove such dog. No person shall trap, kill, injure, catch or maltreat any wild or domesticated bird or animal; or destroy, remove or disturb any of the young or eggs of same, or permit any dog to pursue, trap, kill or wound any wild or domesticated bird or animal, except that the provisions of this section shall not apply to City employees regulating animal populations that have been declared a nuisance or hazard by the Director consistent with laws protecting such animals.

(b) In all areas of parks where signs have been posted prohibiting dogs or other animals in the posted area, no person shall permit or allow any dog or other animal to be under any circumstances on or upon that portion of the park.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2005.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Jennifer McGrath SCS 4-21-05
4/21/05 City Attorney

REVIEWED AND APPROVED:

Carolyn Cullen Crapo
City Administrator

INITIATED AND APPROVED:

Jim B Engle
Director of Community Services

05ord/chap 13.48

G-2b.4

G-2b.5

ATTACHMENT NO. 2

ORDINANCE NO. 3715

LEGISLATIVE DRAFT

Chapter 13.48

PARKS

(434-3/40, 511-5/47, 564-10/50, 1026-2/64, 1246-10/66, 1478-4/69, 1547-1/70, 2043-4/76, 2099-9/76, 2303-9/78, 2451-11/80, 2824-4/87, 2851-8/86, 2964-10/88, 3181-1/93, 3295-8/95, 3373-11/97)

Sections:

13.48.010 Definitions
13.48.015 Park Rangers
13.48.020 Unlawful acts
13.48.025 Signs
13.48.030 Vandalism
13.48.040 Public toilets
13.48.050 Littering
13.48.060 Vehicles operations--Parking
13.48.061 Vehicles--Speed
13.48.070 Animals
13.48.080 Boisterous conduct
13.48.090 Gambling
13.48.100 Vending and peddling
13.48.110 Alcoholic beverages
13.48.120 Games and activities
13.48.125 Safety regulations and signs
13.48.130 Curfew
13.48.140 Advertising
13.48.145 Camping
13.48.150 Violations--Penalty
13.48.155 Nuisance

13.48.010 Definitions. For the purposes of this chapter, the following terms shall have the meanings as set forth herein, unless the context in which they are used clearly indicates a contrary meaning:

(a) "Alcoholic beverages" means any and all spirituous, vinous, malt or fermented liquor, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing one-half of 1 percent, or more, of alcohol by volume which are potable or fit as, or which may be used for beverage purposes.

(b) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, corporation or any other group acting as a unit.

(c) "Sound amplifying system" means and includes any system of electrical hookup or connection, loudspeaker system or equipment, sound amplifying system and any apparatus, equipment, device, instrument or machine designed for or intended to be used for the purpose of amplifying sound or increasing the volume of the human voice, musical tone, vibration, or sound wave. This definition shall not apply to the regular and customary use of portable radios, televisions, record players or tape recorders played or operated in such places at such times so as not to disturb other persons in their permitted uses of the park.

(d) "City" means the City of Huntington Beach.

(e) "Director" means the Director of the Community Services Department or other person(s) authorized by him, pursuant to law, to act in his stead.

(f) "Department" means the Department of Community Services.

(g) "Park" includes every park recreation center, lake, pond or other body of water, riding and hiking trail, parking lot and every other recreation facility owned, managed and/or controlled by the City and under the jurisdiction of the Director.

(h) "Permission" means written permission, granted by the Director or his authorized agent. (1246-10/66, 2451-11/80)

(i) "Skateboard Park" means any facility that is designed and maintained for the purpose of recreational skateboard use. (3181-1/92)

(j) "Skateboard" means a board of any material which has wheels attached and such wheels may be used for moving or propulsion. (3181-1/92)

13.48.015 Park Rangers. For the purpose of this chapter, all Park Rangers are designated "limited power peace officers." Such Park Rangers shall have the authority to issue citations and/or make arrests for violations of this chapter, pursuant to section 836.5 of the California Penal Code. (2451-11/80, 2964-10/88)

13.48.020 Unlawful acts. It is unlawful for any person to do or commit, or for any person to cause or permit to be done or committed within the boundaries of any public park within the City of Huntington Beach, any act in the following sections. (1026-2/64, 1246-10/66)

13.48.025 Signs. No person shall fail or refuse to obey or comply with any notice or sign, including warning, regulatory and road markings, placed by order of the Director for the safety or control of persons, vehicles or animals. No person shall willfully refuse to follow or comply with any lawful order or direction given by a department employee. (2451-11/80)

13.48.030 Vandalism. No person shall willfully cut, break, injure, deface, disfigure, mark or write upon, paint, carve, burn, tamper with, attach rope or wire to, displace or remove any tree, shrub, plant, turf, rock, sand, soil, wood, building, fence, table, bench, barbecue unit, pole, light, playground apparatus, bridge, railing, paving material, fountain, trash receptacle, waterline or other public utility, part or appurtenance thereof, sign, notice or placard, whether temporary or permanent, monument, stake, post or other boundary marker, equipment, tools, implements, materials, any structure or park facility whatsoever, either real or personal. (1026-2/64, 1246-10/66, 2451-11/80)

13.48.040 Public toilets. No person shall fail to cooperate in maintaining public toilets in a neat and sanitary condition nor shall any person loiter in or about any public toilet or enter any public toilet designated for the opposite sex except that this provision shall not apply to persons under five years of age that are accompanied by a parent or guardian. (1026-2/64, 1246-10/66, 2303-9/78)

13.48.050 Littering. No person shall deposit, throw, discharge or otherwise place any paper, ashes, dirt, bottles, broken glass, cans, trash, litter, animal carcass, rubbish, debris or any substance, matter or thing, either liquid or solid in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or in or on the grounds of said park except in the proper receptacles where these are provided; nor shall any person within any park wash eating or cooking utensils elsewhere than in the sinks provided for such purposes; nor shall any person bring any such substance, except litter accumulated in the course of automobile travel, into a City park for the purpose of disposal thereof in City park facilities. Where receptacles are not provided, all such rubbish or waste shall be carried from the park by the person responsible for its presence and properly disposed of elsewhere. (434-3/40, 511-5/47, 1026-2/64, 1246-10/66, 2451-11/80)

13.48.060 Vehicle operations--Parking.

G-26?

(a) Parking. No person shall operate, drive, ride, park or leave standing any automobile, truck, motorcycle, motor scooter, motorized bicycle, gocart or any other motor vehicle or any other vehicle at any time in any park; provided, however, that the provisions of this section shall not apply to those specific areas within any public park of the City which shall have been regularly and lawfully set aside for the use of vehicles; and provided further that the provisions of this section shall not apply to any vehicle used or owned by the City or any vehicle to which a temporary parking pass has been issued by the City or any commercial vehicle making lawful deliveries to or otherwise lawfully engaged in any undertaking or enterprise within any public park of the City. No person shall park and leave unattended any vehicle in areas other than those designated for parking. Vehicles left unattended in any area, except those designated for parking, without permission, may be towed away and stored by the City and said removal and storage costs shall be charged to and paid by the owner prior to release. Nor shall any person ride or drive a bicycle, skateboard or roller skates upon any tennis, handball, basketball, shuffleboard or multipurpose court in a City park. (1246-10/66, 2451-11/80, 3373-11/97)

(b) Upon proof of valid California vehicle registration, proof of insurance as required by the California Vehicle Code and proof of a valid driver's license, the operator of a vehicle may be issued a temporary parking pass by the Director of Community Services or his designated representative. The pass will entitle the holder to park or operate a vehicle during short term use of park facilities. The pass must be displayed at all times on the front dashboard of the vehicle or in a manner so that it is clearly visible through the windshield. (3373-11/97)

13.48.061 Vehicles--Speed. No person shall operate any wheeled conveyance of any type in any park at a speed in excess of 10 miles per hour unless a greater speed is posted. The maximum speed limit when pedestrians are present shall be five (5) miles per hour. (2851-8/86)

13.48.070 Animals.

(a) No person shall ride, lead or let loose any cattle, horse, mule, goat, sheep, swine, cat, dog, fowl or animal of any kind in a park except that it shall not be unlawful to have dogs, physically restrained by a leash not in excess of six (6) feet, or to ride horses on trails specifically provided for them. No person shall permit a dog to be or remain unattended outside a tent, camper or other enclosed vehicle between the hours of sunset and sunrise. No person shall keep or permit to remain any dog which is noisy, vicious or dangerous or which disturbs other persons within the boundaries of a park after such person has been directed by a park ranger to remove such dog. No person shall trap, kill, injure, catch or maltreat any wild or domesticated bird or animal; or destroy, remove or disturb any of the young or eggs of same, or permit any dog to pursue, trap, kill or wound any wild or domesticated bird or animal, except that the provisions of this section shall not apply to City employees regulating animal populations that have been declared a nuisance or hazard by the Director consistent with laws protecting such animals.

(b) In all areas of parks where signs have been posted prohibiting dogs or other animals in the posted area, no person shall permit or allow any dog or other animal to be under any circumstances on or upon that portion of the park.

13.48.080 Boisterous conduct. No person shall maliciously or willfully disturb the peace or quiet of a park or of any person therein, by loud or unusual noises, or by indulging in riotous, boisterous, threatening, indecent or offensive conduct, or by using abusive, profane, indecent or vulgar language. No person shall, within any park, disturb in any manner any picnic, meeting, services, concert, exercise or exhibition. No person shall play or utilize any sound-amplifying system within or upon any park or facility not set aside for such purpose by the City Council or the Director. (434-3/40, 511-5/47, 1026-2/64, 2451-11/80)

13.48.090 Gambling. No person shall gamble or engage in gambling. (1246-10/66)

13.48.100 Vending and peddling. No person shall expose or offer for sale any article or thing nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing except by written permission from the Director. No person shall give, set up or maintain any exhibition, show, performance, concert, lecture, entertainment or similar activity without written permission to do so from the Director. No person shall for profit offer sports camps, sports lessons or other similar activity on park property without the written permission of the Director. (434-3/40, 511-3/47, 1026-2/64, 1246-10/66, 2451-11/80, 2824-4/87)

13.48.110 Alcoholic beverages. No person shall consume or have in his possession, custody or control, either open or unopened, any alcoholic beverage of any kind whatsoever, except when attending a function operating under an alcohol permit issued in accordance with Chapter 9.84 of this code. No intoxicated person shall enter, be or remain in any park. (1026-2/64, 2043-4/76, 2451-11/80)

13.48.120 Games and activities. It is unlawful for any person to take part in or abet the playing of any activity which endangers the health, safety or welfare of the participant or any person whomsoever in any park, except on fields and courts or areas specifically provided for such games or activities or areas designated for such games and activities by the City Council or Director. Such games and activities shall include, but shall not be limited to, the following:

(a) Baseball, tackle football, field hockey, rugby, cricket, golf, boxing, wrestling and the martial arts.

(b) Wading, bathing, swimming, launching any type of boat, raft, air mattress, surfboard or to be in or on any lake, stream or pond found in a City park.

(c) Flying any model airplane or helicopter, and launching any model fuel power boat, provided that this subsection shall not prohibit the launching of model boats powered by battery or sail.

(d) Carrying, transporting, possessing, discharging, firing or shooting over, onto or through any park any firearm, air gun, bb gun, spring gun, slingshot, bow and arrow, crossbow, spear, fireworks, firecracker, rocket, explosive of any kind or any other form of weapon potentially dangerous to human beings or wildlife. This subsection shall not apply to law enforcement officers.

(e) Fishing in any park lake other than those designated by the Director, during hours which are authorized for such activity.

(f) Lighting or maintaining any fire except in a stove, barbecue grill, fire circle, portable stove or barbecue grill approved by the Director.

(g) Erecting any barrier, whether string, wire, rope or chain, or placing any obstruction of any kind across any path, trail or other area accessible to the public.

(h) Engaging in any other activity which endangers the health and safety of the public. (1246-10/66, 1478-4/69, 1547-1/70, 2451-11/80)

13.48.125 Safety regulations and signs. (3181-1/93)

(a) No person shall ride a skateboard at any skateboard park owned or operated by the City whether supervised or not unless that person is wearing a helmet, elbow pads, and knee pads. (3181-1/93)

(b) The Director of Community Services shall erect and maintain visible regulatory signs at all skateboard parks owned and operated by the City that are not supervised on a regular basis. Such signs shall afford notice that any person riding a skateboard in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under Section 8.46.020 of this chapter. (3181-1/93)

G-2b.9

such article or thing except by written permission from the Director. No person shall give, set up or maintain any exhibition, show, performance, concert, lecture, entertainment or similar activity without written permission to do so from the Director. No person shall for profit offer sports camps, sports lessons or other similar activity on park property without the written permission of the Director. (434-3/40, 511-3/47, 1026-2/64, 1246-10/66, 2451-11/80, 2824-4/87)

13.48.110 Alcoholic beverages. No person shall consume or have in his possession, custody or control, either open or unopened, any alcoholic beverage of any kind whatsoever, except when attending a function operating under an alcohol permit issued in accordance with Chapter 9.84 of this code. No intoxicated person shall enter, be or remain in any park. (1026-2/64, 2043-4/76, 2451-11/80)

13.48.120 Games and activities. It is unlawful for any person to take part in or abet the playing of any activity which endangers the health, safety or welfare of the participant or any person whomsoever in any park, except on fields and courts or areas specifically provided for such games or activities or areas designated for such games and activities by the City Council or Director. Such games and activities shall include, but shall not be limited to, the following:

(a) Baseball, tackle football, field hockey, rugby, cricket, golf, boxing, wrestling and the martial arts.

(b) Wading, bathing, swimming, launching any type of boat, raft, air mattress, surfboard or to be in or on any lake, stream or pond found in a City park.

(c) Flying any model airplane or helicopter, and launching any model fuel power boat, provided that this subsection shall not prohibit the launching of model boats powered by battery or sail.

(d) Carrying, transporting, possessing, discharging, firing or shooting over, onto or through any park any firearm, air gun, bb gun, spring gun, slingshot, bow and arrow, crossbow, spear, fireworks, firecracker, rocket, explosive of any kind or any other form of weapon potentially dangerous to human beings or wildlife. This subsection shall not apply to law enforcement officers.

(e) Fishing in any park lake other than those designated by the Director, during hours which are authorized for such activity.

(f) Lighting or maintaining any fire except in a stove, barbecue grill, fire circle, portable stove or barbecue grill approved by the Director.

(g) Erecting any barrier, whether string, wire, rope or chain, or placing any obstruction of any kind across any path, trail or other area accessible to the public.

(h) Engaging in any other activity which endangers the health and safety of the public. (1246-10/66, 1478-4/69, 1547-1/70, 2451-11/80)

13.48.125 Safety regulations and signs. (3181-1/93)

(a) No person shall ride a skateboard at any skateboard park owned or operated by the City whether supervised or not unless that person is wearing a helmet, elbow pads, and knee pads. (3181-1/93)

(b) The Director of Community Services shall erect and maintain visible regulatory signs at all skateboard parks owned and operated by the City that are not supervised on a regular basis. Such signs shall afford notice that any person riding a skateboard in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under Section 8.46.020 of this chapter. (3181-1/93)

13.48.130 Curfew. No person shall remain, stay or loiter on or about any such park between the hours of 10 p.m. and 5 a.m. of the following day provided that this section shall not apply to attendance at authorized community activities in the park. Any park, recreation center or part or portion thereof may be closed to the public during an emergency, or when it has been determined by the Director, a park ranger or police officer that the public health, safety or morals require such action. Such park, recreation center or part or portion thereof shall not be reopened except by order of the City Council, City Administrator, Director, a park ranger or police officer. (1246-10/66, 2451-11/80)

13.48.140 Advertising. No person shall announce, advertise or call the public attention in any way to any article or service for sale or hire, or paste, glue, tack or otherwise post any sign, picture, placard, advertisement or inscription whatever, or distribute any handbill, circular or petition except by permission from the Director, provided that this section shall not apply to any concession operating under lease granted by the City Council. (1246-10/66, 2451-11/80)

13.48.145 Camping. The following City parks are hereby designated as camping facilities: Lake Park, Farquhar Park, Huntington Central Park, and Norma Brandel Gibbs Park. No person shall use any camping facility for overnight camping purposes without applying for and obtaining written permission from the Director upon payment of the required fees established, and amended from time to time, by resolution of the City Council of the City of Huntington Beach.

The Director may designate areas within subject parks for camping and may promulgate reasonable rules and regulations pertinent to the use of subject parks for camping purposes.

No person shall use or occupy a camping facility unless the fee, evidenced by a receipt, has first been paid. (2099-9/76, 2451-11/80)

13.48.150 Violations--Penalty. Any person violating any provision of this chapter shall, upon conviction thereof, be guilty of a MISDEMEANOR, and subject to a fine of not more than five hundred dollars ($500) or be imprisoned in the City or county jail for a period not to exceed three (3) months, or both such fine and imprisonment. (1026-2/64, 1246-10/66)

13.48.155 Nuisance. It shall be deemed a public nuisance for any person to do or commit, or cause to permit to be done or committed on or within the boundaries of any public park within the City of Huntington Beach, any act as described in sections 13.48.010 through 13.48.150 hereof. (3295-8/95)

G-2b.11

INTENTIONALLY
LEFT
BLANK