

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE REPEALING AND REPLACING CHAPTER 9.68 OF TITLE 9 (PUBLIC PEACE, SAFETY AND MORALS) OF THE FORT BRAGG MUNICIPAL CODE

ORDINANCE NO. 915-2015

WHEREAS, the City currently has rules or regulations governing rules of use and conduct in city parks in the City limits; and

WHEREAS, the City's existing rules or regulations governing rules of use and conduct in city parks in the City limits does not address a number of conduct and use issues on the City's new Noyo Headlands Park; and

WHEREAS, the City Council of the City of Fort Bragg ("City Council") has determined that the lack of rules to address conduct and use issues at Noyo Headlands Park creates a threat to public health and safety; and

WHEREAS, the City Council wishes to establish rules and regulations governing conduct and use of park facilities in the City limits.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. Prohibition of trespass into rare plant areas will protect important biological communities from damage and destruction in accordance with the City's Coastal General Plan; and
2. Prohibition of the removal of beach glass from the City's glass beaches will preserve this historic resource for future generations of residents and tourists to admire and enjoy; and
3. Prohibition of fireworks in City parks will protect the public health and safety; and
4. Prohibition of digging within City Parks will protect cultural and historic resources.
5. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Section . Chapter 9.68, entitled Preservation of Parks is hereby repealed and replaced in Title 9 (Public Peace, Safety, and Morals) of the Fort Bragg Municipal Code as follows:

CHAPTER 9.68: PRESERVATION OF PARKS

Section

- 9.68.010 Parks - Generally
- 9.68.020 Park Hours - Generally
- 9.68.030 Wiggly Giggly Playground Rules
- 9.68.035 Exceptions
- 9.68.040 Penalties for Violation

9.68.010 PARKS - GENERALLY.

In order to promote and protect public health and welfare and provide for the general safety of the users of City parks, the following rules shall apply.

A. Motorized vehicles of any kind or nature shall be prohibited from accessing any portion of a park (other than parking lots and/or access roads), except for the following: emergency vehicles; vehicles of the City and its duly authorized representatives or agents; strollers and similar children's carriages; wheelchairs; and vehicles whose owners have first obtained a permit from the Director of Public Works for temporary access for activities as may be approved by the City.

B. Vehicles shall not stop, stand, park, or be left standing in any of the designated parking lots during park closure hours listed in § 9.68.020, except that the City Manager may issue night use permits for parking in connection with organized activities.

C. Alcoholic beverages or controlled substances, as that term is defined in Cal. Health and Safety Code § 11007 (as the same may be amended from time to time), are not allowed within City parks.

D. Dogs must be kept on leash at all times. The City Council may, by resolution, designate "off leash" areas of any City park. Areas designated by City Council resolution to be "off leash" shall not be subject to this leash requirement.

E. Dog owners are required to clean up and properly dispose of excrement of their animals.

F. Overnight camping is not allowed in City parks.

G. Firearms are not allowed in City parks.

H. Barbecues and fires are not allowed in City parks except in designated areas.

I. Bicycles may only be ridden on designated bicycle trails.

J. Motorized bicycles and scooters are prohibited in all City Parks

K. Horses are not allowed in City parks.

L. Littering or disposal of household refuse is not allowed in City parks.

M. Destruction or removal of any park property is prohibited.

N. Rollerblades are permitted only on the bicycle and pedestrian trail at Pomo Bluffs Park and Noyo Headlands Park.

O. Entry into habitat protective areas is prohibited (as designated by habitat protective fencing and/or signage).

P. Removal of beach glass is prohibited at Noyo Headlands Park.

Q. The use of ropes and/or other equipment to scale the bluffs is prohibited in Pomo Bluffs Park and Noyo Headlands Park.

R. Digging and scavenging (use of metal detectors) are prohibited in parks, unless expressly authorized by the Director of Public Works.

S. Fireworks are not permitted in City parks, unless authorized as part of City-approved pyrotechnic display.

T. Smoking is prohibited in City parks.

9.68.020 PARK HOURS - GENERALLY.

It shall be unlawful for any person to enter, traverse, or be present in City parks from dusk to dawn the following day, except that the prohibited hours at Bainbridge Park tennis court shall be 10:00 p.m. to dawn the following day. The City Manager may issue night use permits for organized activities. For purposes of this chapter, “dusk” is defined as one (1) hour after sunset and “dawn” is defined as one (1) hour preceding sunrise.

9.68.030 WIGGLY GIGGLY PLAYGROUND RULES.

A. No glass containers shall be allowed within the playground area.

B. No skateboards, scooters (electric, motorized, or “push”), bicycles, rollerblades, roller skates, big wheels, unicycles, tricycles, or other wheeled forms of transportation (other than wheelchairs, strollers, and the like) shall be utilized within the playground boundaries.

9.68.035 EXCEPTIONS.

The provisions of Chapter 9.68 shall not be applicable to the Skate Park located at the C.V. Starr Community Center, 300 S. Lincoln Street, Fort Bragg, which is separately governed and regulated by the provisions of Chapter 9.69.

9.68.040 PENALTY FOR VIOLATION.

Any person violating the provisions of this chapter is guilty of an infraction, and upon conviction thereof shall be punishable as provided in Chapter 1.12.

Section . Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section . Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its

passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Peters at a regular meeting of the City Council of the City of Fort Bragg held on June 22, 2015, and adopted at a regular meeting of the City of Fort Bragg held on July 13, 2015, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

**Dave Turner,
Mayor**

ATTEST:

**Brenda Jourdain,
Administrative Assistant**

**PUBLISH: June 25, 2015 and July 23, 2015 (by summary).
EFFECTIVE DATE: August 12, 2015.**