

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

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

ORDINANCE NO. 929-2017

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

WHEREAS, the City's existing regulations governing rules of use and conduct in City parks within the City limits do not allow the use of Segways, a type of Electric Personal Assistive Mobility Device ("EPAMD") for recreational purposes; and

WHEREAS, the City Council of the City of Fort Bragg ("City Council") has determined that the use of Segways for recreational purposes in City parks is consistent with park recreational use; and

WHEREAS, the City Council has determined that the use of Segways by commercial Segway tour operators for recreational purposes in City parks is consistent with park recreational use and should be allowed upon approval of a concessionaire agreement; and

WHEREAS, the City Council has determined that the use of other types of EPAMDs (such as hover boards) for recreational purposes in City parks is not consistent with park recreational use.

NOW, THEREFORE, the City Council ordains as follows:

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

1. Allowing the recreational use of Segways by individuals and by commercial Segway tour operators in City parks is consistent with the recreational goals of parks;
2. Allowing the use of Segways by commercial Segway tour operators in City parks is consistent with the recreational goals of parks, if operated in compliance with a concessionaire agreement that limits tour size, requires a tour guide, and imposes additional requirements, as determined by the City;
3. 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 2. Chapter 9.68 of Title 9 of the Fort Bragg Municipal Code entitled Preservation of Parks is hereby replaced in its entirety as follows:

§ 9.68.010 PURPOSE AND INTENT.

It is the purpose and intent of this ordinance to regulate the activities in public parks: 1) to promote the health, safety, morals, and general welfare of park users; and 2) to protect the natural resources and the public improvements of City parks.

§ 9.68.020 DEFINITIONS.

Electric Personal Assistive Mobility Device (EPAMD) – A self-balancing, non-tandem, two-wheeled vehicle with a low-powered electric motor.

Segway – A self-balancing, non-tandem, two-wheeled EPAMD with handlebars, that can turn in place, is designed to transport only one person, with an electric propulsion system averaging less than 750 watts (1 horsepower), and a maximum speed of no more than 12 miles per hour.

§ 9.68.030 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. Notwithstanding the above, Segways (a type of electric personal assistive mobility device or EPAMD) are permitted on developed trails within City parks. All Segway use in City parks shall comply with California Vehicle Code Sections § 21281 and § 21281.5. Commercial group tours of EPAMDs shall be allowed only through a concessionaire agreement between the tour operator and the City of Fort Bragg that, at a minimum, shall limit tours to nine people or fewer, require the use of safety equipment, and require a tour leader. Failure to adhere to any concessionaire agreement requirements shall be grounds for termination of the concessionaire agreement and/or associated business license.
- C. Vehicles shall not stop, stand, park, or be left standing in any of the designated parking lots during park closure hours listed in § 9.68.040,

except that the City Manager may issue night use permits for parking in connection with organized activities.

- D. 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.
- E. 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.
- F. Dog owners are required to clean up and properly dispose of excrement of their animals.
- G. Overnight camping is not allowed in City parks.
- H. Firearms are not allowed in City parks.
- I. Barbecues and fires are not allowed in City parks except in designated areas.
- J. Bicycles may only be ridden on designated bicycle trails.
- K. Motorized bicycles and scooters are prohibited in all City parks.
- L. Horses are not allowed in City parks.
- M. Littering or disposal of household refuse is not allowed in City parks.
- N. Destruction or removal of any park property is prohibited.
- O. Rollerblades are permitted only on the bicycle and pedestrian trail at Pomo Bluffs Park and Noyo Headlands Park.
- P. Entry into habitat protective areas is prohibited (as designated by habitat protective fencing and/or signage).
- Q. Removal of beach glass is prohibited at Noyo Headlands Park.
- R. The use of ropes and/or other equipment to scale the bluffs is prohibited in Pomo Bluffs Park and Noyo Headlands Park.
- S. Digging and scavenging (use of metal detectors) are prohibited in parks, unless expressly authorized by the Director of Public Works.
- T. Fireworks are not permitted in City parks, unless authorized as part of City-approved pyrotechnic display.
- U. Smoking is prohibited in City parks.

§ 9.68.040 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.

§ 9.68.050 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.

§ 9.68.060 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.

§ 9.68.070 PENALTY FOR VIOLATION.

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

Section 3. 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 4. 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 Vice Mayor Lee at a regular meeting of the City Council of the City of Fort Bragg held on April 24, 2017, and

adopted at a regular meeting of the City of Fort Bragg held on May 8, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

Lindy Peters
Mayor

ATTEST:

June Lemos, CMC
City Clerk

PUBLISH: April 27, 2017 and May 18, 2017 (by summary).
EFFECTIVE DATE: June 7, 2017.