

ORDINANCE NO. 883

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
RIPON AMENDING CHAPTER 9.23 AND REPEALING
CHAPTER 9.24 OF THE RIPON MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIPON AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE. Chapter 9.23 is hereby amended in its entirety to read as follows:

**Chapter 9.23
GENERAL RULES FOR CITY PARKS**

Sections:

- 9.23.010 Purpose.**
- 9.23.020 Definitions.**
- 9.23.030 Park Hours.**
- 9.23.040 Prohibited Conduct.**
- 9.23.050 Activity Allowed with a Permit.**
- 9.23.060 Permit Application Process.**
- 9.23.070 Revocation of Permit.**
- 9.23.080 Advertising Within City Parks.**
- 9.23.090 Inspection and Closure of Park.**
- 9.23.100 Park Specific Rules By Recreation Commission Resolution.**
- 9.23.110 Violation - Penalty.**
- 9.23.120 Appeal and Review.**

9.23.010 Purpose.

The purpose of this Chapter is to provide and ensure an enjoyable, recreational, and relaxing atmosphere within City parks for the residents of the City of Ripon.

9.23.020. Definitions.

As used in this Chapter, the following terms shall have the definition provided herein:

- A. "Director" shall mean the City Recreation Director.
- B. "Organized Sports Activities" include any use of a City park (including, but not limited to field rental, practice, training, game, tournament, contest or any other athletic activity, whether conducted by teams or otherwise, in which more than 6 persons participate, and in which the time, place, and rules for competing have been predetermined by either the participants or any other person or organization.
- C. "Public Address System" shall mean the permanently mounted sound amplification equipment at any city park, including microphones, sound amplifiers, loudspeakers, and other related equipment.

- D. "Golfing Activities" consist of any practice or activity involving the use of regulation golf balls or regulation golf clubs.
- E. "Park Use Permit" means that certain permit issued by the Recreation Commission pursuant to which the permittee is granted the temporary exclusive use of all or a portion of a City park or facilities therein, on terms and conditions which are deemed reasonable and prudent by the Director.
- F. "Special Events" means those activities defined in Chapter 5.40.010 of this Code.

9.23.030. Park Hours.

The operating hours for all City parks shall be determined by resolution of the City Council, and may be amended from time to time in the same manner. Hours shall be posted in a conspicuous place within each City park. Loitering in City parks during closed hours is prohibited.

9.23.040. Prohibited Conduct In All City Parks.

- A. No person shall engage in threatening, abusive or disorderly conduct or behavior within any City park. Any person refusing to leave a City park at the order of any authorized City representative may be cited with a misdemeanor.
- B. Littering, soiling or defacing restrooms, facilities including landscape and fixtures is prohibited and may be grounds for immediate expulsion.
- C. No amplified music or amplified sound shall be allowed at any City park, unless permitted under the terms of a Park Use Permit issued by the Director pursuant to this Chapter. The use of small portable radios shall be permitted so long as such radios are operated at such a volume as not to disturb other persons in the park or any residence adjoining the park.
- D. It shall be unlawful for any person to operate or park a motor vehicle on any grass area within any City park.
- E. All parks are declared drug, alcohol, and gang free zones. Any person found in possession of drugs, alcohol, or gang related materials, or performing any gang related activity, shall be cited with a misdemeanor. Alcoholic beverages shall only be permitted within any City parks when a special permit allowing the consumption of alcoholic beverages has been issued by the Chief of Police, pursuant to Chapter 5.40.
- F. No person in a park and recreation facility shall golf, including, but not limited to, chipping, putting, driving or otherwise practicing golfing activities, except within areas specifically designated for such use. The removal of any authorized or official sign indicating that any park facility or equipment is reserved is prohibited. The use of any park facility or equipment which has been reserved or which is marked by any authorized or official sign as reserved without receiving prior written permission from the Director is prohibited.
- G. No person shall sell any goods or services; conduct or maintain any show, performance, concert, place of amusement or exhibition; or conduct private lessons or classes for compensation in any City Park. It shall be unlawful for any person to make or kindle a fire in any City park, except under the following circumstances:

- a. Prior permission is granted by the City in conjunction with the rental of a designated venue; or
- b. Where the park is equipped with barbeque pits, a fire may be kindled in the provided pits.

9.23.045 Park-Specific Rules By Recreation Commission Resolution.

The Recreation Commission shall be empowered, at regular, noticed public meetings of the Commission, to enact additional rules (not in conflict with this Chapter) for specified city parks by way of resolution. Approved resolutions shall become effective immediately upon adoption and must be retained by the City Clerk and clearly posted in a conspicuous place in the subject park. Any violation of any rule adopted by resolution of the Recreation Commission shall be subject to the penalties outlined in Section 9.23.110. All resolutions adopted by the Recreation Commission are subject to review by the City Council pursuant to Section 9.23.120.

9.23.050. Activity Allowed with a Permit.

The City parks and facilities may be made available for the exclusive use of persons and groups for Organized Sports Activities only upon the issuance of a Park Use Permit by the Recreation Commission. All City and Recreation Commission sponsored events within City parks take precedence over any other event.

A. Organized Sports Activities: The following City parks are available for Organized Sports Activities:

- a. Stouffer Park
- b. Mistlin Sports Park
- c. Thieman Athletic Park (Community Center)
- d. Lan Park
- e. Boesch Park
- f. Skate Park
- g. Harvest Park

Any person seeking a Park Use Permit for an Organized Sports Activity must submit an application and a processing fee in an amount established by the Recreation Commission by resolution to the Director at least thirty (30) days in advance of the date of the activity or event. Applications for a Park Use Permit may not be made more than one year in advance of the date of the activity or event. The Recreation Commission shall have twenty (25) business days to approve or deny the application for a Park Use Permit and shall issue notice of the decision in writing or through electronic message. The Recreation Commission's decision shall be final and conclusive, and shall not be subject to appeal.

Rental application, proof of insurance, rental fees and a cleaning/security deposit is required to conduct any organized activity within a City park. The deposit may be refunded in whole or in part, if at the discretion of the Director, the facility has been left in good condition at the conclusion of the organized activity. Any refund shall be paid within thirty (30) days after the event.

All City and Recreation Commission sponsored events shall be exempt from a Park Use Permit;

B. Special Events: The following City parks are available for Special Events:

- Stouffer Park
- Mistlin Sports Park
- Thiemann Athletic Park (Community Center)

The use of these parks for a special event requires a Special Event Permit pursuant to Chapter 5.40 of this Code.

9.23.070 Fees.

The Recreation Commission shall, by resolution, establish and periodically update a fee schedule specifying the applicable fee(s) for the use of City parks for Organized Sports Activities pursuant to an approved Park Use Permit.

9.23.070. Revocation of Permit.

A Park Use Permit may be revoked by the Director if the permittee is found to be violating any City Park rules or requirements issued by City ordinance, Recreation Commission resolution, or included as conditions to the Park Use Permit. The Director's decision shall be final and conclusive, and shall not be subject to appeal.

9.23.080. Advertising within City Parks.

The Recreation Commission, with the assistance of the Recreation Director, may establish, by resolution, programs, rules and procedures for the sale and maintenance of advertising space within any City park. Any such programs, rules and procedures may include terms and conditions for advertisers, including the establishment of fees and charges for advertising space. The Recreation Director shall administer any such program, rules and procedures on behalf of the City.

9.23.090. Inspection and Closure of Park.

Any section or part of a park or facility may be inspected and declared closed to the public at the direction of the City Administrator at any time and for intervals of time, either temporarily or at regular and stated intervals (daily or otherwise) for reasons including, but not limited to, the following:

- A. public liability
- B. damage to turf
- C. public service
- D. public health and safety

Such closure may be partial, so as to limit certain activities, as the City Administrator may reasonably find necessary.

9.23.110. Violation - Penalty.

Any person, firm or corporation violating any of the provisions of this Chapter or any resolution approved by the Recreation Commission, except Section 9.23.040 which provides for misdemeanor penalties, shall be deemed guilty of an infraction, and upon conviction thereof, shall be punishable as provided in Chapter 1.08 of this Code.

SECTION 2. AMENDMENT TO CODE.

Chapter 9.24 of the Ripon Municipal Code, entitled “Rules for Specified City Parks” is hereby repealed in its entirety.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). The City Council hereby finds that the adoption of this Ordinance does not constitute the approval of a “project” under the California Environmental Quality Act (CEQA) pursuant to section 15060(c)(2) and (3), 15061(b)(3), 15262, and 15378 of the State of California CEQA Guidelines. Specifically, this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it does not authorize the construction of any new structures or other physical changes to the environment.

SECTION 5. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to, and shall not be construed or given effect in a manner that imposes upon the City or any officer, agent, employee or volunteer, thereof a mandatory duty of care towards persons and property, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

SECTION 7. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 8. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted at City Hall and on the City of Ripon website; and a notice shall be published once in *The Manteca Bulletin*, the official newspaper of the City of Ripon, setting

forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this 9th day of April, 2019, by the following vote:

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Dean Uecker, Council Member

SECONDER: Jake Parks, Vice Mayor

AYES: Restuccia, Uecker, de Graaf, Parks, Zuber

**THE CITY OF RIPON,
A Municipal Corporation**

By _____
LEO ZUBER, Mayor

ATTEST:

By: _____
LISA ROOS, City Clerk