

ORDINANCE NO. 756

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS ADDING CHAPTER 9.90 TO THE MUNICIPAL CODE REGARDING REGULATION OF CONDUCT IN PARKS AND RECREATIONAL FACILITIES; AND FINDING THE ACTION TO BE EXEMPT FROM CEQA

WHEREAS, the City of Indian Wells, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City has the authority under Article 11, Section 5 of the California Constitution and the City Charter to make, amend and enforce all ordinances and regulations with respect to municipal affairs; and

WHEREAS, the City desires to enforce appropriate rules governing conduct in public parks and recreational facilities to ensure public health, safety, and general welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. The Recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. CEQA. Adoption of the proposed ordinance is not subject to review under the California Environmental Quality Act ("CEQA") because the amendment would not cause any direct physical change or any reasonably foreseeable indirect physical change in the environment. Therefore, adoption of the ordinance is not a "project" subject to CEQA. (Cal. Pub. Res. Code § 21065; 14 Cal. Code Regs. § 15378.) Adoption of the ordinance is exempt because the amendment has no potential for causing a significant impact on the environment. (14 Cal. Code Regs. § 15061(b)(3).) Staff is directed to file a notice of exemption promptly after adoption.

SECTION 3. Code Amendments. Chapter 9.90 is hereby added to the Indian Wells Municipal Code, to read in its entirety as follows:

Chapter 9.90 PUBLIC PARK AND RECREATIONAL FACILITIES

§ 9.90.010 Hours and rules of conduct.

The hours that public park and recreational facilities are open for use and rules governing use of the park by the public shall be established by the city manager, directly or through delegation. The city manager shall cause the hours and rules to be posted at each public park or recreational facility at which they will be enforced and shall cause a list of such hours and rules to be maintained on file in the office of the city clerk.

§ 9.90.020 Entry prohibited.

No person shall enter or remain in any public park or recreational facility in the city at any time during the hours when the park or recreational facility is closed to the public under Section 9.90.010.

§ 9.90.030 3 **No camping.**

Camping is prohibited in all city parks and recreational facilities.

§ 9.90.040 **Enforcement.**

Any violation of a park regulation established and posted under this chapter is a violation of this code.

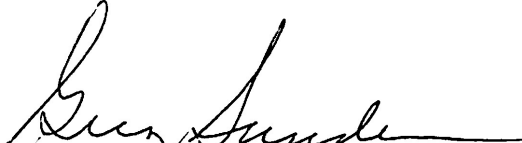
SECTION 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which this ordinance is based are located at the City Clerk's office located at 44950 Eldorado Drive, Indian Wells, CA 92210. The custodian of these records is the City Clerk.

SECTION 5. Severability. If any section, sentence, clause or phrase of this ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council and the people of the City of Indian Wells hereby declare that they would have adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 6. Effective Date. This ordinance takes effect 30 days following its adoption.

SECTION 7. Publication. The City Clerk shall certify the adoption of this ordinance. Not later than 15 days following the passage of this ordinance, the ordinance, or a summary thereof, along with the names of the City Council members voting for and against the ordinance, shall be published in a newspaper of general circulation in the City of Indian Wells.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 20th day of June 2024.


GREG SANDERS
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF INDIAN WELLS)

I, Angelica Avila, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No.756 , having been regularly introduced at the meeting of May 16, 2024, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the 20th day of June, 2024 said ordinance was passed and adopted by the following stated vote, to wit:

AYES: Griffith, Peabody, Reed, Sanders, Whitman
NOES: None

and was thereafter on said day signed by the Mayor of the City of Indian Wells.

ATTEST:

APPROVED AS TO FORM:



ANGELICA AVILA
CITY CLERK



TODD LEISHMAN FOR
BEST BEST & KRIEGER
CITY ATTORNEY