

## ORDINANCE NO. 1027

**AN ORDINANCE OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, AMENDING THE MUNICIPAL CODE'S COMMUNITY SERVICES REGULATIONS, CHAPTER 12.04, INCLUDING PROHIBITED CONDUCT AT CITY PARKS, RECREATIONAL TRAILS, LIBRARIES AND OTHER RECREATIONAL FACILITIES, AMENDING THE MUNICIPAL CODE'S SALES OF GOODS AND MERCHANDISE FROM VEHICLES, CHAPTER 8.40, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA DOES HEREBY ORDAIN AS FOLLOWS:

### **Section 1:** Purpose and Intent

- A. California Constitution, article XI, section 7, authorizes the City of Rancho Cucamonga to adopt and enforce local police, sanitary, and other ordinances and regulations that are not in conflict with general laws;
- B. In line with these laws, the community would also benefit from clarified and additional regulations relating to usage of and facilities at public parks to ensure the public's understanding of these regulations and ensure efficient enforcement.
- C. The City Council has determined it is in the best interests of the City and its citizens and the public in general that reasonable regulations for the uses and activities at public parks within the City be clarified or added to the City's existing regulations for greater public understanding and ease of enforcement.

**Section 2:** Section 12.04.010 ("Community Services Regulations") of Chapter 12.04 ("Community Services Regulations") of Title 12 ("Streets, Sidewalks, and Public Places") of the Rancho Cucamonga Municipal Code is hereby amended in its entirety to read as follows:

"Section 12.04.010 Community Services Regulations

Except as provided in this chapter, it is unlawful for any person within the limits of any park, recreational trail, library or other recreation facility owned or operated by the city to:

A. Lead or let loose any animal except:

- 1. Dogs or cats on a leash which are under the full control of a person;
- 2. Horses, ponies or the like which are ridden or led on bridle trails or other areas designated for such purpose.

B. Possess an open container of, or to consume beer, wine, or other alcoholic beverage, as defined in California Business and Professions Code section 23004, in any city-owned park or recreational facility, or in or upon any city-owned public place within the city.

- 1. The provisions of subsection B above, shall not apply to persons conducting or attending social events in or upon any city-owned park, recreational facility, or other city-owned public place where alcoholic beverages are being served, that are sponsored by the city, or that are conducted by established community service or similar non-profit

organizations, or other persons, organizations or entities that have rented a city-owned park, recreational facility or other city-owned public place, having prior written authorization of the city manager or designee, after taking into account the nature of the event and potential risk to the public health and safety. During events to which this exception applies, the lawful consumption and type of alcohol and/or possession of open containers of alcoholic beverages is strictly limited to the immediate area where such event is being conducted and only for the duration of the event. A true copy of any required license or permit issued by the State of California Department of Alcohol Beverage Control, and the city manager's, or designee's, written authorization, authorizing the provision of the alcoholic beverage being served, must be in the possession of an authorized representative of the organization sponsoring the event, and that representative shall be present at all time at the event. The representative shall present the license or permit and/or city manager's, or designee's, written authorization, to any peace officer upon demand.

C. Enter or remain between the hours of 10:00 p.m. of one day and 6:00 a.m. of the following day, except to attend an event in the stadium building located in the sports complex on the west side of Rochester Avenue, south of Foothill Boulevard, or pursuant to a written authorization issued by the city community services department or as part of a city-sanctioned activity.

D. Light or maintain any fire, except in a stove, fire circle or other place provided by the city for that purpose.

E. Throw, project or propel any object capable of causing serious personal injury or damage to property, except that baseball, basketball, football and other games where a ball is used may be played in areas designated for such purposes.

F. Use Vehicles in the following way(s):

1. Park or stand any vehicle other than in a designated parking area and in a single marked parking stall, except pursuant to a permit issued by the city.
2. Drive any vehicle other than on roads, trails or driveways provided for that purpose, except pursuant to a written authorization issued by the city.
3. Drive any vehicle at a speed in excess of five miles per hour.

G. Ride or use playground equipment posted for use by children under the age of 14 years, unless under the age of 14 years.

H. Litter, including the following:

1. Throw, discard, place or dispose of any garbage or refuse upon the ground or in any place other than a garbage can or other receptacle maintained for such purpose.
2. Bring garbage or refuse from outside the limits of the park or recreation facility and deposit the same in garbage cans or receptacles.
3. Fail to immediately remove and dispose of in a sanitary manner, by replacing in a closed or sealed container and depositing in a trash receptacle, any feces deposited by any animal owned by or in control of a person.

I. Hold or engage in a musical concert or other musical event without a written authorization issued by the city, except for those events conducted within the stadium building located in the sports complex on the west side of Rochester Avenue, south of Foothill Boulevard.

J. Fly any powered model aircraft other than rubber band-powered models no longer than two feet in length or unmanned aviation system, except in areas designated and posted for such purposes or pursuant to a written authorization issued by the city.

K. Hunt, kill, wound, capture, or attempt to capture, any animal or disturb its habitat.

L. Play any radio, tape recorder or other electronic sound-producing device at such volume as to be audible at a distance of more than 50 feet.

M. Swim, dive, wade or in any way enter into any pond, lake, water feature, reflecting pool or any similar body of water.

N. Sell or offer for sale any merchandise, article or thing of any kind or nature, including professional services, except in accordance with a sidewalk vending permit issued in accordance with chapter 9.35, as specifically authorized in writing by the city manager or designee, or pursuant to an agreement approved by the city council.

O. Bring, set up, or use any large equipment without written authorization from the city. The term "large equipment" includes, but is not limited to, inflatable structures, dunk tanks, and carnival rides.

P. Provide fitness or athletic instruction for commercial purposes without prior written authorization of the city pursuant to section 12.04.040.

1. No written authorization will be issued for commercial fitness or athletic activity at locations deemed by the city to be incompatible with the public use of said location.

2. Those authorized to provide commercial fitness or athletic instruction must comply with all applicable Federal, State, and City laws, rules and regulations.

3. Providing fitness or athletic instruction for commercial purposes includes, but is not limited to, one-on-one instruction, group instruction, done for compensation or done as part of a non-profit, association, or other community group. Such conditions can be determined by observable conditions, including equipment usage and uniform usage, as well as advertisement for such fitness or athletic instruction.

4. This section shall not be construed to limit the City's ability to conduct activities, including, but not limited to, fitness or athletic instruction, classes or camps, in City recreation facilities.

Q. Damage any city property, including the following;

1. Cut, deface, remove, or damage any tree, shrub, plant, wood, turf, rock, sand, gravel or earth except pursuant to a written authorization issued by the city

2. Intentionally cause or facilitate damage of any kind to any public property

R. Use public facilities contrary to other city regulations, prohibitions, or other directives, including:

1. Fail to comply with posted city policies that govern the use of specified areas. "Specified Areas" include, but are not limited to, Sports Fields, Covered/Uncovered Picnic Areas, Playgrounds, Skate Parks, Dog Parks, Tennis Courts, Basketball Courts, Pickleball Courts, etc.
2. Loiter at or around any restroom facility or other publicly accessible building.
3. Erect any barrier or lay, string, or join any wires, ropes, chains or place any obstruction on or across any path, trail, or other publicly accessible area, without prior written authorization from the city."

**Section 3:** Subdivision B of Section 12.04.020 ("Exemptions") of Chapter 12.04 ("Community Services Regulations") of Title 12 ("Streets, Sidewalks, and Public Places") of the Rancho Cucamonga Municipal Code is hereby amended to read as follows:

"The provisions of subsections C, F(1) and F(2), F(3), O, and P of section 12.04.010 shall not apply to city employees who are engaged in the performance of their duties.

**Section 4:** Subdivision D of Section 8.40.080 ("Restricted Locations") of Chapter 8.40 ("Sales of Goods or Merchandise from Vehicles") of Title 8 ("Health and Safety") of the Rancho Cucamonga Municipal Code is hereby amended to read as follows:

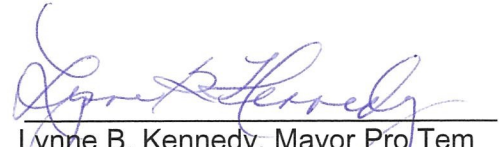
"For purposes of vending within any park, this endorsement shall serve as the written authorization required pursuant to section 12.04.010 N. Any vendor denied an endorsement may appeal such denial pursuant to section 8.40.030.B."

**Section 5:** The City Council declares that should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason be held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**Section 6:** The City Council finds that the adoption of the proposed ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Title 14, Chapter 3, California Code of Regulations (CEQA Guidelines), Section 15061(b)(3). It can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment because the ordinance adopts basic regulations for activities held in public parks and is not intended to permit any development. Further, the regulations are intended to protect plants, trees, and animals from human harm.

**Section 7:** The city clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as prescribed by law.

**PASSED, APPROVED, AND ADOPTED** this 15<sup>th</sup> day of May, 2024.

  
Lynne B. Kennedy, Mayor Pro Tem

**ATTEST:**

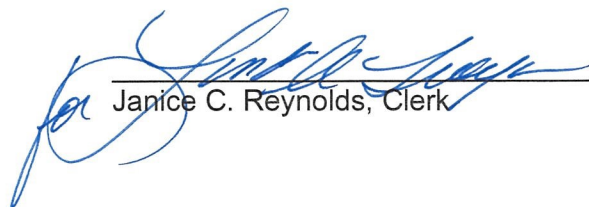
  
Janice C. Reynolds, Clerk

**STATE OF CALIFORNIA            )**  
**COUNTY OF SAN BERNARDINO    ) ss**  
**CITY OF RANCHO CUCAMONGA    )**

I, **JANICE C. REYNOLDS**, City Clerk of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 1<sup>st</sup> day of May 2024, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 15<sup>th</sup> day of May 2024.

- AYES:**                   Hutchison, Kennedy, Scott, Stickler
- NOES:**                   None
- ABSENT:**                Michael
- ABSTAINED:**         None

Executed this 16<sup>th</sup> day of May 2024, at Rancho Cucamonga, California.

  
Janice C. Reynolds, Clerk

