

**AGENDA STATEMENT  
PARKS & RECREATION COMMISSION**

**TO:** Parks and Recreation Commission  
**FROM:** Arabo Parseghian, Division Manager  
**DATE:** April 10, 2019  
**SUBJECT:** **Continued Discussion of Municipal Code Section 5.24**

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**RECOMMENDATION:**

The Parks and Recreation Commission review and approve a recommendation to the City Council to amend the City's Municipal Code Section 5.24 by adding section 5.24.055 to prohibit the use of Park/Recreational Facilities during closure periods.

**BACKGROUND:**

Beginning January 9<sup>th</sup>, 2019, the Parks and Recreation Commission began a review of the City Municipal Code Section 5.24 governing the parks/recreations facilities. The Commission focused on two specific areas, Section 5.24.010 regarding the definition of an "organized play" and enforcement of field closures. At the March 13, 2019, the Parks and Recreation Commission came to a consensus to recommend to the City Council to adopt a new ordinance adding a new section to 5.24 prohibiting the use of park/recreational facilities during closure periods.

The attached ordinance will amend City's Municipal Code Section 5.24 with the addition of Section 5.24.055 prohibiting the use of park/recreational facilities during closure periods. Keeping consistent with City's existing municipal code language, violating this ordinance will constitute an infraction, with the following penalties:

1. The first violation shall be deemed an infraction with a fine not exceeding one hundred dollars (\$100.00);
2. The second violation shall be deemed an infraction with a fine not exceeding two hundred dollars (\$200.00);
3. The third violation shall be deemed an infraction with a fine not exceeding five hundred dollars (\$500.00); and
4. For the fourth violation, and any thereafter, a violation shall be treated as a misdemeanor in accordance with Section 1.04.010(A)."

Furthermore, the proposed ordinance introduces a new mechanism to penalize repeat offenders. Any person who is on their fourth violation, for any duration, will be charged with a misdemeanor.

**REQUEST:**

Staff is requesting the Commission review and approve a recommendation to the City Council to amend the City's Municipal Code Section 5.24 by adding section 5.24.055 to prohibit the use of Park/Recreational Facilities during closure periods.

**ATTACHMENTS:**

Municipal Code Section 5.24

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA TO ADD SECTION 5.24.055 (CLOSURES), OF CHAPTER 5.24 (USE OF PARK/DESIGNATED RECREATIONAL FACILITIES) OF TITLE 5 (PUBLIC PEACE) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE TO PROHIBIT USE OF PARK/RECREATIONAL FACILITIES DURING CLOSURES OF SAME**

WHEREAS, the City of La Cañada Flintridge (“City”), pursuant to its police power under Article XI, Section 7 of the California Constitution, has the authority to make and enforce ordinances to regulate the use of City parks to the extent such regulations are not in conflict with the general laws of the State of California; and

WHEREAS, Chapter 5.24 of Title 5 of the La Cañada Flintridge Municipal Code regulates the use of park/designated recreational facilities in the City; and

WHEREAS, Chapter 5.24 currently does not prohibit the use of park/designated recreational facilities when these facilities are closed for maintenance, repair, or hazardous conditions that threaten park/designated recreational facilities or public safety; and

WHEREAS, the City Council of La Cañada Flintridge now desires to modify said regulations to prohibit the use of park/designated recreational facilities during closures for maintenance, repair, or hazardous conditions that threaten park/designated recreational facilities or public safety.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1** Section 5.24.055 (Closures) of Chapter 5.24 (Use of Park/Designated Recreational Facilities) of Title 5 (Public Peace) of the La Cañada Flintridge Municipal Code is hereby added and shall now read as follows:

“Section 5.24.055 Closures.

A. The city manager and/or designee shall have the authority to close any park/designated recreational facility or portion thereof, require the exit of all persons therein, and prohibit further public use when the park/designated recreational facility is closed for maintenance, repair, or when the city manager and/or designee determines that conditions exist in said park/designated recreational facility or portion thereof which present a hazard to the park/designated recreational facility or to public safety. This section does not apply to any person who has express written consent from the city manager and/or designee to use a park/designated recreational facility when it is closed.

B. Any person who, without express written consent from the city manager and/or designee, enters into, or upon, any park/designated recreational facility or portion thereof that has been closed as provided in subsection A above shall be in violation of this section. Notwithstanding sections 1.04.010 and 5.24.060, the penalties for violation of this section shall be as follows:

1. The first violation shall be deemed an infraction with a fine not exceeding one hundred dollars (\$100.00);

2. The second violation shall be deemed an infraction with a fine not exceeding two hundred dollars (\$200.00);

3. The third violation shall be deemed an infraction with a fine not exceeding five hundred dollars (\$500.00); and

4. For the fourth violation, and any thereafter, a violation shall be treated as a misdemeanor in accordance with Section 1.04.010(A).”

**Section 2.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any Person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other Person or circumstance. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 3.** This Ordinance shall take effect thirty (30) days after its adoption in accordance with California Government Code Section 36937.

**Section 4.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and/or posted in accordance with applicable law.

**PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.**

\_\_\_\_\_  
Leonard Pieroni  
Mayor

ATTEST:

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Tania Moreno  
City Clerk

