

ORDINANCE NO. 99-09

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AMERICAN CANYON, STATE OF CALIFORNIA, AMENDING
CHAPTER 12.04 OF THE AMERICAN CANYON MUNICIPAL
CODE, REGARDING PARK AND RECREATION AREA
USE REGULATIONS**

WHEREAS, the City of American Canyon adopted its Park and Recreation Area Use Regulations, which are set forth in Chapter 12.04 of the American Canyon Municipal Code, in February, 1997; and

WHEREAS, the City staff, based on complaints and concerns of city residents, has recently reviewed the Park and Recreation Area Use Regulations to ensure their adequacy and applicability; and

WHEREAS, following staff review, it was determined that the Park and Recreation Area Use Regulations require minor revision and updating; and

WHEREAS, the City Council has held a duly noticed public hearing to consider the recommendations of City staff on the proposed amendments to the Park and Recreation Area Use Regulations; and

WHEREAS, the City Council considered all testimony given at the public hearing before taking action on the proposed amendments as outlined within the staff report dated December 2-1999 entitled Amendment of Chapter 12.04 of the City of American Canyon Municipal Code: Park and Recreation Area Use Regulations", attached hereto and incorporated herein by reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN THE FOLLOWING:

SECTION 1. Section 12.04.010 of the American Canyon Municipal Code regarding hours of use is hereby amended to read as follows:

Section 12.04.010 Hours of Use.

It is unlawful for any person to enter, loiter, or remain in or upon any City park, playground, par course or other park or recreational facility at any time between 10:00 p.m. and 6:00 a.m., except as may be otherwise posted at the entrance to the facility or as designated by the Parks and Community Services Director or his/her designee. The City Manager or his/her designee may close parks to public use if he/she deems it necessary due to unsafe conditions, such as extreme fire danger.

SECTION 2. Section 12.04.020 of the American Canyon Municipal Code regarding alcoholic beverages is hereby amended to read as follows:

Section 12.04.020 Alcoholic Beverages.

No person shall serve, or caused to be served, consume, or possess alcoholic beverages of any kind within the boundaries of land or within a building owned, managed, controlled, or operated, as a City park, playground, or other park and recreational facility without first obtaining a permit from the City, *except in areas designated by signage as a Picnic Are. Other than designated Picnic Areas*, the Parks and Community Services Director, or his/her designee may, at his/her discretion, issue permits for the use, service or consumption of alcoholic beverages only at certain park and recreational facilities owned and operated by the City. Any permit issued may, at the discretion of the Parks and Community Services Director of his/her designee, contain conditions as to the type and amount of beverages to be served, number of persons, time and place, security precautions, and any other conditions reasonably related to the maintenance of the public health and safety. When alcoholic beverages are being served pursuant to such a permit, the permit shall be on the premises and available for inspection by any authorized City employee.

SECTION 3. Section 12.04.100 regarding throwing dangerous objects is hereby amended to read as follows:

Section 12.04.100 Throwing Dangerous Objects.

It is unlawful for any person to throw or discharge any stones, wood, sand, or other objects or substances that may cause injury to persons or property in any City park, playground, or other recreational facility or into any swimming pool, onto a pool deck, or onto or in any pool building.

SECTION 4. A new Section 12.04.200 regarding disorderly conduct is hereby added to the American Canyon Municipal Code to read as follows:

Section 12.04.200 Disorderly Conduct.

No disorderly conduct, excessive noise, riot, or breach of the peace shall be permitted in any City park, ground, swimming pool, or park or recreational building or facility. This section shall not apply to activities or expression which are protected or authorized by the federal or state constitution.

SECTION 5. A new Section 12.04.210 regarding restrictions in posted areas, is hereby added to the American Canyon Municipal Code is hereby amended to read as follows:

Section 12.04.210

Restrictions in Posted Areas.

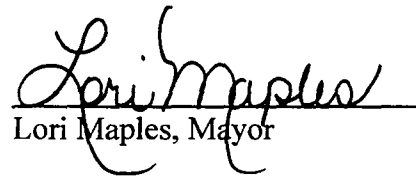
The Parks and Community Services Director shall have the authority to adopt reasonable regulations regarding the types of activities which may be conducted in City parks, grounds, buildings, swimming pools, hardscape, landscape, or other park and recreation areas, and to post signs authorizing or prohibiting such activities in the designated areas. No person shall play any game, hobby, sport, or otherwise engage in any activity in any public park, ground, building, swimming pool, hardscape, landscape, or other park and recreation area or facility in which a sign notifying the public that such activity is prohibited has been posted by the Parks and Community Services Director or his/her designee.


SECTION 6. Effective Date. This Ordinance shall take effect within thirty (30) days after its adoption.

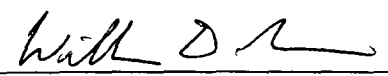
SECTION 7. Severability. This Ordinance shall be liberally construed to achieve its purposes and preserve its validity. If any provision or clause of this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are declared to be severable and are intended to have independent validity.

The foregoing Ordinance was introduced and read at the regular meeting of the City Council of the City of American Canyon, State of California, held on the 2nd day of December, 1999, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 16th day of December, 1999, by the following vote:

AYES: Maples, Colcleaser, Anderson, Canziani, Shaver
NOES: None
ABSTAIN: None
ABSENT: None


Lori Maples, Mayor

ATTEST:

Mark Joseph, City Clerk

APPROVED AS TO FORM:

William D. Ross, City Attorney