

ORDINANCE NO. 19-\_\_\_\_\_

**Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 24 Of Title 5 Of The Emeryville Municipal Code, "Parks"; CEQA Determination Exempt Pursuant to CEQA Guideline 15061(b)(3)**

**WHEREAS**, Chapter 24 of Title 5 of the Emeryville Municipal Code regulates activity in City parks, including animals in parks; and

**WHEREAS**, currently the Municipal Code does not allow for dogs in most of Emeryville parks; and

**WHEREAS**, new parks with designated off-leash dog areas have been constructed with additional off-leash areas planned; and

**WHEREAS**, the City Council wishes to amend the Municipal Code to allow for dogs at all City parks and additional procedures to address the needs of the community; now, therefore, be it

**RESOLVED, THE CITY COUNCIL OF THE CITY OF EMERYVILLE DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION ONE. AMENDING CHAPTER 24 OF TITLE 5 OF THE EMERYVILLE MUNICIPAL CODE.**

Chapter 24 of Title 5 of the Emeryville Municipal Code is amended as follows. Additions are noted in underline text. Deletions are noted in ~~strikethrough~~ text.

CHAPTER 24.  
PARKS

Sections:

5-24.01 City Parks Defined

5-24.02 Use of Grounds and Facilities

5-24.03 Defacing Equipment, Buildings, and Improvements

5-24.04 Repealed by Ord. 07-012

5-24.05 Alcoholic Beverages

5-24.06 Animals in City Parks

5-24.07 Bicycles

5-24.08 Amusements for Gain

5-24.09 Sales

5-24.10 Signs

5-24.11 Closing Hours

5-24.12 Administration and Enforcement

#### 5-24.01 City Parks Defined.

For the purposes of this chapter, "City park" shall mean any parcel or area of land, ~~with supporting buildings including any~~ structures, dedicated for park use by resolution of the Council.

#### 5-24.02 Use of Grounds and Facilities.

Every person using a City park and grounds shall clean up all debris, extinguish all fires when such fires are permitted in designated areas, and leave the premises in good order and the facilities in a neat and sanitary condition.

#### 5-24.03 Defacing Equipment, Buildings and Improvements.

No person shall mark upon, disfigure, or deface any portion of any building, structure, playground equipment, or improvement in any City park in any manner. Such marking, disfiguring, or defacing of any such building, structure, playground equipment or improvement shall be deemed a willful destruction of public property.

#### 5-24.04 Assemblies: Permits: Required.

#### 5-24.05 Alcoholic Beverages.

Admission to any City park shall be denied to any person showing evidence of drinking any alcoholic beverage or who has any alcoholic beverage on his person.

#### 5-24.06 Animals in City Parks.

It shall be unlawful for any person to bring in or harbor any animal in any City park except as provided in subsection (a) below.

(a) Dogs Permitted in City Parks Tomescal Creek Park and the Marina. Dogs, as defined in Section 6-1.102(g) of this Code, may be brought into Tomescal Creek Park and the Marina City parks provided the dog(s) are securely restrained by a substantial leash not to exceed six feet in length and under the control of a competent person handler, and no more than four dogs per handler in any park and provided such person has the capability of cleaning up after the dog(s) as provided in subject to the provisions of subsection (b) below.

(b) Nuisances Created by Dogs. Every person in control of any dog(s) in a City park Tomescal Creek Park or the Marina must clean up any fecal matter deposited by the dog(s). Failure to clean up after the dog(s) will constitute an infraction, misdemeanor under Sections 6-2.02 and 6-2.03 (Litter Law) of this

~~Code.~~ It shall also be unlawful to permit any dog to destroy the plants or any other public property located in City parks. ~~Tomescal Creek Park or the Marina.~~

(c) Off-Leash Areas. Dogs may be off leash only in designated areas of the park as provided by regulations promulgated by the City Manager. No more than four dogs per handler in any park.

(d) Dog License Required. All dogs in City parks must have current license from the City of Emeryville or another jurisdiction.

#### 5-24.07 Bicycles.

No person shall ride ~~or park~~ any bicycle in any City park, except in those areas designated for such use.

#### 5-24.08 Amusements for Gain.

No amusement for gain or for which a charge is made shall be conducted in a City park without the consent of the Council. Such amusements shall be conducted in accordance with any condition imposed or any provision of this Code pertaining thereto.

#### 5-24.09 Sales.

It shall be unlawful for any person, other than employees and officials of the City acting on behalf of the City, to vend, sell, peddle, or offer for sale any commodity or article within any City park.

#### 5-24.10 Signs.

It shall be unlawful for any person to paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatsoever, nor shall any person erect, or cause to be erected, any sign whatsoever on any public land, in any City park, or on any highway or road adjacent to a City park; provided, however, the provisions of this section shall not apply to any properly authorized government official in the pursuit of any official duty.

#### 5-24.11 Closing Hours.

All City parks shall be closed between the hours of 109:00 p.m. and 76:00 a.m. of the following day, and no person shall remain or loiter in, around, or about the premises.

#### 5-24.12 Administration and Enforcement.

~~The Chief of Police shall be responsible for the administration and enforcement of the provisions of this chapter.~~ The City Manager may promulgate rules for the regulations of the Parks described in this chapter.

**SECTION TWO. CEQA DETERMINATION**

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

**SECTION THREE. SEVERABILITY**

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared to be severable. If for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses or phrases.

**SECTION FOUR. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code section 33693.

**SECTION FIVE. CODIFICATION**

Section One of this Ordinance shall be codified in the Emeryville Municipal Code. Sections Two, Three, Four, and Five shall NOT be so codified.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, March 5, 2019, and **PASSED AND ADOPTED** by the City Council at a regular meeting on Tuesday, March 19, 2019.

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:



\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY