



**CITY OF SALINAS
COUNCIL STAFF REPORT**

DATE: OCTOBER 22, 2024

DEPARTMENT: LIBRARY & COMMUNITY SERVICES

FROM: KRISTAN LUNDQUIST, DIRECTOR

TITLE: AN ORDINANCE AMENDING SECTION 28-14 OF THE SALINAS MUNICIPAL CODE RELATED TO GENERAL REGULATIONS GOVERNING THE USE OF PARKS, RECREATION AREAS AND FACILITIES

RECOMMENDED MOTION:

A motion recommending that the Salinas City Council adopt an Ordinance amending Section 28-14 of the Salinas Municipal Code related to General Regulations Governing the Use of Parks, Recreation areas and Facilities.

EXECUTIVE SUMMARY:

In an effort to address concerns regarding the use of the parking lots at various Recreation-Park facilities and use of parks for campaign-related activities, staff recommends an update to Section 28-14 of the Salinas Municipal Code.

BACKGROUND:

Chapter 28 of the Salinas Municipal Code was established in 1956 to govern the use of Recreation and Parks Services in the City of Salinas. Since that time, the Ordinance has been updated as needed to address emerging issues relating to operations of the Recreation-Park Department. The last update was approved in 2009 and amended Sec. 28-14 (b) which prohibits the use of fireworks in parks, recreation areas or facilities. In effort to address concerns regarding the use of the parking lots at various Recreation-Park facilities and use of parks for campaign-related activities, staff recommend the following update to the Salinas Municipal Code.

Parking Lot Use

The City has eleven (11) Recreation-Park facilities that have parking lots including seven (7) adjacent to park facilities. Of the 7 parking lots located at park facilities, 4 have gates which provide the ability for the parking lot to be closed outside of regular park hours. These locations include: El Dorado Community Park, McKinnon Neighborhood Park, Monte Bella Community Park, and Sherwood Community Park. While these parks have gates, the use of the gates varies by neighborhood and a variety of factors. In some locations, safety and security necessitates the closure of the parking lots. This can be problematic when unattended vehicles are parked in the

parking lots when staff or contractors attempt to close the lots. In an effort to address unattended vehicles left in a parking lot, staff is seeking to add language to the Ordinance regarding the use of parking lots. This will provide for the ability to tow unattended vehicles parking in the parking lots outside of the park hours (dawn to dusk).

Campaign-Related Activities and Signs

Another addition is guidance related to the placement of noncommercial signs and park use in conjunction with a primary or general election. Currently, Salinas Municipal Code and state law prohibits the placement of temporary noncommercial message signs including but not limited to campaign signs on any city property, buildings, right-of-way, utility poles, streetlights, street signs, trees, sidewalks or median islands, parks, or any other public area. However, the use of a City facility such as the open space between City Hall and the Rotunda or a city park that is an equally available to all candidates and in use for campaign-related activity as a public forum is allowed. When a park or open space is available for campaign-related activity, all campaign signs and material must be removed following the completion of the campaign-related activity or event.

There are other minor non-substantive changes clarifying four other sections.

The Ordinance update was presented to the Library & Community Services Commission on September 11, 2024. The Commission had concerns regarding cost impacts to residents whose vehicles may be towed, creating a city-wide policy to address one neighborhood concern about parking lots, and felt the Ordinance should be looked at holistically and make necessary changes. In addition, the Commission felt it was important that the community be educated about the changes. Ultimately, the Commission voted to table the item so that staff could do additional work. The Commission also committed to submitting their suggested changes by one week from the September 11, 2024, meeting.

Staff received suggested changes from the Commission. After review, staff has incorporated changes to the draft Ordinance to address these suggestions.

The Ordinance update was scheduled to go before the LCS Commission again on October 9, 2024, however, this meeting was cancelled due to lack of quorum. Nevertheless, in continuing effort to improve the access and management of our parks, staff felt it was important to bring this to your Council before the next LCS Commission meeting.

CEQA CONSIDERATION:

Not a Project. The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

CALIFORNIA GOVERNMENT CODE §84308 APPLIES:

No

STRATEGIC PLAN INITIATIVE:

This ordinance update supports the following strategic goals:

- Youth and Seniors
- Public Safety

DEPARTMENTAL COORDINATION:

Library & Community Services Department staff coordinated with the City Attorney, City Clerk and Police Department on this update.

FISCAL AND SUSTAINABILITY IMPACT:

Fund	Appropriation	Appropriation Name	Total Appropriation	Amount for recommendation	FY 24-25 Operating Budget Page	Last Budget Action (Date, Resolution)
NA	NA	NA	NA	NA	NA	NA

ATTACHMENTS:

Draft Ordinance

ORDINANCE NO. _____ (N.C.S.)

**AN ORDINANCE AMENDING SECTION 28-14 OF THE SALINAS MUNICIPAL CODE
RELATED TO GENERAL REGULATIONS GOVERNING THE USE OF PARKS,
RECREATION AREAS AND FACILITIES**

City Attorney Impartial Analysis

This Ordinance amends section 28-14 of the Salinas Municipal Code related to the parking of vehicles in park facility parking lots. This Ordinance would allow for the removal of vehicles parked in such parking lots after the park's operating hours. This Ordinance would also establish requirements for the removal of non-commercial signs, including campaign signs, from parks following an election. This ordinance also includes non-substantive amendments to provide clarity on provisions of section 28-14.

WHEREAS, Chapter 28 of the Salinas Municipal Code was established in 1956 to govern the use of Recreation and Park Services in the City of Salinas (Ordinance No. 872 (N.C.S.); and

WHEREAS, Chapter 28 of the Salinas Municipal Code has been amended 5 subsequent times; and

WHEREAS, staff recommends amending Chapter 28 in order to address concerns relating to the use of parking lots at various Recreation-Park facilities, use of parks for campaign related activities and other minor changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SALINAS as follows:

SECTION 28-14 of the Salinas Municipal Code is hereby amended to read as follow:

Sec. 28-14. General regulations governing the use of parks, recreation areas or facilities.

It is hereby declared to be unlawful for any person to do or to cause or to permit to be done any of the acts hereinafter specified within the limits of any park, recreation area, or facility within the city of Salinas:

- (a) Loose Animals. To lead or let loose any animal or fowl; provided, that the prohibitions of this section shall not apply to animals which may be brought into the park or upon the grounds for any of the following purposes:
 - (1) Exhibit, such as dog shows and the like;
 - (2) Those portions of any park specifically set aside for riding schools or rodeo purposes; or
 - (3) Those portions of any park specifically set aside for dogs and their owners, and pursuant to the terms and conditions for such use, as adopted by resolution of the council.

For the purposes of this section and any resolutions adopted to affect the purposes of this section, the term "owner" means any person having charge or control of a dog or any other animal.

- (b) Firearms and Fireworks. To carry or bring therein any firearms, airguns, slingshots, rockets, torpedoes, or any other fireworks of any type.
- (c) Fires. To make campfires in any other places than in stoves or pits provided by the recreation-park department; provided, however, that the director of recreation and parks may issue special permits for fires in such places or locations as may be deemed safe or which do not interfere with the public welfare.
- (d) Removing Grass, Flowers, Sand, etc. To cut or remove any wood, turf, grass, rock, flowers, trees, shrubs, sand, or gravel, except by permit from the director of recreation and parks.
- (e) Destroying, etc., Athletic or Playground Equipment. To remove, damage, or destroy any athletic or playground equipment or paraphernalia, provided therefor by the recreation-park department, reasonable wear thereto excepted.
- (f) Harming Birds or Animals. To wound, kill, or catch, feed, or attempt to wound, kill, or catch, or feed any bird or animal.
- (g) Boisterous, Indecent, etc., Conduct or Language. To indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language, or operate any radio or musical instrument in such a manner as to disturb in any manner any picnic, meeting, services, concert, exercise, or exhibition.
- (h) Camping. To camp or lodge in any park or upon the grounds above except in the following instances:
 - (1) By special permit issued by the city; or
 - (2) Persons may camp in self-contained recreational vehicles only at the roadside rest area at the Sherwood Rodeo Regional Recreation Area for a single stay of not more than twenty-four hours in any seven-day period.

For the purposes of this subsection, the term "single stay" is defined as beginning at the time the vehicle is first parked at the rest area and ending twenty-four hours after the time the vehicle is first parked irrespective of whether the vehicle is temporarily removed from the rest area during the twenty-four period.

For the purposes of this subsection, the term "self-contained recreational vehicle" is defined as any vehicle intended for temporary human habitation and in which a sanitary toilet facility for urination and defecation and the sanitary storage of such human waste is an integral, working, and useable component of the vehicle that is contained completely within the vehicle.

- (i) Riding Animals, etc., on Footpaths. To ride or bring any horse or other animal or to propel any vehicle, cycle, or automobile on any foot paths or elsewhere than on roads, bridle paths, or drives provided for such purpose.
- (j) Loudspeakers; Radios. To operate or use any loudspeaker or loud speaking sound amplifying device in any public park unless by written permission of the director of

recreation and parks first obtained; provided, however, that nothing herein contained shall be construed as preventing the use of small portable radios when used for the purpose of receiving programs broadcast from regularly authorized and licensed broadcasting stations, but in no event shall such radios be operated at such volume as to disturb or annoy other persons present in such park.

- (k) Peddling. To sell or offer for sale any goods, merchandise, article, or thing whatsoever, without the written consent of the director of recreation and parks, who shall give such consent only upon a satisfactory showing that the conduct of the park or grounds wherein is sought such right to sell or offer for sale justifies such consent in the interest of the public convenience or comfort.
- (l) Soliciting, etc. To practice, carry on, conduct, or solicit for any trade, occupation, business, or profession, without the written consent of the director of recreation and parks, who shall give such consent only upon a satisfactory showing that the conduct of the park or grounds wherein the exercise of such right is sought justifies such consent in the interest of the public convenience or comfort.
- (m) Parking Vehicles. To park any automobile or other vehicle at any place where such parking may be prohibited by order of the director of recreation and parks or the city manager. Places where parking is prohibited shall be designated by appropriate signs.
- (n) Parking Lots. Parking lots are open and available for use consistent with the hours of operations of park and recreation facilities. Vehicles remaining in parking lots outside the hours of operations are subject to towing at the owners' expense.
- (o) Speed of Vehicles. To drive or operate any motor vehicle in excess of fifteen miles per hour in any park.
- (p) Playing Games. To play or engage in any game or contest excepting at such places as shall be especially provided or designated for that purpose.
- (q) Littering. To throw or deposit any bottles, tin cans, broken glass, paper, clothes, sheet iron, rubbish, soil, tree trimmings, refuse, garbage, or debris of any kind, except in places and receptacles provided therefor.
- (r) Removing Signs. To remove from any park equipment, any sign indicating that such equipment is reserved.
- (s) Placement of Signs. To place temporary noncommercial message signs including but not limited to campaign signs in conjunction with a primary or general election.
- (t) Dangerous Matter and Environmental Protection. To bring or cause or permit to be brought into any public park any material including any solid or liquid substance or pollutant into any fountain, pond, stream, riparian corridor or into a drain discharging into such waters, which will, if spilled or spread, be injurious to turf, plant growth or waterway.
- (u) Celebrations, Parades, etc. To hold, conduct, or participate in any celebration, parade, service, or exercise without first obtaining permission so to do from the director of recreation and parks, who shall give such permission only upon a satisfactory showing

that such event is sponsored by a responsible person, organization, firm, or corporation.

- (v) Fees and Permits. To use any park facility for which a charge is now or hereafter may be made by any ordinance of the city, without first having paid the fee required therefor and having received the required permit.
- (w) Use of Toilets. For any male person over eight years of age to enter or use any toilet or water-closet designated "For Women," or for any female person over eight years of age to enter or use any toilet or water-closet designated "For Men."
- (x) Loitering. To loiter or remain in any public park at any time between time posted for closing at night and daylight of the following morning. Parks are open daily from dawn to dusk.
- (y) Bribing Park Employees. To offer gratuitously any money, gift, bribe, or favor to any park employee.
- (z) Driving or Parking on Grass. To park or drive any automobile or motor vehicle on any turf area, except upon occasions when general permission to do so may be given by the director of recreation and parks.
- (aa) Moving Field Equipment. To move or remove from one location to another any part or parts of field equipment.
- (bb) Moving, etc., Maintenance Equipment. To move or remove from one location to another or destroy any equipment used for the upkeep of the park or grounds.
- (cc) Tampering with Water Valves. To open or close any valves pertaining to the water mains in the parks or grounds.
- (dd) Playing Tennis. To play upon any tennis court wearing shoes other than those having vulcanized rubber soles and heels.
- (ee) Doubles Tennis. When any tennis court is in use for singles play and other players are waiting, to refuse to open the court for doubles play at the end of the set then being played.
- (ff) Tennis Tournaments. To use any tennis court or courts for tennis tournaments or other special events of any kind unless permit be first obtained from the recreation and park department.
- (gg) Nonpayment of Admission Fee.
 - (1) To enter or go into, to cause or to assist, or to attempt to cause or assist, any other person to go into, any seat, box, space, enclosure, room, theatre, grandstand, runway, stadium, bath house, plunge, or any other place in the public parks of the city, to which an admission or permit fee or charge is made or charged, unless such person whose entrance is attempted shall have paid the full legal fee or charge made for such entrance as is attempted or gained, prior to entrance or attempted entrance thereon or therein.

- (2) Nothing contained in this subsection shall apply to any person entering any of the places named herein who shall do so by reason of and by the consent or permission of the person or persons in charge of any such place.
- (hh) Using Reserved Facilities. To use any park facility which has been reserved or which is indicated by a sign to have been reserved, without first having received permission from the director of recreation and parks.
- (ii) Interference with Spectators. To do any act which unnecessarily disturbs or interferes with spectators at any event conducted in any park, or to enter any area provided for or occupied by spectators at any such event for the purpose of doing any such act.
- (kk) Ride or use a skateboard, roller skates, roller-blades, in-line skates, bikes or other similar devices at a city skate park facility without wearing safety equipment which shall include a helmet, elbow pads and knee pads. Notwithstanding any other provisions of this section, violation of this subsection (hh) shall be an infraction.
- (ll) Bounce houses. A permit shall be required to place and use a bounce house on city property. The bounce house must be operated pursuant to the permit terms and conditions.

For purposes of this section and any resolutions adopted to affect the purposes of this section, the term "bounce house" meant inflatable recreational equipment containing landing surfaces on which users may jump or bounce, which equipment is intended for outdoor use.

SECTION 2. Compliance with the California Environmental Quality Act. Adoption of this Ordinance is exempt from environmental review under the general rule in California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3). The activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. Publication. Prior to the expiration of fifteen (15) calendar days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

SECTION 6. Effective Date. This Ordinance shall take effect and be enforced thirty (30) calendar days after the date of its adoption.

PASSED AND ADOPTED on _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Kimbley Craig, Mayor

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney

ATTEST:

Patricia M. Barajas, City Clerk