

ORDINANCE NO. 1967

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AMENDING SECTIONS 16-17, 17-5, AND MULTIPLE SECTIONS OF CHAPTER 19 OF THE FONTANA MUNICIPAL CODE TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOL INCIDENTAL TO THE PURPOSE OF A PERMIT UNDER SECTIONS 17-5 AND 19-3 OF THE MUNICIPAL CODE; AMEND THE STANDARDS, CONDITIONS AND REQUIREMENTS FOR SPECIAL PERMITS AND PERMITS ON PUBLIC MEETINGS AND DEMONSTRATIONS; PROHIBIT TOURNAMENTS, ADMISSION AND ASSOCIATED FEES IN PUBLIC PARKS; AND CLEAN UP ERRONEOUS LANGUAGE IN THE RESPECTIVE SECTIONS OF THE MUNICIPAL CODE.

WHEREAS, the City of Fontana, California ("City") is a general law city, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the City desires to modify Chapter 16-17 of the FMC to allow for the sale and consumption of beer and alcohol incidental to the purpose of a permit obtained for a designated area in a public park under Sections 17-5 and 19-3 of the FMC with approvals, including that of the city manager, as it pertains to tourism, community and cultural events; and

WHEREAS, the City desires to modify Chapter 17-5 of the FMC to amend the requirements and timeframes for permits for meetings, assemblies, rallies, demonstrations and parades consisting of 50 or more individuals on a public street, sidewalk or other public place within the city to grant the City an appropriate amount of time to receive and review applications, and to include additional methods of service for applicants to receive notice of the City's decision on such applications; and

WHEREAS, the City desires to modify Chapter 19 to update references to the Parks, Community and Human Service Commission; prohibit any tournament or the charge of admission and associated fees in any publicly maintained park; increase the threshold of the number of people required for a permit under the chapter; amend the reservation procedure to provide an indemnity provision and to increase the timeframes for reservation requests for permits under the chapter; amend the conditions for denial to further clarify such conditions for permits under the chapter; and to update the duties of the parks, community and human services commission to bring the municipal code current; and

WHEREAS, the City desires to clean up the erroneous language of the respective sections of Chapters 16, 17, and 19 to provide for a more comprehensible and concise municipal code.

Ordinance No. 1967

THE CITY COUNCIL OF THE CITY OF FONTANA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference as findings in support of this Ordinance.

Section 2. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 3. Municipal Code Amendment. Chapters 16, 17 and 19 of the FMC are hereby amended to read as provided in **Exhibit "A"** which is attached hereto and incorporated herein by this reference.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

Section 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian of these records is the City Clerk.

Section 6. Effective Date. This Ordinance shall be effective thirty days (30) following its adoption.

Section 7. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Fontana.

APPROVED AND ADOPTED this 8th day of April, 2025.

READ AND APPROVED AS TO LEGAL FORM:

Ruben Duran
City Attorney

Ordinance No. 1967

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced at a regular meeting on the 25th day of March, 2025 and was finally passed and adopted not less than five days thereafter on the 8th day of April, 2025, by the following vote to wit:

AYES: Mayor Warren, Council Members Cothran, Roberts and Sandoval

NOES: None

ABSENT: Mayor Pro Tem Garcia

ABSTAIN: None

Germaine Key

City Clerk of the City of Fontana

Reguanetta Warren

Mayor of the City of Fontana

ATTEST:

Germaine Key

City Clerk

EXHIBIT A

Sec. 16-17. Public consumption of intoxicant and possession of open container of alcoholic beverage prohibited.

- (a) As used in this section, "alcoholic beverage" includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, liquor, wine, or beer, and which contains one-half of one percent or more of alcohol by volume, and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (b) It shall be unlawful for any person to drink an alcoholic beverage while upon any street, alley, way, sidewalk, parkway, playground, or park within the city, or within any building owned by or leased to the city, whether such person is or is not in or upon any automobile or other vehicle or conveyance.
- (c) It shall be unlawful for any person to possess any can, bottle, or other receptacle containing an alcoholic beverage, as defined in subsection (a), that has been opened, or had its seal broken, or the contents of which have been partially removed, in any city park or other city-owned property or other public place, including, but not limited to, city-owned or city-leased buildings, parking lots, streets, alleys, ways, sidewalks, parkways and playgrounds.
- (d) It shall be unlawful for any person possessing any can, bottle, or other receptacle containing an alcoholic beverage, as defined in subsection (a), that has been opened, or had its seal broken, or the contents of which have been partially removed, to enter or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the Business & Professions Code. All licensees shall comply with the following requirements:
 - (1) All retail package off-sale alcoholic beverage licensees licensed pursuant to Division 9 (commencing with Section 23000) of the Business & Professions Code to operate in the city shall post the licensed premises with permanent signs which shall include language stating the following: "Possession of any open alcoholic beverage container in or outside this store is prohibited by law."
 - (2) Required signs shall be posted such that they are visible to (i) patrons of the licensee; (ii) patrons using the parking lot immediately adjacent to the licensed premises; and (iii) persons on any public sidewalk immediately adjacent to the licensed premises.
 - (3) For purposes of this subsection "posted premises" shall mean those premises which are subject to licensure under any retail off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises, and any public sidewalk immediately adjacent to the licensed premises which are posted with notices pursuant to subsections (d)(1) and (d)(2). "Parking lot immediately adjacent to the licensed premises" shall mean any parking lot, which is contiguous to the licensed premises and is utilized by patrons of the licensed premises, except a private residential parking lot immediately adjacent to the posted premises.
- (e) Subsections (b) and (c) shall not apply to any designated area or location within the city for a temporary permit of up to seven days, which designated area or location has been approved by resolution of the city council. In addition, subsections (b) and (c) shall not apply to any designated area or location within the city for a temporary permit of up to seven days, which designated area or location has been approved by the city manager or his/her designee upon determining that public convenience would be served, that the public health, safety and welfare would not be affected and if there is insufficient time for the city council to take formal action on the request. Such designation shall be reported to city council at their next regularly scheduled city council meeting.
- (f) Subsection (b) and (c) shall not apply to any designated building owned by or leased to the city which has been rented to a private citizen or group, which has been approved by the parks, community and human

EXHIBIT A

services commission. In addition, subsections (b) and (c) shall not apply to any designated building owned by or leased to the city which has been rented to a private citizen or group, which has been approved by the city manager or his/her designee upon determining that public convenience would be served, that the public health, safety and welfare would not be affected and if there is insufficient time for the parks, community and human services commission to take formal action on the request. Such designation shall be reported to the parks, community and human services commission at their next regularly scheduled parks, community and human services commission.

- (g) This section shall not apply when an individual is in possession of an alcoholic beverage container for the purpose of recycling or other related activity. Furthermore, this section shall not be deemed to make punishable any act or acts which are prohibited by any law of the state.
- (h) Any person in violation of this section shall be guilty of an infraction. Alcoholic beverage licensees in violation of subsection (d)(1) and (d)(2) shall also be guilty of an infraction.
- (i) Public Park. Section 19-1(a)(8) of the Fontana Municipal Code shall not apply to a designated area in a public park under Section 19-3 and Section 17.5 of the Fontana Municipal Code for a permit where the sale of beer and wine is incidental to the purpose of the permit. All permit applicants are still subject to, and must comply with, all applicable federal, state and local regulations for the sale of beer and wine. Any permit application under Section 19-3 and Section 17.5 of the Fontana Municipal Code, where the sale of beer and wine is incidental to the purpose of the permit, must obtain city manager approval. Additionally subsections (b) and (c) of this Section 16-17 shall not apply to any permit which has been approved by the city manager pursuant to this subsection (i).

(Ord. No. 1174, § 1, 12-19-95; Ord. No. 1277, § 1, 2-2-99; Ord. No. 1347, § 1, 6-5-01; Ord. No. 1652, § 1(Exh. E), 1-10-12; Ord. No. 1780, § 5, 9-25-18)

Sec. 17-5. Meetings, demonstrations and parades.

- (a) *Permit requirements.* No person shall conduct a public meeting, assembly, rally, demonstration or parade consisting of 50 or more individuals in or upon a public street, sidewalk, or other public place within the city, or participate in any such function, unless and until a permit to conduct such public meeting, assembly, rally, demonstration or parade has been obtained pursuant to this section 17-5.
- (b) *Application for permit; bond.* Any person wishing to conduct a public meeting, assembly, rally, demonstration or parade, consisting of 50 or more individuals in or upon a public street, sidewalk, or other public place within the city, shall apply to the city manager for a permit no fewer than 14 calendar days in advance of the proposed public meeting, assembly, rally, demonstration or parade; provided, however, that any person wishing to conduct a public meeting, assembly, rally, demonstration or parade in or upon a public street within the city shall apply to the city manager for a permit no fewer than ~~30~~ 90 calendar days in advance of the proposed public meeting, assembly, rally, demonstration or parade if said event requires the closure of any public street within the city. Permit applications shall be made in writing on a special event application form as approved by the city manager requiring the following information and items, all of which shall be required prior to the application being deemed complete:
 - (1) The name, address and telephone number of the person applying for the permit. If the permit is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized head of such organization.
 - (2) A statement of the nature or purpose of the proposed use, event or activity.
 - (3) The proposed date and the estimated starting and ending time of the proposed use, event or activity.
 - (4) The proposed location of any assembly areas, disbanding areas, and route(s) proposed, as well as the detour route(s) proposed for pedestrian and vehicular traffic.
 - (5) The type and estimated number of participants, vehicles, and animals, as applicable. The number of participants in each marching unit shall be given and any sound amplifying equipment proposed for use shall be described.
 - (6) The proposed location of any booths, stages, or other temporary structures proposed as part of the proposed use, event, or activity including the submittal of plans and other information providing accurate dimensions of all structures, materials and color information, as well as structural and anchoring details.
 - (7) The proposed location of any electrical equipment to be used, such as amplifiers and lighting equipment, as well as a description of the type and number of such equipment.
 - (8) The proposed location of parking facilities to be used by the event participants.
 - (9) Each permit application and permit shall expressly provide that the permittee agrees to defend, protect, indemnify and hold the city, its officers, employees and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from the alleged acts or omissions of permittee, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the permittee shall, at permittee's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the city, its officers, agents or employees, and that permittee shall pay any settlement entered into and shall satisfy and judgment that may be rendered against the city, its officers, agents or employees as a result of the alleged acts or omissions of permittee or permittee's officers, agents or employees in connection with the uses, events or activities under the permit.

- (10) The permit application and permit shall provide that the sponsoring entity agrees to be liable to the city for all city departmental service charges incurred in connection with or due to the permittee's activities under the permit. In calculating the departmental service charges, the permittee shall not be responsible for the costs of protecting the permittee and the public from any hostile response to the permitted activity.
- (11) The applicant or sponsoring entity shall provide to the city, in cash, bond (issued by a surety licensed and admitted to conduct surety business within the state) or letter of credit, in an amount determined from the time to time by city council resolution to cover all city departmental service charges incurred in connection with or due to the permittee's activities under the permit. If city property is destroyed or damaged by reason of permittee's use, event or activity, the permittee shall reimburse the city for the actual replacement or repair cost of the destroyed or damaged property.

(c) *Definitions.* As used in this section:

City manager means the City of Fontana City Manager or his or her designee.

Demonstration or rally means any planned assembly or rally consisting of persons, animals or vehicles, or combination thereof, upon any public street, sidewalk or alley or public place.

Parade means any planned or spontaneous march or procession of persons, animals or vehicles, or combination thereof, upon any public street, sidewalk or alley or public place.

Public meeting means any planned or spontaneous assembly consisting of persons, animals or vehicles, or combination thereof, upon any public street, sidewalk, alley or public place.

(d) *Conditions.*

- (1) No permit shall be issued for the sole purpose of advertising or displaying products, services, or wares by a business establishment or person.
- (2) Events qualifying under the definition of a parade, demonstration or rally shall be limited to a route distance of 1½ miles.
- (3) Official entries for such events, i.e., floats, marching bands, VIP vehicles, equestrians, etc., shall not exceed 150 units.
- (4) No person shall carry or possess any weapon, nor shall any person use any length of lumber, wood, wood lath, metal or like material or bottles or other objects or materials as a weapon, while on public property or while participating in any parade, demonstration or rally.

(e) *Exemptions.*

- (1) Athletic events sponsored by the community services department, i.e., running, walking, bike-a-thons, triathlons, etc. are exempt from the provisions of subsection (d).
- (2) Exempted from this section 17-5 shall be block party permits, which shall be regulated under an appropriate resolution adopted by the city council and establishing guidelines for such activities.
- (3) Any funeral processions.
- (4) Any special event, community/commercial picnic, celebration, parade, service or exercise, or other organized activity held or conducted within a public park or public facility and regulated pursuant to chapter 19, article I of this Code.
- (5) Any co-sponsored events, but only to the extent provided for by city guidelines established for co-sponsorship.

(f) *Processing of permits.*

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- (1) If a complete application is filed after the filing deadline, the city manager shall immediately investigate to determine if he or she has sufficient time to process the application, to investigate the effects of the proposed use, event or activity on traffic and other conditions, and to obtain police services for such permit. The applicant shall have an opportunity to demonstrate that the circumstances giving rise to the proposed use, event or activity did not reasonably allow the participants to file for a permit within the time prescribed and that imposition of the time limitation would unreasonably restrict the right of free speech. If such a demonstration is made, and the city manager makes none of the findings set forth in subsection (f)(3)b., he or she shall issue a permit despite the lack of 14 calendar days' advance application (or, in the case of events requiring ~~30~~ 90 calendar days' advance notice, despite the lack of 30 90 calendar days).
 - (2) The permit application shall be considered complete on the date that the information and security required by this section is provided.
 - (3) The city manager shall issue the permit, conditioned upon the applicant's written agreement to comply with ~~any and all~~ the terms of this section and any conditions imposed on the issuance of the permit, unless he or she finds that:
 - a. The information contained in the application is false or intentionally misleading or the applicant ~~fails~~ failed to complete the application after having been notified of additional information that is required.
 - b. The activity will endanger public health, welfare or safety for the reasons set forth herein, and reasonable adjustments to the community traffic control, street and property maintenance, or police, fire, or ambulance protection would not alleviate such danger.
 1. An application received prior in time has been approved for the same time and place so close as to cause undue traffic congestion or exceed the ability of the city to provide police and other services for both uses, events or activities.
 2. The time, route, or size of the proposed use, event or activity will substantially and unreasonably interrupt the safe and orderly movement of pedestrian or vehicular traffic in contiguous areas or will disrupt the use of streets or rights-of way at a time of usual traffic congestion.
 3. The concentration of persons, animals and vehicles, or a combination thereof, for the proposed use, event or activity will prevent proper police, fire or ambulance service to contiguous areas.
 4. The proposed use, event or activity is of a size or nature that requires a diversion of so great a number contiguous area that will prevent reasonable police protection to the remainder of the city.
 5. The location of the proposed use, event or activity will substantially interfere with construction or maintenance work scheduled upon or along the city streets or rights-of-way or will interfere with a previously granted encroachment permit.
 6. The permittee has failed to provide for the services of sufficient monitors to control the orderly conduct of the proposed use, event or activity.
 7. The permittee has failed to provide a reasonable means of informing all of the persons participating therein of the terms and conditions so such permit.
 8. The proposed use, event or activity will result in harm to persons or property.
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9. The preparation for or the conduct of the proposed use, event or activity will unduly impede, obstruct, or interfere with the city's ability to perform municipal functions or furnish city services in the vicinity of the permit area.
- (4) When the grounds for denial of an application can be corrected by altering the date, time, duration, route, location, maximum length, speed, stops permitted, accommodation of other traffic and number and types of vehicles, the city manager shall, instead of denying the application, conditionally approve the application subject to such corrections and conditions. The conditions imposed shall provide only for such modification of the applicant's proposal as are reasonably necessary to comply with subsection (f)(3)b.
- (5) The city manager shall uniformly consider each application upon its merits, and shall not deny any permit based upon political or religious grounds or reasons.
- (6) Within 14 calendar days after the filing of the permit application ~~(or, in the case of events requiring 30 90 calendar days, within 30 90 calendar days after the filing of the application)~~ the city manager shall issue or deny the permit, and shall notify the applicant, in writing, of the action taken. Such service shall be made either by personal service, fax, email or first class mail (postage prepaid). In those instances when issuance or denial occurs three days or less before the proposed use, event, or activity the city manager is authorized to use other reasonable means of notification provided the applicant is provided actual notification.
- (7) If the city manager denies the permit, he or she shall set forth the reasons for denial. The city manager's decision shall be final unless appealed.
- (8) Any applicant may appeal the final decision of the city manager to the city council. Appeals shall be filed with the city clerk within two calendar days after the applicant is served with written notice of the decision. Except as otherwise provided in 17-5 (f)(3)b.6, failure of any person to receive written notice shall not invalidate same. The city council shall act upon the appeal at the next regularly scheduled city council meeting held more than seven calendar days and less than 14 calendar days after the filing of the appeal. If no such meeting is scheduled, the mayor shall call a special city council meeting to consider and act upon such appeal within 14 calendar days after the filing of such appeal.
- (9) Expedited judicial review of any decision made by the city council made pursuant to section 17-5 may be had pursuant to Code of Civil Procedure Section 1094.8.
- (g) *Street closure.*
- (1) The city manager may authorize the temporary closure of streets or highways for meetings, assemblies, rallies, demonstrations or parades for which a permit has been issued pursuant to this section 17-5.
- (2) Once authorized pursuant to subsection (g)(1), the chief of police or any on-scene peace officer supervisor may cause the closure of such streets and highways as designated by the city manager, as well as additional streets and highways for if such supervisor deems such additional closure necessary in order to ensure safety of persons or property in the area and the orderly flow of traffic.
- (h) *Interference.*
- (1) No person shall, without the consent of the permittee, join or participate in any parade, public meeting, rally, demonstration or assembly, or in any manner interfere with its progress or orderly conduct.
- (2) Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.
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(Code 1968, § 16-5; Ord. No. 1472, § 1, 2-1-05; Ord. No. 1503, § 1, 6-27-06; Ord. No. 1543, § 1, 2-26-07)

Cross reference(s)—Picnics, parades, etc., in parks, § 19-2; streets and sidewalks, ch. 25.

Sec. 19-35. Duties.

The duties of the parks, community and human services commission shall be to:

- (1) Act in an advisory capacity to the city council and city staff in matters pertaining to the acquisition, development, and maintenance of public parks and recreational facilities, and related projects at the specific request of the city council.
- (2) Advise the city council and city staff on the needs and concerns of citizens of all ages, religions, races, ethnic backgrounds, economic, and social circumstances.
- (3) Advise city staff in the planning and operation of parks and recreational, cultural, multi-cultural, health and fitness, nutrition, transportation, resource referral and senior services and programs for the residents of the city.
- (4) Promote and stimulate interest in parks and recreational, cultural, multi-cultural, health and fitness, nutrition, transportation, resource referral and senior services that enhance the health and quality of life for residents, and obtain the greatest possible cooperation and participation of the citizens and public and private agencies in such programs.
- (5) Facilitate surveys and research and provide insight to advise the community services director and public works director regarding trends, innovations, and community interest or concern as it relates to recreational, cultural, multicultural, senior, nutrition, transportation, resource referral and/or health and fitness programming, and/or public park and recreational facilities.
- (6) Promote and support, on a city-wide basis, the work of community agencies, social organizations, and special interest groups which support parks, recreation, and other community services.
- (7) Encourage and support the city's relationships with school districts and other public agencies to maximize the recreational use of school facilities, collaborative programming, mutual resources, and other public resources.
- (8) Cooperate with other city commissions and committees in receiving and evaluating matters pertaining to parks, recreation, and community services.
- (9) Review programs and services provided by the community services and public works departments, and advise and make recommendations to city staff.
- (10) ~~Reserved. Advise the community services director and public works director in the preparation of the annual budget and long range park and recreation facilities capital improvement budget.~~
- (11) ~~Reserved. Consider and advise staff regarding fees and charges to be made for recreation, community services, and senior service programs and for the use of public facilities including parks, fields, playgrounds, and special use facilities.~~
- (12) Advise and recommend for consideration general policies with respect to the community services and public works departments.
- (13) Make periodic visits and assessments of public recreation facilities, programs, and activities.

(Code 1968, § 19-11; Ord. No. 1086, § 43, 8-17-93; Ord. No. 1364, § 1, 11-20-01; Ord. No. 1652, § 1(Exh. F), 1-10-12; Ord. No. 1780, § 6, 9-25-18)

Chapter 19 – ~~PARKS AND COMMUNITY SERVICES~~

PARKS, COMMUNITY AND HUMAN SERVICES

ARTICLE I. IN GENERAL

Sec. 19-1. Prohibited acts.

(a) No person shall do any of the acts specified in this section within the limits of any publicly maintained park:

- (1) Bring or permit therein any horses, goats, cats, fowl, dogs or any other animals, excepting such animals which are brought into any park for purposes of exhibition pursuant to a special permit or in specially designated areas and excepting specially trained guide dogs, signal dogs or service dogs, when such dog accompanies a blind, deaf or physically disabled person.
- (2) Wound, kill or catch or attempt to wound, kill or catch any bird, fowl, fish or other animal.
- (3) Indulge in any riotous or offensive conduct as defined in Penal Code § 415 or use vulgar or obscene language as defined in Penal Code § 311.
- (4) Make campfires in any other places than in stoves and barbecues provided by the city.
- (5) Practice, carry on, conduct or solicit for any trade, occupation, business or profession; excepting only upon special permit, when applicable, granted as set forth in section 19-3.
- (6) Cut, deface, remove or damage any tree, shrub, plant, wood, turf, rock, sand, gravel or earth or pick any flowers without special permit granted as set forth in section 19-3, when applicable.
- (7) Play or engage in any game or tournament, except at such places as shall be especially set apart for that purpose, and, when applicable, in accordance with a special permit issued pursuant to section 19-3.
- (8) Have, possess, carry, sell or consume any intoxicating liquor. For the purpose of this subsection, the term "intoxicating liquor" shall be construed to include any spirituous, vinous, malt or mixed liquors containing one-half of one percent by volume of alcohol which are fit for beverage purposes, excepting only upon authorization pursuant to section 16-17.
- (9) Park automobiles or other vehicles except at places especially provided or designated for such purposes or leave automobiles or other vehicles with the engine running.
- (10) Throw or deposit any bottles, tin cans, broken glass, paper, rubbish, refuse or waste material of any kind at any place except in containers for such purposes.
- (11) Sell or offer for sale any goods merchandise, articles or things whatsoever; excepting only upon special permit granted as set forth in section 19-3.
- (12) Drive or operate any motor vehicle in excess of five miles per hour in any park.
- (13) Swim, fish, wade, bathe in or pollute the waters of any fountain, pond, lake or stream. Wading shall be permitted in the wading pool especially designed for wading purposes.
- (14) Propel any vehicle, motorcycle or automobile on any footpaths, hiking trails, bike paths or elsewhere than roads or drives provided for such purpose.

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- (15) Skateboarding, roller blading, and skating except in designated facilities and areas specially designed for such purpose.
 - (16) To roller skate or bicycle upon the tennis courts within any public park within the city.
 - (17) To use sound amplifiers or speakers in a park in such a manner that the sound is amplified so as to be audible at a distance of 150 feet or more, unless a special permit is obtained as set forth in section 19-3.
 - (18) To post or otherwise affix any bills, notices or other papers upon any tree or structure within such parks, or upon any fence gate or enclosure.
 - (19) Charge admission or associated fees. This section 19-1(a)(19) shall not apply to Miller Park.

(Code 1968, § 19-1; Ord. No. 1086, § 42, 8-17-93; Ord. No. 1364, § 1, 11-20-01)

Sec. 19-2. Picnics, parades, etc.

No person, ~~company, society or organization~~ or society shall hold or conduct any picnic, celebration, community/commercial parade, service or exercise consisting of ~~50~~ 100 people or more in any public park without a special permit granted as provided in section 19-3, and it shall be unlawful for any person to take part in any picnic, celebration, parade, service or exercise held or conducted contrary to the provisions of this section.

(Code 1968, § 19-3; Ord. No. 1364, § 1, 11-20-01; Ord. No. 1504, § 1, 6-27-06)

Cross reference(s)—Meetings, demonstrations and parades, § 17-5.

Sec. 19-3. Special permits.

- (a) Special permits as provided for in this chapter shall be issued only by the community services director in accordance with the criteria and requirements of this section.
- (b) Authority is also granted by the city council to the community services director to process and approve special permits for banners to be erected across city streets, at designated locations, for holiday decoration and advertisement of nonprofit activities within the community.
- (c) Reservations for activities in parks and public facilities. The community services director or designee shall be responsible for scheduling and controlling the use of the parks and public facilities, or portions thereof, for the benefits and participation by interested public and private persons and groups. Any person or group desiring to reserve any football field, soccer field, ball field, tennis court, swimming pool, picnic facility, or other park facility shall apply for a special permit in accordance with this section. Such application shall be in writing, giving the name of the facility, the proposed use, the date of its proposed use, and the person or group to whom the permit is to be granted. The person or group to whom the special permit is to be granted shall abide by all policies and procedures applicable to the facility proposed to be used.

When an application includes the request for a community/commercial parade to be held upon public rights-of-way, the following information shall also be included in writing:

- (1) The type and estimated number of participants, vehicles, animals and floats, as applicable. Each float shall be described in terms of its width, height, power source and speed. The number of participants in each marching unit shall be given and any sound amplifying equipment proposed for use shall be described.
- (2) The proposed location of any booths, stages, or other temporary structures proposed as part of the proposed use, event, or activity including the submittal of plans and other information providing

accurate dimensions of all structures, materials and color information, as well as structural and anchoring details.

- (3) The proposed location of any electrical equipment to be used, such as amplifiers and lighting equipment, as well as a description of the type and number of such equipment.
- (4) The proposed location of parking facilities to be used by the event participants.
- (5) Each permit application and permit shall expressly provide that the permittee agrees to defend, protect, indemnify and hold the city, its officers, employees and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from the alleged acts or omissions of permittee, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the permittee shall, at permittee's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the city, its officers, agents or employees, and that permittee shall pay any settlement entered into and shall satisfy and judgment that may be rendered against the city, its officers, agents or employees as a result of the alleged acts or omissions of permittee or permittee's officers, agents or employees in connection with the uses, events or activities under the permit.

Reservation procedure. Any group or person desiring to use city parks, public facilities, public rights-of-way, or portions thereof, shall request from the community services director or his designee a special permit for the reservation of the same for such use. Persons or groups from within the city shall be given priority over persons or groups from outside the city if a conflict in scheduling arises. Requests for use shall be submitted in writing to the community services department on the facility use or special event application approved by the city manager in accordance with the following deadlines:

- (1) For special events: not less than ~~120~~ 90 calendar days in advance, and not more than ~~six months~~ one year in advance of the proposed use. If the special event also constitutes a public meeting or demonstration as defined in section 17-5, the deadlines set forth in that section shall control.
- (2) For community/commercial parades: not less than ~~120~~ 90 calendar days in advance, and not more than ~~six months~~ one year in advance of the proposed use.
- (3) For all other organized activities: not less than 14 calendar days in advance, and not more than ~~six months~~ one year in advance of the proposed use.

Upon the written approval by the community services director or designee, the applicant shall pay such application fees as approved by resolution of the city, not less than 30 calendar days in advance of the proposed use for special events or community/commercial parades, or 14 calendar days in advance of all other proposed organized activities. The community services director shall either approve, deny or conditionally approve a completed application for a special permit within 30 calendar days of the city's receipt of such application for special events and community/commercial parades, or seven calendar days in advance of all other proposed organized activities.

Conditions. The community services director may impose such reasonable conditions upon the issuance of any special permit as he or she deems necessary for the protection of the public health, safety, and welfare, including conditions related to time, place, frequency, duration, maximum number of persons in attendance, parking restrictions, and placement of apparatus and equipment. Each permit issued pursuant to this section shall provide that permittee will observe all applicable regulations governing the use of city parks.

Insurance. The community services director may also require the applicant to provide such additional liability insurance, security personnel, water sanitary facilities and refuse receptacles as the community services director determines to be necessary for the protection of public health, safety, and welfare in connection with the intended use.

Fees and deposits. Fees and deposits required in respect to special permits may include, without limitation, such amount as may be determined by resolution of the city, to be necessary to compensate the city, for the administrative costs associated with the special permit, as security for repair of damage to the park, public facilities, or public rights-of-way for the cost of cleanup, and for extra personnel to regulate conduct and traffic.

Clean up and repair expense. The application form shall provide that the applicant shall reimburse the city for all unusual or any extraordinary cleanup and repair expenses and for services provided by the city arising out of the activity authorized by the special permit, unless the event is approved as a co-sponsored event or activity.

Denial, cancellation or termination of permit or reservation. The community services director shall, within 30 calendar days of receipt of an application for a proposed special event or community/commercial parade, and 14 calendar days of receipt of an application for all other organized activities pursuant to this section, deny, cancel, or terminate the special permit and require the immediate vacation of the premises upon finding that any of the following conditions exist:

That the applicant has not given written agreement to comply with all the conditions imposed upon the granting of the special permit.

That the application reveals that the city does not have a park or facility, ~~which~~ that will accommodate the use, ~~or the city has determined that the use, or the intensity or degree of the use contemplated by the application.~~

That the proposed use is not one which by law must be permitted, and the chief of police or the city has determined that the use, or the intensity or degree of the use contemplated by the application creates security problems which pose a threat or potential threat to the public safety or welfare which cannot be mitigated to an acceptable level by the use of security personnel and facilities reasonable available for such purpose; .

That the proposed activity is not a reasonable use in relation to the use of the park by other persons and the effect of such use would be detrimental to the peace of the neighborhood, including the following:

Whether the conduct of the proposed activity will substantially interrupt the safe and orderly movement of persons within the park and near the activity;

Whether the conduct of the proposed activity will require the diversion of so great a number of police officers of the city to properly police the activity as to prevent normal police protection to the city;

Whether the concentration of persons, animals and/or vehicles at the proposed activity will unduly interfere with proper police and fire protection of areas contiguous to such activity; and

Whether the conduct of the proposed activity is reasonably likely to cause injury to persons or property.

That the applicant failed to file the application in a timely manner; .

That the park, public area, or public facility is not available for the requested use at the time specified by the applicant.

That the applicant failed in a material way to comply with the terms and conditions of any prior permit issued to the applicant for use of a park, public area, or public facility, or has failed to pay to the city any fee or cost due in relation to the issuance or exercise of such permit.

When a hazardous condition threatens or reasonably might threaten participants, spectators, city staff, or any person or property is the requested permit were to be issued; .

If a permit applied for is for the purpose of holding a class, course of instruction, or activity for any program not conducted or expressly sponsored or otherwise approved by the city and for which a fee is to be charged to attendees or participants.

~~If the community services director is not satisfied as to the reasonableness of the proposed activity in relation to the use of the park by other person, or as to the effect such use might have upon the peace of the neighborhood, and if the community services director and the applicant are unable to agree as to the conditions to be imposed upon the granting of a special permit, the application for a special permit may, at the option of the applicant, be processed in accordance with section 17-5, but without reference to the number of persons required to make section 17-5 applicable.~~

The community services director's decision to deny, cancel or terminate a special permit shall be delivered to the applicant of such permit within no less than seven calendar days of such decision by mailing a written version of decision, via certified mail, to the applicant; provided however, that in the event that the community services director determined that the public health, safety and welfare so require, verbal notification of any cancellation or termination of a special permit shall be deemed sufficient notice.

Appeal. Any person aggrieved by any act or determination of community services director in the exercise of the authority herein granted shall have the right to appeal to the city council. The appeal shall be in writing, stating the decision appealed from and the reasons for the appeal. That appeal shall be filed with the city clerk within seven calendar days after the occurrence of the act or determination forming the basis for the appeal. The appeal shall be heard by the city council at the first regular council meeting occurring more than 14 calendar days after the filing of the appeal.

Expedite review of any decision of the city council made pursuant to this section may be had pursuant to code of Civil Procedure section 1984.8, subdivision (c).

(d) Definitions. As used in this section ~~Chapter~~:

Community/commercial parade means any planned procession consisting of persons, animals or vehicles, including floats, or combination thereof upon a public street, right-of-way, sidewalk, alley or public space for public benefit by a community or commercial organization.

Community services director means the city community services director or his or her designee.

Other activities means all other organized activities, including but not limited to, picnics, celebrations, service or exercise, that are not otherwise included within the definition of special event or community/commercial parade.

Park or public facility means any park, public building, sidewalk, public right-of-way, easement or other publicly owned space within the city.

Special event means any planned event consisting of ~~50~~ 100 or more persons, animals or vehicles, or combination thereof, upon any park, public building, sidewalk, public right-of-way, easement or other publicly owned space within the city being held to provide public benefit through recreation, service or entertainment based activities. If the special event also constitutes a public meeting or demonstration as defined in section 17-5, the provisions of that section shall control.

(Code 1968, § 19-4; Ord. No. 1364, § 1, 11-20-01; Ord. No. 1505, § 1, 6-27-06)

Cross reference(s)—Advertising and signs, ch. 3.

Sec. 19-4. Loitering at public toilets.

No person in a park shall loiter at or about any toilet facility open to the public.

(Code 1968, § 19-5)

Certificate Of Completion

Envelope Id: BF933A57-9531-47C8-B4B0-06D3B9FEE910

Subject: Please DocuSign: Ordinance 1967

Source Envelope:

Document Pages: 16

Certificate Pages: 5

AutoNav: Enabled

Envelopeld Stamping: Enabled

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:

City Clerk

8353 Sierra Avenue

Fontana, CA 92335

clerks@fontana.org

IP Address: 192.146.186.96

Record Tracking

Status: Original

4/9/2025 | 11:45 AM

Holder: City Clerk

clerks@fontana.org

Location: DocuSign

Signer Events

Ruben Duran

ruben.duran@bbklaw.com

City Attorney

Security Level: Email, Account Authentication
(None)

Signature



Signature Adoption: Pre-selected Style
Using IP Address: 74.116.243.2

Timestamp

Sent: 4/9/2025 | 11:45 AM

Resent: 4/14/2025 | 11:54 AM

Resent: 4/14/2025 | 05:30 PM

Viewed: 4/17/2025 | 07:06 AM

Signed: 4/17/2025 | 07:07 AM

Electronic Record and Signature Disclosure:

Accepted: 4/17/2025 | 07:06 AM

ID: c1ee020f-bdf4-40dd-9d93-f8a5c9d3f573

Acquanetta Warren

awarren@fontana.org

Security Level: Email, Account Authentication
(None)



Signature Adoption: Pre-selected Style
Using IP Address: 104.28.85.167
Signed using mobile

Sent: 4/17/2025 | 07:07 AM

Viewed: 4/17/2025 | 09:12 AM

Signed: 4/17/2025 | 09:14 AM

Electronic Record and Signature Disclosure:

Accepted: 4/17/2025 | 09:12 AM

ID: 24bdd5f-f0c2-40fb-bb02-916d93ec6148

Germaine Key

gkey@fontana.org

Security Level: Email, Account Authentication
(None)



Signature Adoption: Pre-selected Style
Using IP Address: 107.201.246.59
Signed using mobile

Sent: 4/17/2025 | 09:14 AM

Viewed: 4/17/2025 | 09:15 AM

Signed: 4/17/2025 | 09:15 AM

Electronic Record and Signature Disclosure:

Accepted: 4/17/2025 | 09:15 AM

ID: 56c904fb-baa8-4d29-a02d-d147ab3057c0

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Kathy Kasinger
kkasinger@fontana.org
Records Coordinator
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 4/9/2025 | 03:24 PM
ID: da1c9fed-70bf-4f84-8d7d-3cbe727ce762

Status

COPIED

Timestamp

Sent: 4/17/2025 | 09:15 AM
Viewed: 4/21/2025 | 03:08 PM

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent	Hashed/Encrypted
Certified Delivered	Security Checked
Signing Complete	Security Checked
Completed	Security Checked

4/9/2025 | 11:45 AM
4/17/2025 | 09:15 AM
4/17/2025 | 09:15 AM
4/17/2025 | 09:15 AM

Payment Events

Status

Timestamps

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Fontana (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Fontana:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cteveda@fontana.org

To advise City of Fontana of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at cteveda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to cteveda@fontana.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Fontana

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to cteveda@fontana.org and in the body of such request you must state your e-mail, full name, US Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
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TO: HERALD NEWS
EMAIL: LEGALS@FONTANAHERALDNEWS.COM
FROM: FONTANA CITY CLERK'S DEPARTMENT
DATE: April 1, 2025

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCE NO 1967.

PUBLISH ONE TIME ONLY ON OR BEFORE April 11, 2025. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF PROPOSED ORDINANCE NO 1967.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **March 25, 2025**, at City Hall, 8353 Sierra Avenue, Fontana, California, considered adoption of the following ordinance:

Read by title only and waive further reading of and introduce **Ordinance No. 1967**, an ordinance of the City Council of the City of Fontana, California, amending Sections 16-17, 17-5 and multiple sections of Chapter 19 of the Fontana Municipal Code to allow for the sale and consumption of alcohol incidental to the purpose of a permit under Sections 17-5 and 19-3 of the Municipal Code; amend the standards, conditions and requirements for Special Permits and Permits on Public Meetings and Demonstrations; Prohibit Tournaments, Admission and Associated Fees in public parks; and clean up erroneous language in the respective sections of the Municipal Code, and that the reading of the title constitutes the first reading thereof.

A certified copy of the full text of the ordinance is available in the office of the City Clerk of the City of Fontana, 8353 Sierra Avenue, Fontana, California 92335.

CITY COUNCIL OF THE CITY OF FONTANA
Acquanetta Warren, Mayor

Christina Rudsell
Deputy City Clerk

P.O. #800496

TO: HERALD NEWS
EMAIL: LEGALS@FONTANAHERALDNEWS.COM
FROM: FONTANA CITY CLERK'S DEPARTMENT
DATE: April 9, 2025

PUBLICATION OF SUMMARY OF ADOPTED ORDINANCE NO 1967.

PUBLISH ONE TIME ONLY ON OR BEFORE April 18, 2025. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCE NO 1967.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **April 8, 2025**, at City Hall, 8353 Sierra Avenue, Fontana, California, adopted the following ordinance:

Second reading/adopt **Ordinance No. 1967**, an ordinance of the City Council of the City of Fontana, California, amending Sections 16-17, 17-5 and multiple sections of Chapter 19 of the Fontana Municipal Code to allow for the sale and consumption of alcohol incidental to the purpose of a permit under Sections 17-5 and 19-3 of the Municipal Code; amend the standards, conditions and requirements for Special Permits and Permits on Public Meetings and Demonstrations; Prohibit Tournaments, Admission and Associated Fees in public parks; and clean up erroneous language in the respective sections of the Municipal Code.

A certified copy of the full text of the ordinance is available in the office of the City Clerk of the City of Fontana, 8353 Sierra Avenue, Fontana, California 92335.

CITY COUNCIL OF THE CITY OF FONTANA
Acquanetta Warren, Mayor

Christina Rudsell
Deputy City Clerk

P.O. #800496

