



BILL NO. B-16

ORDINANCE NO. 2014-19

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTION 5-502 OF THE FRESNO MUNICIPAL CODE, RELATING TO PROHIBITED ACTS IN PARKS.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 5-502 of the Fresno Municipal Code is amended to read:

SECTION 5-502. PROHIBITED ACTS IN PARKS. Within the limits of any park, no person shall:

(a) Sell any tickets for a performance or activity or seek contributions for a performance or activity, whether conducted in the park or elsewhere, except with the prior written permission of the Director.

(b) Cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property; or pluck, pull up, cut, take or remove any shrub, bush, plant, or flower, or mark or write upon any building, monument, fence, bench or other structure, or carry any flowers, shrubs, or branches into or through any park.

(c) Cut or remove any wood, turf, grass, soil, rock, sand, or gravel.

(d) Distribute any commercial handbills, or circulars, or post, place, or erect an advertising device of any kind.

Date Adopted: 03/20/2014
Date Approved: 03/25/2014
Effective Date: 04/25/2014

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(e) Swim, bathe, wade in, or pollute the water of any fountain, pond, lake, or stream, except that wading and swimming shall be permitted in pools provided for these purposes.

(f) Make or kindle a fire for any purpose, except at places provided for such purpose, unless prior special permission has been obtained from the Director.

(g) Camp or lodge at any place not set apart for that purpose without prior written permission of the Director.

(h) Ride, drive, or propel any vehicle elsewhere than on the paths, roads, or drives provided for such purpose with the exception of wheelchairs or other power-driven mobility devices used by persons with mobility disabilities, if those devices can be safely operated pursuant to City policy and consistent with the Americans with Disabilities Act.

(i) Indulge in riotous, threatening, indecent or immoral conduct, or abusive, threatening language or throw stones or missiles.

(j) Sell, or offer for sale, any merchandise, article or thing, whatsoever, without prior written permission of the Director.

(k) Fish in any park except in lakes provided for that purpose and at the times designated by the Park Superintendent.

(l) Play or practice golf or archery, or fly motor driven model aircraft in any park except in areas specifically designated and posted for such purpose.



(m) Play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shell, credit, or other representative of value, or maintain or exhibit any gambling table or other instrument of gambling or gaming, or play any game prohibited by any provision of this Code.

(n) Practice, carry on, conduct, or solicit for any trade, occupation, business, or profession, without the written permission of the Director.

(o) Row, or sail on any pond, lake or waters in any boat or raft, excepting one provided for that purpose by the city or holder of boating privileges, without first obtaining the written permission of the Director.

(p) Enter, remain, stay, loiter, park or leave standing any vehicle between the hours of midnight and five a.m., of the following day, without the written permission of the Director.

(q) Take into, exhibit or use in any park any firearm, air gun, sling shot, firecrackers, torpedoes, rockets, or other fireworks, or other articles of like character.

(r) Go upon any lawn or grass plot, where prohibited by the Director, and which prohibition is indicated by legible signs.

(s) Open, expose, or interfere with any water or gas pipe, hydrant, stopcock, sewer, basin, or other construction, in any park.



(t) Use a sound amplification system which violates the City's Noise Ordinance as set forth in Chapter 10 of this Code.

(u) Possess a lighted or burning tobacco or tobacco-related product, including but not limited to cigars, cigarettes and pipes; use or chew tobacco or tobacco-related products; or dispose of any lighted or unlighted tobacco or tobacco-related product in any place other than a designated waste disposal container.

(v) Throw or place any paper, bottle, trash, or refuse matter of any kind whatsoever, or any other article or thing, upon the grounds in any public park or pedestrian mall, or in any of the fountains, lakes, ponds, or streams therein.

(w) Hunt, pursue, annoy, throw stones or missiles at, or molest or disturb in any way, any animal, bird or reptile.

(x) Remain in, or place anything in, any public place or way in a park so as to obstruct, or unreasonably hinder the use for which such place was designed.

[(y) Possess one or more shopping carts while in a park, without first obtaining the written permission of the Director.]

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *



STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 20th day of March, 2014.

AYES : Brand, Caprioglio, Quintero, Xiong, Brandau
NOES : Baines, Olivier
ABSENT : None
ABSTAIN : None

Mayor Approval: _____ March 25, 2014
Mayor Approval/No Return: _____ N/A, 2014
Mayor Veto: _____ N/A, 2014
Council Override Vote: _____ N/A, 2014

YVONNE SPENCE, CMC
City Clerk

BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Tracy N. Parvanian 3/27/14
Tracy N. Parvanian
Deputy City Attorney

KBD:ns [62831ns/kbd] Rev 2/21/14



March 21, 2014

Council Adoption: 3/20/2014

TO: MAYOR ASHLEY SWEARENGIN

RECEIVED

Mayor Approval:

Mayor Veto:

Override Request:

FROM: YVONNE SPENCE, CMC
City Clerk

2014 MAR 25 PM 4 30

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 3/20/14, Council adopted the attached Ordinance No. 2014-19 Amending Section 5-502 of the Fresno Municipal Code relating to shopping cart in City parks Item No. 1G2, by the following vote:

Ayes	:	Brand, Brandau, Caprioglio, Quintero, Xiong
Noes	:	None
Absent	:	Baines, Olivier
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before March 31, 2014. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin, Mayor

Date: 3/25/14

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:
Noes	:
Absent	:
Abstain	: