

ORDINANCE NO. 649
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CARPINTERIA AMENDING THE CARPINTERIA
MUNICIPAL CODE TO
PROHIBIT USE OF POWERED MODELS IN CARPINTERIA CITY
PARKS AND BEACHES

WHEREAS, the City's parks and beaches provide open, natural places, which are available to the public for quiet enjoyment; and

WHEREAS, many of the City's parks and beaches contain environmentally sensitive habitat and unique coastal resources which can easily be disturbed, such as; the Carpinteria Bluffs that contain white tail kite habitat; the Salt Marsh Park, which contains wetland species; and Carpinteria City Beach that contains harbor seal territory; and

WHEREAS, pursuant to the City's police powers, the City may regulate activities which disturb the quiet enjoyment of these parks or endanger the environment; and

WHEREAS, the City currently prohibits the use and operation of motor-powered vehicles, the parking of automobiles and also restricts the use of power amplified sound equipment and other equipment without a permit within the parks and beaches but does not expressly regulate the use of powered models, such as toy aircraft and watercraft; and

WHEREAS, the City has received reports from citizens that activities involving powered models have disturbed sensitive species such as the white tailed kite and the harbor seals and have disrupted the quiet enjoyment of other park and beachgoers; and

WHEREAS, the City staff and City Council have received requests from the public to regulate the use of powered toy models within the City's parks and beaches due to the noise they emit and the capacity of such toys to disturb wildlife and habitat within the parks; and

WHEREAS, the City Council desires to supplement its existing policies by regulating the use of powered models in order to protect the environment of the parks and beaches and to enhance the public's quiet enjoyment thereof.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA DOES ORDAIN AS FOLLOWS:

SECTION 1. CODE AMENDMENT. CMC Section 12.24.020 is hereby amended by the addition of 12.24.020 (27) Public Parks and Beaches – Prohibited Acts and Exceptions as follows:

§12.24.020 (27). To use or operate any model airplane, model boat, model rocket, model car or other similar device that is motorized or powered except in an area, at

such times, and in a manner as designated by the City Manager. The City Manager shall designate with on site signage and shall post such an area only when the powered models are limited to "park flyer qualified" or an equivalent designation and he has found that the time, place and manner of operation will not conflict with other park use or wildlife habitat. The City Manager shall have the power to promulgate rules and regulations not in conflict with the provision of this section for the purpose of enforcing and implementing this section. A copy of such rules and regulations shall be on file in the city clerk's office.

SECTION 2. EFFECTIVE DATE

This Ordinance shall take effect and be in force and effect thirty (30) days from and after its passage; and before the expiration of fifteen (15) days of its passage shall be published once with the names of the members of the City Council voting for and against the same in the Coastal View, a newspaper of general circulation, published in the City of Carpinteria, County of Santa Barbara adoption pursuant to California Government Code section 36937.

SECTION 3: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4: CEQA Exemption.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines §15060(c)(3) (this activity is not a "project" as defined in §15378), and or §15307(actions taken by regulatory agencies for protection of natural resources) and 15308(actions taken by regulatory agencies for protection for the environment).

SECTION 5: CERTIFICATION.

The City Clerk shall certify to the passage and adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 14th day of March 2011, by the following called vote:

AYES: COUNCILMEMBERS: Carty, Stein, and Clark

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): Armendariz and Reddington

/s/ Al Clark, Mayor, City of Carpinteria

ATTEST:

/S/ Fidela Garcia, City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 14th day of March 2011.

/s/ Fidela Garcia, City Clerk, City of Carpinteria

APPROVED AS TO FORM:

/s/ Peter N. Brown, City Attorney, City of Carpinteria