



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: December 16, 2008

SUBJECT: Ordinance to Amend Park Hours of Operation

Report in Brief

At the November 18, 2008 meeting of the Council, an Ordinance was introduced to set hours of operation for the Parks throughout the City. This attempt to structure the hours will be an asset to specifically to the Police in performing necessary actions within the Parks to prevent or curtail activities in question during the dark/evening hours.

Staff recommends that the City Council adopt Ordinance No. _____ to amend Sections 15-33 and 15-34 of Chapter 15 of the Woodland Municipal Code to change the operating hours of all parks located within the City of Woodland to between sunrise and sunset, with a thirty minute grace period before and after these times, respectively.

Background

The current City of Woodland park operating hours are 5:00 a.m. to 10:30 p.m. The park operating hours are established by City Ordinance. Below is the summary of the Park Curfew Ordinance:

Sec. 15-33. Park Curfew.

No person shall be within any city park between the hours of 10:30 P.M. and 5:00 A.M. Each park shall be posted with a sign or signs prohibiting the same. For the purposes of this section, "park" means a community, neighborhood or greenbelt park.

Violation of this section shall be an infraction. (Ord. No. 1226, § 3 (part); Ord No. 993, § 1.)

The exception to the Sec. 15-33. Park Curfew Ordinance is Sec. 15-54. The public use of Freeman Park is limited to 8:00 a.m. to 6:00 p.m. or dusk.

Sec. 15-54. Public Use of Freeman Park.

- (a) Closure of Park. Freeman Park shall be open to the public daily between the hours of 8:00 a.m. and 6:00 p.m. or dusk, whichever is earlier; provided, however, that any person may use Freeman Park between 6:00 p.m. or dusk, whichever is earlier, and 8:00 a.m. if he or she does so as part of a scheduled, city-sponsored event or if he or she is participating in an approved, permitted event.
- (b) Gazebo/Bandstand Use.

Discussion

As Council has already received this Ordinance and made few comments, other than clarification of hours for those utilizing the lighted areas, such as the tennis courts, the Ordinance comes before you for consideration of adaptation at this time.

The Police Department was consulted in association with this proposed Ordinance and is supportive of the proposed change in operating hours.

Fiscal Impact

It is estimated to cost approximately \$2,000 to change the park and street signage to reflect the new park operating hours. This cost would be absorbed in the Parks & Recreation Department's existing operating budget.

The enactment of this ordinance change could save thousands of dollars to the City's General Fund and Lighting & Landscaping District Budgets by preventing vandalism in the parks.

Commission Recommendation

The Park & Recreation Commission discussed the issue of revising park operating hours to close at dusk instead of 10:30 p.m. and voted to move the item forward to City Council for approval.

Public Contact

Posting of the City Council agenda and introduction of the Ordinance at the November 18, 2008 Council meeting.

Recommendation for Action

Staff recommends that the City Council adopt Ordinance No. _____ to amend Sections 15-33 and 15-34 of Chapter 15 of the Woodland Municipal Code to change the operating hours of all parks located within the City of Woodland to between sunrise and sunset, with a thirty minute grace period before and after these times, respectively.

Prepared by: Sue Vannucci, Director of
Administrative Services

Mark G. Deven
City Manager

Attachments: Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND
AMENDING SECTIONS 15-33 AND 15-34 OF THE WOODLAND MUNICIPAL CODE
RELATING TO PARK CURFEW**

The City Council of the City of Woodland, California, does hereby ordain as follows:

1. **Purpose.** The purpose of this ordinance is to amend Sections 15-33 and 15-34 of Chapter 15 of the Woodland Municipal Code to change the operating hours of all parks located within the City of Woodland to between sunrise and sunset, with a thirty minute grace period before and after these times, respectively.
2. **Authority.** The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.
3. **Amendment.** Sections 15-33 and 15-34 of Chapter 15 of the Woodland Municipal Code are hereby amended in their entirety to read as follows:

Sec. 15-33. Park Curfew.

A. Notwithstanding Section 15-54 of the city code, no person shall be within any park from thirty minutes after sunset until thirty minutes before sunrise, except as provided in Section 15-33(B). Each park shall be posted with a sign or signs prohibiting the same.

B. Section 15-33(A) shall not apply to individuals:

1. Engaged in city business.
2. Engaged in a program or activity pre-approved by the city; or
3. Engaged in an activity at a park for which a city facility use permit authorizing use during the hours prohibited pursuant to Section 15-33(A) has been obtained from the city parks and recreation department.

C. For purposes of this section, “park” means a community, neighborhood, or greenbelt park.

D. Violation of this section shall be punishable pursuant to Section 15-56.

Sec. 15-34. No parking adjacent to parks during curfew.

A. Notwithstanding any other provision of the city code, no person shall park a vehicle on the side of a street immediately adjacent to any park from thirty minutes after sunset until thirty minutes before sunrise, unless such person is authorized to be within a park pursuant to Section 15-33. Each street affected by this prohibition shall be posted with a sign or signs prohibiting the same.

B. For purposes of this section, “park” shall have the meaning set forth in Section 15-33.

C. Violation of this section shall be punishable pursuant to Section 15-56.

4. **Severability.** If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

5. **Effective Date and Notice.** This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Woodland.

PASSED AND ADOPTED by the City Council of the City of Woodland this ____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marlin H. Davies, Mayor

ATTEST:

Susan L. Vannucci, City Clerk

APPROVED AS TO FORM:

Andrew Morris, City Attorney