



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Cohen and Members of the City Council

THROUGH: Geoff Dolan, City Manager *GD*

FROM: Richard Gill, Director of Parks and Recreation *R.G.*
Idris Jassim Al-Oboudi, Recreation Services Manager

DATE: September 15, 2009

SUBJECT: Consideration of an Ordinance Prohibiting the Use of Personal Exercise Equipment in City of Manhattan Beach Parks/Fields.

RECOMMENDATION:

Staff recommends that the City Council approve Ordinance # 2129 prohibiting the use of personal exercise equipment in City of Manhattan Beach parks/fields.

FISCAL IMPLICATION:

This expansion will require additional signage in designated areas of parks and adjustment to existing signage. The estimated cost for these items totals \$2,000 and funds are available in the current Parks and Recreation Department operating budget.

BACKGROUND:

Following the successful implementation of ORDINANCE NO. 2036 on April 19, 2005 governing the rules and regulations of Sand Dune Park, staff suggests that the specific rule prohibiting the use of personal exercise equipment in Sand Dune Park be extended to all City of Manhattan Beach parks and fields. Staff has seen an increase in the number of personal trainers using various Manhattan Beach parks to train their clients.

DISCUSSION:

The successful implementation of ORDINANCE NO.2036 on April 19, 2005 Governing the rules and regulations of Sand Dune Park, and specifically Section "12.48.53 A - "Physical training equipment such as exercise mats, free weights, exercise aids and similar equipment is prohibited anywhere in the Park" has pushed the problem of personal trainers and personal exercise equipment issues and concerns into other City parks and fields.

City staff has witnessed the increase of unauthorized personal trainers and personal exercise equipment that they bring into City parks. Unauthorized training in the City of Manhattan Beach parks, fields and facilities is a violation of City municipal code (M.C. 12.48.070) prohibiting commercial use of said areas. The increase of personal exercise equipment in City parks and fields also creates unsafe situations when it is attached to City property, left out to be a tripping

hazard, blocking use by other patrons and in some cases damaging City property. Staff has witnessed this type of personal exercise equipment in our fields and parks:

- Resistance Ring Straps (personal or attachable)
- Exercise Mat
- Exercise Ball
- Cones, Pylons, Low Profile Field Cones, Agility Markers or Agility Squares
- Exercise Weights
- Weight or “Medicine Ball”
- Stretching Bands
- Weight Poles (heavy poles with a grip in the center 5 or 6 feet long)
- Shot put or similar device
- Hurdles
- Javelin
- Discus
- Exercise Step
- Relay Batons
- Starting Blocks
- Sprint Chute
- Weight sled
- “Wrist Roller” (weight on a tether with a handle)
- “Abwheel” (roller with handles)
- Thigh master and other like items
- Hops (put down to simulate agility course)
- Chin-up bar attached to tree/gazebo

CONCLUSIONS:

Staff believes this is only a minor adjustment to the existing Ordinance and will help make City parks and fields safer and help in controlling unauthorized personal trainers.

ORDINANCE NO. 2129

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MANHATTAN BEACH, CALIFORNIA, AMENDING MANHATTAN
BEACH MUNICIPAL CODE SECTIONS 12.48.050 AND 12.48.053
REGARDING EXERCISE EQUIPMENT IN CITY PARKS AND FIELDS

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH,
CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Manhattan Beach City Council hereby finds as follows:

- a. Existing law prohibits commercial activity of any kind in all City parks including conduct of classes by personal trainers;
- b. It can be difficult to establish conclusively that activity conducted by personal trainers is "commercial" if no proof that money has changed hands is available;
- c. However, in Sand Dune Park the existing prohibition on exercise equipment has been effective in discouraging the use of that park by personal trainers;
- d. It is therefore necessary and in the interest of the health, safety and welfare of the residents of Manhattan Beach to amend the City's municipal code to extend the ban on the use of exercise equipment to all parks and athletic fields in the City in addition to Sand Dune Park;
- e. Pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, this ordinance is exempt from CEQA in that it is covered by the general rule that CEQA [Section 15061 (3)] only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. Sections 12.48.050 and 12.48.053 of the Manhattan Beach Municipal Code are hereby amended in their entirety to read as follows:

"12.48.050 Conduct in parks.

The following conduct shall be prohibited in all City parks:

- A. Consumption of alcoholic beverages;
- B. Driving or parking of vehicles except in clearly designated parking areas;
- C. Golfing, chipping or putting;
- D. Use of any unusual equipment such as dunk tanks, carnival rides, or moon bounces;
- E. Riding or parking of bicycles, tricycles, unicycles or similar apparatus outside of clearly designated areas;
- F. Roping off areas, bringing additional tables and/or rented chairs into any park without an appropriate permit issued by the Director of Parks and Recreation;
- G. Bringing dogs, ponies or any other animals into any park, with the exception of leashed dogs which are permitted on Veterans Parkway, leashed dogs passing through Parque Culiacan and Live Oak Park on paved walkways or otherwise designated areas and leashed dogs traversing north or south through Sand Dune Park along the west side of the grass field at the south end of the park as well as on the south stairs in said park and guide dogs used by vision impaired patrons of any park or licensed guide dog trainers engaged in training or dogs being socialized and trained for guide dog service by an organization approved by the Director of Parks and Recreation. Notwithstanding the foregoing, the City Council may, by minute action or resolution designate any portion of an existing park as a dogs permitted area to allow unleashed dogs and permit leashed dogs to traverse the surrounding park for the sole purpose of obtaining access to any such dogs permitted area;
- H. Use of skates, skateboards, rollerblades, scooters or like equipment;
- I. Generating any amplified sound;
- J. Hanging any items from or posting any item on trees, structures or other surfaces;
- K. Playing any athletic games in areas other than adjacent athletic fields (if any);
- L. Flying radio-controlled or other powered model airplanes, cars, boats or like equipment;
- M. Use of any barbecue other than those provided by the City;

- N. Deposit of ash or charcoal in any place in a park or adjacent public property other than those places designated by signs shall be prohibited;
- O. Causing damage to or placing graffiti on any building, fixture, landscaping, paving or other park property;
- P. Depositing trash in any place other than a designated park trash container.
- Q. Physical training equipment such as exercise mats, free weights, exercise aids and similar equipment is prohibited anywhere in all public parks and athletic fields without a permit issued by the Director of Parks and Recreation.

12.48.053 Special rules for Sand Dune Park.

The following rules shall apply to conduct in Sand Dune Park:

- A. All exercise and fitness activities must be conducted on the dune, the grassy areas of the park are for passive recreation and permitted organized activities;
- B. Running and jogging on stairs and walkways is prohibited;
- C. The use of any substance or device other than cardboard for sliding down the dune is prohibited."

SECTION 3. Each and every other provision of the Manhattan Beach Municipal Code shall continue in full force and effect.

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 5. This notice shall be published by one insertion in *The Beach Reporter*, the official newspaper of the City, and this ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 6. The City Clerk shall certify to the adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published by one insertion in *The Beach Reporter*, the official newspaper of the City and a weekly newspaper of general circulation, published and circulated within the City of Manhattan Beach hereby designated for that purpose.

PASSED, APPROVED, and ADOPTED this 6th day of October, 2009.

Ayes:
Noes:
Absent:
Abstain:

ATTEST:

Mayor, City of Manhattan Beach, California

City Clerk

APPROVED AS TO FORM:

By 
City Attorney