




Agenda Item #: _____




Staff Report

City of Manhattan Beach

TO: Honorable Mayor Cohen and Members of the City Council

THROUGH: Geoff Dolan, City Manager 

FROM: Richard Gill, Director of Parks and Recreation 

DATE: October 6, 2009

SUBJECT: Adoption of Ordinance Prohibiting the Use of Personal Exercise Equipment in the City of Manhattan Beach Parks and Fields

RECOMMENDATION:

Staff recommends that the City Council pass a motion adopting Ordinance No. 2129 which prohibits the use of personal exercise equipment in the City of Manhattan Beach parks and fields.

FISCAL IMPLICATION:

There is no fiscal implication associated with this report.

BACKGROUND:

During the September 15, 2009 City Council Meeting, the Council unanimously passed a motion introducing Ordinance No. 2129 prohibiting the use of personal exercise equipment in the City of Manhattan Beach parks and fields.

DISCUSSION:

The Ordinance is now being provided for second reading and final approval. Upon adoption, it will become effective in 30 days on November 6, 2009.

ATTACHMENTS:

A. Ordinance No. 2129

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:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

APPROVED AS TO FORM:

By 
City Attorney