



Staff Report

TO: Honorable Mayor and Members of the City Council
FROM: ^{MAC} Mike Gow, Public Works Director/City Engineer; ^{BN} Brian Nakamura, City Manager
DATE: November 10, 2009
RE: Parks and Recreation Ordinance

Recommendation: It is recommended that the City Council introduce, read by title only, and waive further reading:

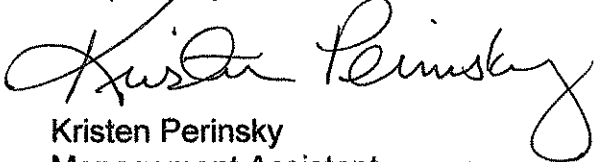
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, AMENDING SECTIONS 50-1 AND 50-2 OF CHAPTER 50 OF THE HEMET MUNICIPAL CODE REGARDING PARKS AND RECREATION ESTABLISHING RULES FOR CITY DOG PARKS AND AMENDING OPERATING HOURS FOR CITY PARKS.

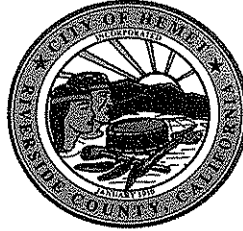
Background: Recently the City Council awarded a contract for the construction of a dog park located on a one acre portion of Oltman Park. The Dog Park Project has been completed and will be opened with the dedication ceremony of Oltman Park expected in early December. This park is the first of its kind in the City of Hemet, and therefore rules for public use of the facility need to be established and codified. In addition, general operating times of park facilities have been modified to create closing times that adjust with seasonal changes by setting the closing time in relation to dusk.

Staff consulted neighboring cities with existing dog park facilities to assist in developing a thorough set of rules for use at City dog parks. The proposed City of Hemet Dog Park Rules have been approved by the Park Commission and by the City Attorney.

Fiscal Impact: No fiscal impact.

Respectfully Submitted,


Kristen Perinsky
Management Assistant



**CITY OF HEMET
Hemet, California
ORDINANCE BILL NO. 09-064**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF HEMET, CALIFORNIA, AMENDING SECTIONS 50-1
AND 50-2 OF CHAPTER 50 OF THE HEMET MUNICIPAL
CODE REGARDING PARKS AND RECREATION
ESTABLISHING RULES FOR CITY DOG PARKS AND
AMENDING OPERATING HOURS FOR CITY PARKS**

WHEREAS, the City has responded to the requests of the public and has completed the construction of dog park facilities designated for the use of dog owners and their pets; and

WHEREAS, the City desires to protect park users and the general public from certain nuisance activities related to the use of parks and dog park facilities; and

WHEREAS, the City of Hemet Park Commission has reviewed and approved rules pertaining to operation and use of parks and dog park facilities; and

WHEREAS, the City Council desires to amend its existing regulations pertaining to park use operating hours and establish rules for public use of current and future park and dog park facilities through out the City of Hemet.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1: AMEND SECTIONS 50-1 AND 50-2 OF CHAPTER 50. Section 50-1 and Section 50-2 of Chapter 50 of the Hemet Municipal Code is hereby amended to read as shown in Exhibit "A" to this Ordinance.

1 **SECTION 2: SEVERABILITY.**

2 If any section, subsection, subdivision, sentence, clause, phrase, or portion of
3 this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of
4 any court of competent jurisdiction, such decision shall not affect the validity of the
5 remaining portions of this Ordinance. The City Council hereby declares that it would
6 have adopted this Ordinance, and each section, subsection, subdivision, sentence,
7 clause, phrase, or portion thereof, irrespective of the fact that any one or more sections,
8 subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared
9 invalid or unconstitutional.

10 **SECTION 3: EFFECTIVE DATE.**

11 This Ordinance shall take effect thirty (30) days from its passage by the City
12 Council of the City of Hemet.

13 **SECTION 4: PUBLICATION.**

14 The City Clerk is authorized and directed to cause this Ordinance to be published
15 within fifteen (15) days after its passage in a newspaper of general circulation and
16 circulated within the City in accordance with Government Code Section 36933(a) or, to
17 cause this Ordinance to be published in the manner required by law using the
18 alternative summary and pasting procedure authorized under Government Code
19 Section 39633(c).

20 **INTRODUCED** at the regular meeting of Hemet City Council on November 10, 2009.

21 **APPROVED AND ADOPTED** this ___ day of _____ 2009.

23 _____
Eric McBride, Mayor

24 **ATTEST:**

APPROVED AS TO FORM:

25 _____
Sarah McComas, City Clerk

26 _____
Eric S. Vail, City Attorney

1 State of California)
2 County of Riverside)
3 City of Hemet)

4 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the
5 foregoing Ordinance was introduced and first read on the 10th day of November, 2009,
6 and had its second reading at the regular meeting of the Hemet City Council on the ____
7 day of _____, 2009, and was passed by the following vote:

8 **AYES:**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

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Sarah McComas, City Clerk

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CITY OF HEMET ORDINANCE BILL NO. 09-064
MUNICIPAL CODE AMENDMENT NO. -- PARKS AND RECREATION

EXHIBIT "A"

Chapter 50. PARKS AND RECREATION

Sec. 50-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggressive behavior includes fighting, biting other dogs or humans, uncontrollable actions, or any behavior that results in an owner's lack of ability to control their dog.

Dog Park means facility specifically designed and designated as a recreation area for use by dog owners and their dogs.

Dusk means the time of day immediately following sunset. Dusk expires 30 minutes after the sun has set.

Park means a park, reservation, playground, recreation center or other area in the city, owned or used by the city, and devoted to active or passive recreation.

Park commission means the park commission of the city.

(Ord. No. 895; Code 1984, § 2450)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 50-2. Park and Dog Park rules.

(a) *Hours.* As a general rule, parks shall be open to the public every day of the year from 6:00 a.m. until dusk expires. However, the city manager may, in his reasonable discretion, extend or contract these hours for any park or portion of any park. No person shall enter, be or remain in any park after park closing hours unless a permit has been obtained. The opening and closing hours for each individual park shall be posted therein for public information.

(b) *Park equipment and areas to be used for designated purpose.* No person shall utilize any equipment or area in any public park in the city for any purpose other than the purpose for which such equipment or area has been designed or designated by the park commission of the city.

- (c) *Fires generally.* No person shall start or maintain in any park any outdoor fire, except in designated picnic areas. Fires shall be limited to cooking fires.
- (d) *Cooking fires.* Cooking fires shall be started and maintained only in a stove, fireplace, barbecue pit or other such container maintained by the city.
- (e) *Extinguishing of fires.* No person starting or maintaining any fire in a park shall leave the area where the fire is located without first completely extinguishing the fire.
- (f) *Use by groups.* Park use shall be limited to one authorized use per group per month, all parks inclusive. The park commission may, however, recommend additional use when in its opinion circumstances warrant.
- (g) *Dogs.* Dogs shall not be allowed in any park with the exception of dog park facilities specifically designed and designated as such. Service dogs used by a handicapped person are allowed in all parks, provided that the dog is at all times kept under control.
- (h) *Dog Park Rules.*
1. Park Hours: 7:00am until dusk expires.
 2. Dogs must never be left unattended.
 3. All dogs must wear a current license.
 4. Owners are required to clean up after their dogs in all areas of the park.
 5. Female dogs in heat are not allowed.
 6. Dogs must be on leash at all times when outside the fenced dog areas.
 7. Use of the dog park is at your own risk.
 8. Dog owners are limited to 2 dogs per visit.
 9. Children under the age of 12 shall not be permitted unless accompanied and supervised by an adult.
 10. Dogs that previously have bitten or injured a person or another animal are not allowed.
 11. Aggressive dogs are prohibited from use of dog park facilities. Any dog exhibiting aggressive behavior must be removed from the park immediately.
 12. Owners must prevent and/or stop dogs from digging and immediately fill holes.
 13. Any violation of the above rules may be cause for revocation of the privilege to use a dog park facility.