

ORDINANCE NUMBER 2441 (CCS)
(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA MONICA AMENDING ARTICLE IV OF THE SANTA MONICA
MUNICIPAL CODE RELATED TO COMMERCIAL FITNESS OR ATHLETIC
INSTRUCTION, CLASSES OR CAMPS IN PARKS AND THE BEACH

WHEREAS, the City consists of just eight square miles of coastal land which is home to 90,000 residents, the job site of 300,000 workers, and a destination for as many as 500,000 visitors on weekends and holidays; and

WHEREAS public beaches and City parks are congested public recreational facilities that are heavily used by residents, workers and visitors; and

WHEREAS, excluding the Santa Monica state beach, the City has less park space than standards set forth by the National Recreation and Park Association; and

WHEREAS, because park and beach resources are limited and heavily utilized, special efforts must be undertaken to maintain them and facilitate their shared use and availability to all; and

WHEREAS, the intensity and variety of park and beach uses further necessitates regulation to avoid safety hazards and conflicts; and

WHEREAS, use of heavy equipment within City parks may cause damage to park grounds, facilities, and poses safety hazards to park users; and

WHEREAS, the City's parks vary significantly in size, configuration, amenities, amount of passive open space, and uses; and

WHEREAS, because of these and other differences, the City's parks vary in their capacity to accommodate use for commercial fitness training; and

WHEREAS, commercial fitness or athletic instruction, classes and camps within parks or at the beach can interfere with the general public's use and enjoyment of these public areas.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 4.55.020 of the Santa Monica Municipal Code is hereby amended to read as follows:

4.55.020 Park and beach – Definitions.

As used in this Chapter, the following words and phrases shall have the following meanings:

"Beach facility" shall mean any building, structure, recreational facility, parking facility, synthetic turf, furniture, fence, monument, equipment, apparatus, walkway, wall, curb, rail, fountain, statue or other City property located on the beach.

"Compensation" shall mean payment for work or services performed, by salary, wages, commission, or otherwise, including the giving of goods as remuneration.

"Department" shall mean the Department of Community and Cultural Services.

“Director” shall mean the Director of the Department of Community and Cultural Services.

“Litter” means any abandoned, discarded substance including, but not limited to: garbage, refuse, rubbish, abandoned and inoperable household appliances, discarded packaging or containers, discarded building, plumbing or construction material, unless pursuant to construction operations, lighted or nonlighted cigarettes, cigars, matches or any flaming or smoldering material, and all other waste matter which, if thrown or deposited as prohibited herein, may be detrimental to public health, safety and welfare.

“Park” shall mean and include the following parks in the City: Airport Park, Ashland (Sunset/Ashland Park) Park, Beach Green, Beach Park #1, Beach Park #4, Barnard Way Linear Park, Chess Park, Clover Park, Crescent Bay Park, Douglas Park, Euclid Park, Goose Egg Park, Hotchkiss (Mary Hotchkiss Park) Park, Joslyn Park, Christine Emerson Reed Park, Ken Genser Square, Marine Park, Memorial Park, Ocean View Park, Ozone Park, Pacific Street Park, Palisades Park, Park Drive Park, Schader Park, South Beach Park, Stewart Street Park, Tongva Park, Virginia Avenue Park, any City-owned landscaped open space in the Civic Center area, and any other area established as a park by the City Council.

“Park facility” shall mean any building, structure, parking facility, recreational facility, synthetic turf, furniture, fence, monument, equipment, apparatus, walkway, wall, curb, rail, fountain, statue or other City property located in a City park.

“Park foliage” shall mean any tree, hedge, bush, shrub, plant, flower, grass, or foliage or turf in any park.

SECTION 2. Section 4.55.030 of the Santa Monica Municipal Code is hereby added to read as follows:

4.55.030 Park and beach - Fitness or athletic instruction, classes or camps authorization.

(a) It shall be unlawful for any person to provide fitness or athletic instruction, class or camp for compensation without City authorization in any City park or the beach.

(b) The Director may promulgate regulations implementing this Section, addressing the authorization system, permit types, requirements and methods of issuance, indemnification and proof of insurance, limits on locations, hours and group size restriction and other regulations as needed, to implement this authorization system. Those regulations shall ensure that City parks and the beach remain shared public resources and that opportunities to use the parks and the beach for commercial purposes are fairly allocated.

(c) No permit or other authorization for fitness or athletic instruction, class or camp for compensation shall be issued for Ashland Park, Beach Park #4, Chess Park, Euclid Park, Goose Egg Park, Joslyn Park, Ken Genser Square, Muscle Beach Park, Ozone Park, Pacific Street Park, Park Drive Park, Schader Park or any other park if the Director finds commercial fitness or athletic activity to be incompatible with the public use of the park. No permit or other authorization shall be issued authorizing fitness or athletic instruction, class or camp for compensation in Palisades Park on Sundays.

(d) The holder of any permit issued pursuant to this Section shall pay the City a permit fee and a use charge, both which shall be set by City Council resolution.

(e) Those authorized to provide commercial fitness or athletic instruction, classes or camps must comply with all applicable Federal, State, and City laws, rules and regulations, including those governing the operation of a business in Santa Monica.

(f) This section shall not be construed to limit the City's ability to conduct activities, including but not limited to fitness or athletic instructions, classes or camps, in City parks or on the beach.

SECTION 3. Section 4.55.120 of the Santa Monica Municipal Code is hereby amended to read as follows:

4.55.120 Park—Closure.

(a) No person shall enter, remain or be present in a City of Santa Monica park when that park is closed.

(b) Except as otherwise provided in this Section, all City parks are closed between the hours of eleven p.m. and six a.m.

(c) Palisades Park is closed between the hours of twelve midnight and five a.m.

(d) Chess Park is closed between sunset and sunrise.

(e) This Section shall not apply to:

(1) Any public sidewalk immediately adjacent to any public street or highway, or to any street or highway which traverses any park, including the Santa Monica Municipal Pier access road or walkway and any portion of California Avenue; or

(2) Any person present within a park pursuant to authorization from the City.

(3) Ken Genser Square or any other City-owned landscaped open space in the Civic Center area, as closure hours for these public spaces are governed by laws regulating Civic Center Grounds.

SECTION 4. Section 4.55.130 of the Santa Monica Municipal Code is hereby added to read as follows:

4.55.130 Park– Equipment.

(a) No person shall place any equipment or object used for fitness or athletic activity weighing more than twenty-five (25) pounds within any City park without prior authorization by the Director. This prohibition shall not be applicable at Airport Park, Clover Park and Reed Park.

(b) The Director shall authorize the use of the requested equipment, with conditions, if he/she determines that the proposed use of such equipment:

- (1) is consistent with this Chapter;
- (2) will not damage public property;
- (3) will not interfere with the public's use and enjoyment of the park;

and

- (4) will not interfere with the normal operations of the park.

SECTION 5. Section 4.55.420 of the Santa Monica Municipal Code is hereby amended as follows:

4.55.420 Penalties for violation.

(a) Unless otherwise specifically provided, any person violating any provision of this Chapter shall be guilty of a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or imprisonment in the County Jail for a period not exceeding six months, or by both fine and imprisonment, or shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars.

(b) In addition, in any case involving the destruction, defacing, removal or injury to any park facility or park foliage the court may require restitution in an amount necessary to reimburse the Department for investigative costs and for the value of the item or material destroyed, defaced, removed or damaged as well as any labor expended to replant or restore the area, item or material affected.

(c) Any person violating any provision of this Chapter or any rule or regulation may be subject to administrative citations pursuant Chapter 1.09 of this Code.

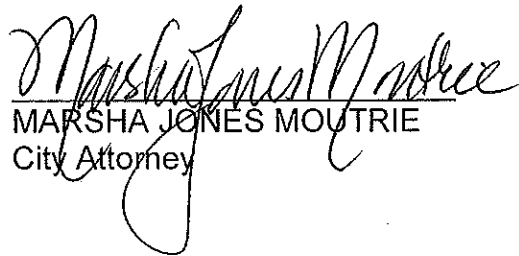
(d) The City may revoke, suspend or deny the issuance of a permit pursuant to this Chapter, if the permit holder or applicant has violated applicable Federal, State, or City laws, or rules or regulations. Any revocation, suspension or denial decision is appealable to a Hearing Examiner pursuant to Chapter 6.16 of this Code.

SECTION 6. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, 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 and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 8. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:


MARSHA JONES MOUTRIE
City Attorney

