

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF ANAHEIM AMENDING SECTION 13.08.020 OF CHAPTER 13.08 OF TITLE 13 OF THE ANAHEIM MUNICIPAL CODE (PUBLIC PARKS--PROHIBITED CONDUCT GENERALLY) TO GIVE THE CITY ATTORNEY DISCRETION TO CHARGE CERTAIN VIOLATIONS OF PARK RULES AS MISDEMEANORS OR INFRACTIONS**

WHEREAS, criminal activity in, and violation of the rules applicable to, public parks in Anaheim is inimicable to the purposes for which public parks are established and leads to public perception that such places may not be welcoming to law-abiding park users and create a risk of harm to innocent bystanders; and

WHEREAS, numerous residents of Anaheim have made complaints and expressed concerns that the public parks in Anaheim are not welcoming for their families and not accessible to them to use for their intended purpose as a result of persons violating the Anaheim Municipal Code's park rules provisions; and

WHEREAS, the issuance of infractions for violations of the Anaheim Municipal Code's park rules provisions has not necessarily deterred unlawful activity in the parks; and

WHEREAS, more stringent enforcement, and harsher penalties for violation, of the Municipal Code's park rules provisions prohibiting drinking, gambling, discharging weapons or fireworks, defacing park property, starting fires and loitering in the parks after hours would likely increase the overall safety and hospitality of the public parks; and

WHEREAS, giving the City Attorney discretion to charge violations of the aforesaid park rules provisions of the Anaheim Municipal Code as misdemeanors, rather than being required to always treat such violations as infractions, under appropriate circumstances is advisable.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM HEREBY ORDAINS AS FOLLOWS:

**SECTION 1. TEXT OF CODIFIED ORDINANCE**

That Section 13.08.020 of the Anaheim Municipal Code be amended to read as follows:

**13.08.020 PROHIBITED CONDUCT GENERALLY.**

Within the limits of any of said parks, it shall be unlawful for any person or persons to do any of the acts hereinafter specified, to wit:

.010 To bring, leave, hitch, fasten, lead, drive or turn loose or allow to go free any animal or fowl of any kind; provided that this shall not apply to dogs held on a leash, chain or other restraint not more than six feet long, nor to dogs within a Dog Park as further defined under Chapter 13.14 hereof, nor to any horse when hitched, fastened or led within any City of Anaheim park that links

with the County of Orange EMA Harbors, Beaches and Parks Master Plan of Trail Systems (“Special Use Parks”);

.020 To ride or drive any horse or other animal, or to propel any vehicle, cycle or automobile; except that such prohibition shall not apply to equestrians and bicyclists (non-motorized) in Special Use Parks.

.030 To carry or discharge any firearms, firecrackers, rockets, torpedoes or any other fireworks, or airguns or slingshots;

.040 To cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property; or to pluck, pull up, cut, take or remove any shrub, bush, plant or flower; or to mark or write upon, paint or deface in any manner, any building, monument, fence, bench or other structure;

.050 To cut or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer;

.060 To swim, fish, bathe or wade in, or to pollute the water of any fountain, pond, lake or stream;

.070 To make or kindle a fire except in picnic stoves, braziers or fire pits provided for that purpose;

.080 To camp therein. “Camp” shall have the meaning set forth in Section 11.10.020 of Chapter 11.10 of Title 11 of this Code;

.090 To cook, prepare, serve or barbecue food or food items, except at the places provided therefor;

.100 To wash dishes or to empty salt water or other waste liquids elsewhere than in the sinks provided for such purposes; provided, however, that nothing contained herein shall be deemed to authorize the dumping or disposal of any waste which is otherwise prohibited by any other law;

.110 To leave garbage, cans, bottles, papers or other refuse elsewhere than in the receptacles provided therefor;

.120 To play, or engage in any game, excepting at such place as shall be especially set apart for that purpose;

.130 To play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice or other device, for money, chips, shells, credit or any other representative of value, or to maintain or exhibit any gambling table or other instrument of gambling or gaming;

.140 To indulge in riotous, boisterous, threatening or indecent conduct, or abusive, threatening, profane or indecent language;

.150 To disturb in any manner any picnic, meeting, service, concert, exercise or exhibition;

.160 To post or erect any bill, notice, paper, circular or advertising or display device of any kind, except as approved in conjunction with an event for which a permit has been approved pursuant to this chapter;

.170 To sell or offer for sale any merchandise, article or thing, whatsoever, without first obtaining permission from the City Council or a permit from the Community Services Department so to do;

.180 To practice, carry on or conduct any trade, occupation, business or profession; provided this subsection shall not apply to any activity occurring as an integral part of an event for which a permit has been approved pursuant to this chapter;

.190 To remain, stay or loiter in any public park between the hours of 10:30 p.m. and 5:00 a.m. of the following day;

.200 To possess or consume any alcoholic beverage in any public park, without first obtaining the permission of the City Council or a permit from the Parks, Recreation and Community Services Department. "Alcoholic beverage" is defined as any beverage defined as an "alcoholic beverage" by the Alcoholic Beverage Control Act of the State of California;

.210 To play or engage in the game of golf, or to hit any golf ball with a golf club.

.220 A violation of subsection .080 of this section shall be punishable in accordance with the applicable provisions of Chapter 11.10 of this Code. A violation of subsections .030, .040, .070, .130, .190 or .200 may be filed as an infraction or a misdemeanor at the discretion of the City Attorney. Except as otherwise provided in the immediately preceding sentences for violations of subsections .030, .040, .070, .080, .130, .190 or .200 of this section, any person violating any of the other provisions of this section shall be deemed guilty of a criminal infraction and, upon conviction thereof, shall be punishable by a fine as set forth in Section 36900 of the Government Code, or any successor provision thereto.

## SECTION 2. CERTIFICATION; EFFECTIVE DATE OF ORDINANCE

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be printed once within fifteen (15) days after its adoption in the Anaheim Bulletin, a newspaper of general circulation, published and circulated in the City of Anaheim, and thirty (30) days from and after its final passage, it shall take effect and be in full force.

## SECTION 3. SEVERABILITY

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence or word of this ordinance of the Code, hereby adopted, be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the \_\_\_ day of \_\_\_\_\_, 2015, and thereafter passed and adopted at a regular meeting of said City Council held on the \_\_\_ day of \_\_\_\_\_, 2015, by the following roll call vote:

AYE:

NOES:

ABSENT:

ABSTAIN:

CITY OF ANAHEIM

By: \_\_\_\_\_

MAYOR OF THE CITY OF ANAHEIM

ATTEST:

By: \_\_\_\_\_

CITY CLERK OF THE CITY OF ANAHEIM

112608