

ORDINANCE NO. 2823

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING CHAPTER 12.44 OF THE
REDLANDS MUNICIPAL CODE RELATING TO CITY PARKS

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

Section 1. Section 12.44.010 of the Redlands Municipal Code, entitled "Definitions," is hereby amended to read as follows:

"12.44.010: DEFINITIONS: The following words shall have the meaning indicated when used in this chapter:

AMPLIFIED SOUND: Music, sound wave, vibration, or speech projected or transmitted by electronic equipment, including amplifiers.

DIRECTOR: The director of the quality of life department, or the director's authorized designee.

PARK: Any park, playground, athletic facility, recreation area or center, or any other area or structure maintained and operated by the city by itself or in conjunction with any other governmental or private entity for recreational purposes.

PERMIT OR RESERVATION: Written authorization for exclusive use of parks or buildings or portions thereof, as provided for and defined in this chapter.

RISK MANAGER: The City's risk manager and his or her authorized designee.

VEHICLE: Any device by which any person or property may be propelled, moved, or drawn, excepting a device moved by human power."

Section 2. Section 12.44.050 of the Redlands Municipal Code, entitled "Solicitation Prohibited," is hereby amended to read as follows:

"12.44.050: SOLICITATION PROHIBITED: No person shall practice, carry on, conduct or solicit for any occupation, business, or profession in any city park or building, or sell or offer for sale any merchandise, article, or anything whatsoever, unless such person is acting pursuant to a contract with the city, or pursuant to a permit granted by the director or approved by the City Council."

Section 3. Section 12.44.100 of the Redlands Municipal Code, entitled "Amplified Sound; Grant or Denial of Permit," is hereby amended to read as follows:

"12.44.100: AMPLIFIED SOUND; GRANT OR DENIAL OF PERMIT:

- A. In determining whether to grant or deny a permit, the director shall be guided by the following considerations:
 - 1. The extent to which sound may carry into private or residential areas of the city.
 - 2. Any actual conflict with other scheduled park uses or events.
 - 3. The necessity for careful and safe provision of electricity and the safety of individuals near such electrical sources.
- B. The director shall not deny a permit on the basis of any dislike for or disagreement with the content of any proposed talks, addresses, lectures, or musical presentations.”

Section 4. Section 12.44.110 of the Redlands Municipal Code, entitled “Amplified Sound; Appeal of Permit Denial,” is hereby amended to read as follows:

“12.44.110: AMPLIFIED SOUND; APPEAL OF PERMIT DENIAL:

Upon denial by the director of an application made pursuant to this section, the applicant may appeal to the city council within two (2) days thereafter by filing an application and a copy of the notice of denial with the city clerk, and requesting a hearing. The city clerk shall set the appeal for hearing by the city council at its next regular meeting. Upon such appeal, the city council may reverse, affirm or modify in any regard the determination of the director.”

Section 5. Section 12.44.130 of the Redlands Municipal Code, entitled “Amplified Sound; Regulation of Volume,” is hereby amended to read as follows:

“12.44.130: AMPLIFIED SOUND; REGULATION OF VOLUME: If, at any time, the director determines that the sound produced by an amplified sound system in a park is unreasonably interfering with other persons using the park or with nearby residents in the comfortable and reasonable enjoyment of their premises, the director shall request the person in charge of the assembly, or any other person appearing to be involved in the production of the sound, to immediately reduce the level thereof. If the sound is not reduced within five (5) minutes to a reasonable level, the director may immediately contact the parks division staff to curtail the power source.”

Section 6. Section 12.44.135 of the Redlands Municipal Code, entitled “Additional Alternate Power Sources; Approval, Inspection and Fees,” is hereby amended to read as follows:

“12.44.135: ADDITIONAL ALTERNATE POWER SOURCES; APPROVAL, INSPECTION AND FEES: Any additional or alternate power source for lighting or other purposes which may be required must be approved for such use by the city’s building and safety division and by the director, for safety, noise and appropriateness. The building and

safety division shall inspect all connections, wiring, and components of sound, lighting and/or wiring systems prior to rehearsal and/or performance, and may impose a fee for such inspections as established by resolution of the city council.”

Section 7. Section 12.44.220 of the Redlands Municipal Code, entitled “Advertising Matter,” is hereby amended to read as follows:

“12.44.220: ADVERTISING MATTER: No person shall distribute any handbills or circulars, or post, place, or erect any bills, notice, paper, or advertising device or matter of any kind except upon application to and as may be permitted by the director; provided, however, in the director’s discretion, the director may forward any such application the city council for consideration.”

Section 8. Section 12.44.230 of the Redlands Municipal Code, entitled “Permit Required to Sell Merchandise,” is hereby amended to read as follows:

“12.44.230: PERMIT REQUIRED TO SELL MERCHANDISE: No person shall sell or offer for sale any merchandise, article or thing, except upon application to and as may be permitted by the director; provided, however in the director’s discretion, the director may forward any such application to the city council for consideration.”

Section 9. Section 12.44.240 of the Redlands Municipal Code, entitled “Commercial Activity Prohibited,” is hereby amended to read as follows:

“12.44.240: COMMERCIAL ACTIVITY PROHIBITED: No person shall practice, carry on, conduct, or solicit for any trade, occupation, business or profession except upon application to and as may be permitted by the director; provided, however, in the director’s discretion, the director may forward any such application to the city council for consideration. In the event the director or city council determines that commercial activity may be permitted, a concessionaire fee may be imposed as a condition of the issuance of such permit.

Section 10. Section 12.44.250 of the Redlands Municipal Code, entitled “Park Hours,” is hereby amended to read as follows:

“12.44.250: PARK HOURS: No person shall stay or remain in any public park between the hours of nine o’clock (9:00) p.m. and six o’clock (6:00) a.m. of the following day without permission of the director. The provisions of Sections 12.44.100 and 12.44.110 of this chapter shall govern the granting or denial of such permission.”

Section 11. Section 12.44.310 of the Redlands Municipal Code, entitled “Reservation; Formal Permit; Application,” is hereby amended to read as follows:

“12.44.310: RESERVATION; FORMAL PERMIT; APPLICATION: Applications for formal permits must be submitted in writing upon forms available at the quality of life

department no less than two (2) weeks or more than ninety (90) calendar days in advance of intended use.”

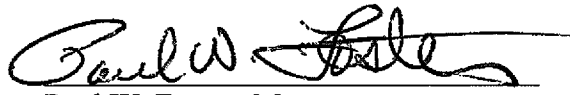
Section 12. Section 12.44.390 of the Redlands Municipal Code, entitled “Insurance,” is hereby amended to read as follows:

“12.44.390: INSURANCE: Persons or groups holding an event requiring a permit under this chapter within any city park may be required to provide evidence of current insurance, with the city being named as an additional insured insuring the city from any and all liability for injury to persons or property resulting from the event. The minimum amount of such insurance shall be determined by the risk manager in his or her discretion. This section shall not apply to city sponsored activities.”

Section 13. Section 12.44.400 of the Redlands Municipal Code, entitled “Enforcement Responsibility,” is hereby deleted in its entirety.

Section 14. The City Council hereby determines that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that such action will have a significant effect on the environment.

Section 15. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect as provided by law.


Paul W. Foster, Mayor

ATTEST:



Sam Irwin, City Clerk

I, Sam Irwin, City Clerk, City of Redlands, hereby certify that the foregoing Ordinance was duly adopted by the City Council at the regular meeting thereof, held on the 15th day of September, 2015 by the following vote:

AYES: Councilmembers Harrison, Gilbreath, Barich, James; Mayor Foster

NOES: None

ABSENT: None

ABSTAIN: None



Sam Irwin, City Clerk