

ORDINANCE NUMBER 554-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF NEEDLES, CALIFORNIA, AMENDING CHAPTER 15A
RECREATION AREA USE (POLICY) OF THE NEEDLES MUNICIPAL CODE

WHEREAS, the Recreation and Park Commission reviewed Chapter 15A titled Recreation Area Policy of the Needles Municipal Code; and

WHEREAS, at their meeting held on June 12, 2013, the Commissioners approved and have recommended the following changes to Chapter 15A of the Needles Municipal Code regarding the additional parking area adjacent to the Boat Launch and user fees in connection therewith; and

WHEREAS, a public hearing notice was published in the Needles Desert Star on July 10, 2013.

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

SECTION 1. The City Council HEREBY FINDS AND DETERMINES that this activity is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Section § 15060 (c)(2), the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment

SECTION 2. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve an amendment to the Needles Municipal Code ("Needles Code").

SECTION 3. The City Council HEREBY APPROVES Ordinance 554-AC amending the Needles Code as follows:

Chapter 15A of the Needles Municipal Code is hereby amended as follows:

Sec. 15A-1 Definitions – add the following definition:

The following definitions shall be applicable:

- (a) **"Additional parking area" shall mean the area adjacent to the Boat Launch located on the right side of the kiosk area.**
- ~~(a)-(b)~~ **"Annual Use Fee" shall mean a fee established by City Council resolution, for a twelve month period of time, or portion thereof, coinciding with seasonal usage of a designated municipal facility.**
- ~~(b)-(c)~~ **"Camping" shall mean the occupation of any camper, trailer, or other vehicle equipped for human habitation; the erection of any tent or other shelter; or the arrangement of sleeping bags or bedding for the purpose of, or which will permit, remaining overnight.**
- ~~(e)-(d)~~ **"City Manager" shall mean the City Manager for the City of Needles or his designated representative.**
- ~~(d)-(e)~~ **"Commercial activity" shall mean selling, offering for sale, advertising for sale, or solicitation for future delivery or performance of any goods, wares, merchandise or services including magazines, newspapers, pamphlets, periodicals, food or beverages in any recreation area.**

- ~~(e)~~-(f) "Day Use Fee" shall mean a fee established by City Council resolution, for a single day's use of a designated municipal facility.
- ~~(f)~~-(g) "Designated area" shall mean an area specially equipped or posted with appropriate signs for either camping, picnicking, or parking of motor vehicles.
- ~~(g)~~-(h) "Designated swimming area" shall mean an area specially equipped or posted with appropriate signs to be used exclusively for swimming, and, restricted from use by any motorized or electrically controlled vehicles or devices.
- ~~(h)~~-(i) "Permit" shall mean written authorization to make use of any park, recreation area, or portion thereof, and includes any conditions set forth therein.
- ~~(i)~~-(j) "Picnicking" shall mean the consumption of food or beverages.
- ~~(j)~~-(k) "Recreation area" shall mean all of the following parks or recreation facilities owned and operated by the City of Needles unless individually designated:
 - (1) Duke Watkins Park
 - (2) Ed Parry Park Field;
 - (3) Franz Flowers Field;
 - (4) Grace Henderson Field;
 - (5) Jack Smith Memorial Park
 - (6) Jack Smith Memorial Park Boat Launch Facilities (That portion of Jack Smith Memorial Park inclusive of the roadway from the entrance kiosk through and including the paved parking lot delineated for boat trailer parking, restrooms, small pavilions, and launch ramps generally);
 - (7) Manny Morris Beachside Park;
 - (8) Needles Municipal Aquatics Center;
 - (9) Needles Rotary Park;
 - (10) Nikki Bunch Memorial Field;
 - (11) Old Trails Monument Park;
 - (12) Santa Fe Park;
- ~~(k)~~-(l) "Trash" shall mean garbage, refuse, litter, paper, vegetable matter and rubbish.
- ~~(l)~~-(m) "Vehicle" shall mean a device by which any person or property may be propelled, moved, or drawn, including bicycles.

Sec. 15A-3.2 – amended as follows:

Fees for Jack Smith Memorial Park Boat Launch Facility and Additional Parking Area

Every launch facility user entering Jack Smith Memorial Park Boat Launch Facility shall be charged, and the City shall collect, a per vehicle Day Use Fee or Annual Use Fee established by resolution of the City Council. **Every vehicle parking in the additional parking area adjacent to the Boat Launch shall be charged a per vehicle Day Use Fee established by resolution of the City Council.**

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

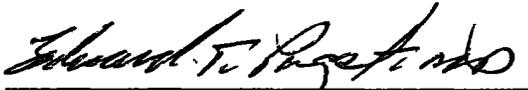
SECTION 5. This action shall become final and effective thirty (30) days after this decision by the City Council as provided by the Needles City Code.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Needles, California, approve an amendment to the City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 23rd day of July, 2013 by the following roll call vote:

AYES: Council Members Lopez, Kidd, Frazier, Campbell and Gudmundson
NOES: None
ABSENT: Councilmember Darcy
ABSTAIN: None



Mayor Edward T. Paget, M. D.

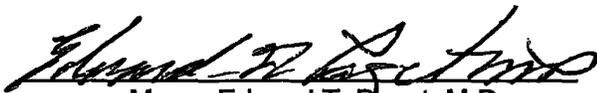
(Seal)

ATTEST: 

City Clerk Dale Jones, CMC

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 13th day of August, 2013, by the following roll call vote:

AYES: Council Members Lopez, Kidd, Frazier, Campbell, Darcy and Gudmundson
NOES: none
ABSENT: none
ABSTAIN: none



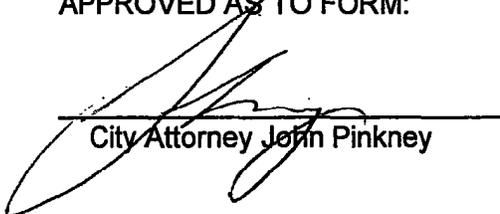
Mayor Edward T. Paget, M.D.

(Seal)

ATTEST: 

City Clerk Dale Jones, CMC

APPROVED AS TO FORM:



City Attorney John Pinkney