REPORT TO COUNCIL
City of Sacramento

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STAFF REPORT
October 16, 2007

Honorable Mayor and
Members of the City Council

Title: Ordinance: Restrict Use of Playgrounds to Children and those Engaged in the Care, Custody, and Supervision of Children

Location/Council District: Citywide

Recommendation: Adopt an **Ordinance** amending sections 12.72.010 and 12.72.060(I) of the Sacramento City Code relating to the use of playgrounds.

Contact: Alan Tomiyama, Division Manager, Community Recreation Services, 808-8958.

Presenters: Alan Tomiyama

Department: Parks and Recreation

Division: Community Recreation Services

Organization No: 4734

Description/Analysis

Issue: Council Member Sandy Sheedy has requested that staff prepare an ordinance to amend the City Code to restrict use of playgrounds to children within the age groups for whom the playgrounds were designed and their caretakers. Currently, there is nothing in the Sacramento City Code to prevent older children from playing on equipment designed for children between the ages of two and twelve.

Improper use of public recreational facilities designed for specific intended uses, such as playgrounds, causes excessive damage to these facilities and hinders those who wish to use the facilities for their intended use. Restricting use of playgrounds to children within the age groups for whom the playgrounds were designed and their caretakers will result in safer play experience.

Policy Considerations: Currently there are no mechanisms in place to ensure that only children of appropriate age use the City's Tot Lots, which are designed for children two to five years old and/or the City's Adventure Play areas, which are designed for children five to twelve years old. The City of Sacramento has exclusive jurisdiction over the management and control of its parks and may enact and enforce such regulations and rules that are necessary or appropriate to promote park purposes and to ensure the public's health, safety and welfare in the usage of its parks.

Park Safety Services staff may be impacted, as they will be charged with promoting awareness as well as enforcement of the new ordinance. This may lead to delayed response times for other Park Safety Services customer service calls.

Environmental Considerations: This report concerns administrative activities that will not have any significant effect on the environment and that do not constitute a "project", as defined by the California Environmental Quality Act (CEQA) [CEQA Guidelines Sections 15061(b)(3); 15378(b)(2).]

Commission/Committee Action: The proposed ordinance amendment was approved by the Law and Legislation Committee on August 9, 2007.

Rationale for Recommendation: The purpose of this ordinance is to restrict the use of City of Sacramento playgrounds to children within the age groups for whom the playgrounds were designed and their caretakers. Preschool and school-age children differ dramatically, not only in physical size and ability, but also in their cognitive and social skills. Therefore, age-appropriate playground design should accommodate these differences with regard to the type, scale, and the layout of equipment. Tot Lots are designed to meet the physical and developmental needs of children between the ages of two to five. Adventure Play areas are designed to meet the physical and developmental needs of children between the ages of five to twelve.

The proposed amendment of the City Code is consistent with the playground usage guidelines recommended by the Handbook for Public Playground Safety produced by the United States Consumer Products Safety Commission (Health and Safety Code, § 115725), and the City of Sacramento, Parks and Recreation Park Design Guidelines to ensure the safety and well being of children using the playground equipment.

Financial Considerations: The recommended amendment of the City Code may result in additional costs to produce new signage displaying the new ordinance at parks with Tot Lots and Adventure Play areas. There are 58 Tot Lots and 97 Adventure Play areas in City of Sacramento parks. Some playground equipment comes with pre-

existing signage that indicates the age range that the equipment was designed for. If new signage is required, the cost to fabricate and install the signs will come from the Park Operations Division budget. Staff has estimated signage may cost up to $31,000. In addition to the initial installation costs, there will be ongoing costs associated with repair and replacement of signs.

Emerging Small Business Development (ESBD): Not applicable to this report.

Respectfully Submitted by: _____
for James L. Combs
Director, Parks and Recreation

Recommendation Approved:

_____
for Ray Kerridge
City Manager

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Attachment 1

Background

State Law requires that playground operators, including state, city, and county agencies, impose guidelines for the use of playgrounds that are "at least as protective as the guidelines in the Handbook for Public Playground Safety produced by the United States Consumer Products Safety Commission." (Health & Safety Code, §115725.) The federal publication also states: "It is recommended that for younger children, playgrounds have separate areas with appropriately sized equipment and materials to serve their developmental levels." (U. S. Consumer Product Safety Com., Handbook for Public Playground Safety, Pub. No 325 (1997), § 6.3, p. 8.)

The City of Sacramento Department of Parks and Recreation Landscape Architecture section Park Playground Guideline booklet states that "playground equipment and design shall meet current U.S. Consumer Product Safety Commission (CPSC) guidelines and standards as set forth in the Handbook for Public Playground Safety."

There are 58 Tot Lots and 97 Adventure Play areas in City parks. Currently, there is nothing in the Sacramento City Code to prevent older children from playing on equipment designed for children between the ages of two and twelve. Improper use of playground equipment causes damage to the equipment and hinders use of the equipment by those for whom it was designed.

Improper use of public recreational facilities designed for specific intended uses, such as playgrounds, causes excessive damage to these facilities and hinders those who wish to use the facilities for their intended use. Restricting use of playgrounds to children within the age groups for whom the playgrounds were designed and their caretakers will result in safer play experience.

Attachment 2

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTIONS 12.72.010 and 12.72.060(I) OF TITLE 12 OF THE SACRAMENTO CITY CODE RELATING TO USE OF PLAYGROUNDS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The City Council finds and determines that:

A. The City of Sacramento has exclusive jurisdiction over the management and control of its parks and may enact and enforce such regulations and rules that are necessary or appropriate to promote park purposes and to ensure the public's health, safety and welfare in the usage of its parks.

B. Improper use of public recreational facilities designed for specific intended uses, such as playgrounds, causes excessive damage to these facilities and hinders those who wish to use the facilities for their intended use. Restricting access to playgrounds to children and those engaged in the care, custody, or supervision of children will result in safer play equipment for the children for whom the equipment was designed.

C. State law requires that playground operators, including state, city, and county agencies, impose guidelines for the use of playgrounds that are "at least as protective as the guidelines in the Handbook for Public Playground Safety produced by the United States Consumer Products Safety Commission." (Health & Safety Code, § 115725.) Among other things, that federal publication states: "It is recommended that for younger children, playgrounds have separate areas with appropriately sized equipment and materials to serve their developmental levels." (U. S. Consumer Product Safety Com., Handbook for Public Playground Safety, Pub. No. 325 (1997), § 6.3, p. 8.)

D. Playgrounds are typically located in relatively small, confined spaces, therefore, restricting access to playgrounds to children and those engaged in the care, custody, or supervision of children will reduce crowding in playgrounds by eliminating the presence

of those people who do not have a legitimate interest in being present in the playground thereby resulting in safer play equipment and a safer play experience for the children for whom the equipment was designed.

SECTION 2.

Section 12.72.010 of Title 12 of the Sacramento City Code is amended to read as follows:

12.72.010 Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning set forth in this section, unless the context otherwise clearly requires.

"Alcoholic beverages" means alcohol, spirits, liquor, beer, wine or any other liquid which contains one-half of one percent or more of alcohol by volume.

"Amplified sound" means speech, music or other sound projected or transmitted by electronic equipment including amplifiers, loud speakers, microphones, or similar devices or combinations of devices which are powered by electricity, battery or combustible fuel and which are intended to increase the volume, range, distance or intensity of speech, music or other sound.

"Building" means and includes those buildings or structures, or any portion thereof, under the supervision of the city.

"Business activity" means any activity other than "commercial activity" (as defined in this section) engaged in or carried on by a business entity primarily to aid or facilitate the earning of a profit.

"Business entity" means any organization or enterprise operated for profit, including, but not limited to, a proprietorship, partnership, firm, corporation or association.

"Camping" includes:

1. Occupying for living or sleeping purposes a camper trailer, motor home or other vehicle equipped for human habitation; or
2. The erection of any tent or other shelter; or
3. The arrangement of sleeping bags or other bedding for the purpose of, or which will permit, remaining overnight.

"Child" and "children" means an individual or individuals who are under thirteen years of age.

"City manager" means the city manager of Sacramento, the acting city manager, or the city manager's designee.

"Commercial activity" means the selling, offering for sale, or solicitation for future delivery or performance of any goods, wares, merchandise or services in any park or building, but shall not include magazines, books, newspapers, periodicals or pamphlets.

"Co-sponsored" means activities that provide specific organized recreation/community services for participants and for which the department of parks and recreation shares the responsibility for the activity with other community agencies and/or organizations or individuals.

"Decibel" or "dB" means a unit which denotes the ratio between two quantities

which are proportional to power, the number of decibels corresponding to the ratio of two amounts of power is ten (10) times the logarithm to the base of ten (10) of this ratio.

"Designated area" or "designated building" means an area or building specifically designed or equipped for special uses, and set aside for such uses.

"Director" means the department head of the department of parks and recreation or his or her designee.

"Fund raising" means and includes the act of making a request, directly or indirectly, for money, credit, property, financial assistance or other things of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for charitable purposes (as the term "charitable purposes" is defined in Section 5.40.020 of this code) or for any purpose other than that of pecuniary profit.

"Noise level" means the "A" weighed sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) micropascals. The unit of measurement shall be designated as dBA.

"Nonprofit organization" means any group or persons associated for religious, scientific, literary, educational, recreational, benevolent or other purpose not of pecuniary profit.

"Parks" means and includes all parks, parkways, malls, plazas, greenbelts, gardens, lakes, and any other property owned by the city, including structures thereon, and used, operated, or maintained for recreational purposes whether passive or active. The term "park" also includes all off street parking areas which are used or intended to be used in connection therewith. The term "owned" includes any property interest under which the city department of parks and recreation operates, maintains, or controls said property. The term also includes any property owned or kept by the city as open space, including undeveloped sites for future parks.

"Person" means and includes persons, associations, partnerships, firms and corporations.

"Picnicking" means the consumption of food and/or beverage outdoors.

"Playground" means an improved outdoor area designed, equipped, and set aside for children's play that is not intended for use as an athletic playing field or athletic court, and shall include all playground equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures. Where the playground is not contained by a fence, the boundary of the playground shall be defined by the edge of the resilient surface of safety material, such as concrete or wood, or any other material surrounding the playground.

"Playground equipment" means a fabricated structure intended primarily for play by children located at a playground, which structure has at least one surface designated and intended for play by children and that is anchored to or built into the ground.

"Residential property" means a parcel of real property which is developed and used either in part or in whole for residential purposes other than transient uses such as hotels and motels, and other than nonconforming residential uses within C-4, M-1, M-2, M-1-S, and M-2-S zones.

"Sponsored" means activities organized by the department of parks and

recreation and over which the department retains total responsibility.

"Toddler" and "Toddlers" means an individual or individuals who are under six years of age.

"Tot Lot" means a playground designed, equipped, and set aside for toddlers.

"Trash" means garbage, refuse, litter, paper, vegetable matter and rubbish.

"Vehicle" means and includes gasoline, electric, or other fuel-powered devices by which any person or object may be propelled, moved, or drawn, including go-carts, minibikes, model boats and model airplanes.

SECTION 3.

Section 12.72.060 of Title 12 of the Sacramento City Code is amended to read as follows:

12.72.060 Park Use Regulations.

No person shall:

A. Conduct or carry on an assembly of more than fifty (50) people in a park, which assembly is intended or can reasonably be expected to last more than thirty (30) minutes or which does in fact last more than thirty (30) minutes, unless a park use permit has been first issued therefore;

B. Conduct or carry on any organized activity in the park facilities designated as McKinley Park Rose Garden, William Carroll Memorial Amphitheater, Callahan Memorial Bank Shell, or Land Park Village Green, unless a park use permit has first been issued therefore;

C. Use any amplified sound without first obtaining an amplified sound permit. This prohibition shall not apply to the use of any radio, tape player, tape recorder, record player or television in compliance with Section 10.12.090 or Section 8.68.200(M) of this code or to broadcasts from any vehicle to which the provisions of Sections 10.60.010 through 10.60.090 of this code are applicable.

D. Engage in any commercial activity in any park, except a nonprofit organization pursuant to a fund raising permit therefore or pursuant to a lease or concession contract issued under Chapters 3.68 or 3.72 of this code, or pursuant to any exemption to Chapters 3.68 or 3.72.

E. Engage in any fund raising activity in any park, except pursuant to a permit issued therefore; provided, however, that funds may be raised without first securing a permit for organizational dues or to defray the cost of the activity by a nonprofit organization or in connection with a city sponsored or co-sponsored activity;

F. Engage in any business activity in any park;

G. Interfere with the use of any park or portion thereof which at the time is reserved by permit for the use of any other person or group;

H. Ride bicycles, smoke, drink alcoholic beverages or picnic in a children's playground;

I. 1. Enter or remain in a children's playground unless such person is either (i) a child or (ii) engaged in the care, custody or supervision of a child who is using the playground;

2. Enter or remain in a tot lot unless such person is either (i) a toddler or (ii) engaged in the care, custody or supervision of a toddler who is using the tot lot;

J. Bring any wild or domesticated animal or pet into or upon grounds of the zoo, Fairytale Town, any swimming pool, any golf course, commercial amusement area or children's playground;

K. In park areas other than those designated in subsection J of this section, no person shall bring any domesticated animal or pets unless they are leashed except as provided in Section 9.44.020(D)(1) of this code.

L. Possess, discharge or shoot any firearm or bow and arrow in any park, except in areas designated for such use. Slingshots, airguns, fireworks, and other devices potentially harmful to park visitors are prohibited in all parks;

M. Play or practice golf in any area not designated for such use;

N. Swim or wade except in supervised swimming or wading pools;

O. Engage in horseback riding, except on designated bridle paths;

P. Kill, chase, wound, or capture any wild or domestic bird, or animal in a park. This subsection shall not apply to the chasing or capturing of one's own animal;

Q. Intentionally remove, break, injure, deface, or disturb any plant material, structure, or improvement;

R. Contaminate in any way any water, fountains, pools, lakes, rivers, other water supply, or wash any clothing or cooking utensils in any such waters;

S. Dispose of trash or garbage not accumulated within park areas; no person shall dispose of trash or garbage accumulated within park areas other than in receptacles provided for this purpose;

T. Start or maintain fires in parks other than in "on-site" barbecue pits or personal portable barbecues within designated picnic areas. No person shall fail to extinguish live coals or fires before leaving the picnic area;

U. Open, expose, or interfere with any water system or utility, provided that this prohibition shall not apply to the use of any drinking fountain for its intended purpose;

V. Use or operate any vehicle or other motorized objects in the following ways:

1. Operating gasoline or other fuel-powered vehicles (except golf carts where authorized) in any park, except upon streets, parking lots or other areas designated for such use, unless expressly permitted in writing by the director. This subsection shall not apply to city employees on official business,

2. Operating or parking any vehicle as defined in the California Vehicle Code within a park, except upon areas designated for such use, unless expressly permitted in writing by the director. This subsection shall not apply to city employees on official business;

W. Camp in any park without a park use permit;

X. The playing of softball or baseball by any person fifteen (15) years of age or older on any softball or baseball field where signs are posted which prohibit such play by such person;

Y. Do the following acts in Garcia Bend Park, Miller Park, or the Sacramento Boat Harbor:

1. Park outside the areas designated for parking or double-park at any time,

2. Park any vehicle or trailer in a boat launch area other than while putting a boat in or taking a boat out of the water,

3. Park any trailer in any section posted "NO TRAILER PARKING";

Z. Dock a vessel at any city-owned or city-managed recreation dock for more than thirty-six (36) consecutive hours or for the purpose of living on board the vessel for more than one night while docked at the recreation dock. One or more persons on board the vessel at any time between the hours of one a.m. and six a.m. shall be conclusively presumed to be living aboard for the night. A vessel which departs a courtesy dock after being docked for twenty-four (24) hours or more, or which departs a courtesy dock after having docked for the purpose of living on board for one night, shall not return to the same courtesy dock until at least twenty-four (24) hours have elapsed. The term "recreation dock" shall include the courtesy docks in Miller Park, Garcia Bend, and Old Sacramento, and any other dock operated primarily for temporary docking purposes. Notwithstanding the foregoing, the city council, by resolution, may establish special rules relating to use of the courtesy docks in Old Sacramento, which rules may permit longer periods of docking, impose fees for overnight docking privileges, and permit other special uses.

Adopted by the City of Sacramento City Council on by the following vote:

Ayes:

Noes:

Abstain:

Absent:

_____
MAYOR

Attest:

_____
City Clerk

Passed for Publication:
Published:
Effective: