

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ADDING CHAPTER 30B OF THE OCEANSIDE CITY CODE TO REGULATE THE USE OF PUBLIC RECREATIONAL PROPERTY FOR COMMERCIAL OR PROFESSIONAL INSTRUCTION

WHEREAS, the City hereby finds and determines that the unlimited and unregulated use of public recreational property in the City by commercial or professional instruction establishments interferes with the use and enjoyment of such facilities by the general public and burdens the City's related maintenance and safety services,

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Chapter 30B is hereby added to read as shown in Exhibit A.

SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its passage in the San Diego Union Tribune, a newspaper of general circulation published in the City of Oceanside.

SECTION 3. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the ___ day of _____, 2015, and, thereafter,

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside California, held on the ___ day of _____, 2015, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

John P. Mull
CITY ATTORNEY

CITY CLERK

Chapter 30B
SPECIAL OPERATIONS PERMIT: USE OF PUBLIC RECREATIONAL PROPERTY
FOR COMMERCIAL OR PROFESSIONAL INSTRUCTION

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30B.1 Purpose

The City hereby finds and determines that the unlimited and unregulated use of public recreational property in the City by commercial or professional instruction establishments interferes with the use and enjoyment of such facilities by the general public and burdens the City's related maintenance and safety services. The purpose of this Chapter is to establish a Special Operations Permit requirement for such establishments to maximize their compatibility with the use of the public recreational property by the general public and minimize the burden on the City's related maintenance and safety services.

30B.2 Definitions

- A. "Public Recreational Property" shall mean all City-owned and operated beaches, parks, trails, and open space located within the City of Oceanside including all land, water, road improvements, facilities therein and their appurtenances such as access roads, stairs, parking lots, and shore facilities. The Oceanside Pier ramp and public access stairs shall be considered "Public Recreation Property" for purposes of this ordinance.
- B. "Commercial Instruction" shall mean prepared, done, or acting with the sole or chief emphasis on salability, profit or success.
- C. "Professional Instruction" shall mean any formal instruction of any nature including, but not limited to, instruction provided for commercial purposes by any commercial and/or nonprofit entity for commercial purposes or any form of consideration such as time or money/donations.

30B.3 Regulations – Permit Required

No person shall operate any commercial or professional instruction for the purpose of operating surf camps, private surf instruction, boot camps, fitness classes, day camps, yoga classes, nature camps, dog training or similar commercial activities on public recreational property without first obtaining a Special Operations Permit pursuant to the provisions of this Chapter. The issuance of said Permit shall be limited based on an evaluation of site availability, suitability, and compatibility by the Issuing Authority.

30B.4 Contents of the Application

- A. An application for a Special Operations Permit shall be on forms as prescribed by the Issuing Authority. The application shall include:
 1. The name and address of the applicant, and if the applicant is a corporation, the names of its principal officers, or if the applicant is a partnership, association, organization or fictitious company, the names of the partners or persons comprising the association, organization or company with the address and telephone number of each;
 2. The proposed dates, hours, and precise location where the event is to be held;
 3. The number of participants anticipated to participate in the activity; and
 4. Proof of liability and property damage insurance from an insurance company with minimum amounts to the satisfaction of the City Attorney and Risk Manager.

- B. The application shall be signed by the applicant under penalty of perjury and shall contain an agreement whereby the applicant agrees to defend, indemnify and hold harmless the City and its employees from and against any claims arising from the actions or omissions of the applicant. The agreement shall also require the applicant to fully compensate the City for any damage to public as well as to clean and otherwise restore any public event site or other impacted public property to the condition in which it was found prior to the conduct of the event.

30B.5 Issuing Authority

The City Manager, or designee, is the issuing authority for the Special Operations Permit: Use of Public Recreational Property for Commercial or Professional Instruction.

30B.6 Conditions for Issuance of the Permit

The Issuing Authority may impose reasonable terms and conditions concerning the activities authorized by the Special Operations Permit, including the time and location of the activity, the maximum number of participants, the duration of the activity, and proof of liability and property damage insurance from an insurance company with minimum amounts to the satisfaction of the City Attorney and Risk Manager.

30B.7 Grounds for Denial

An application for a Special Operations Permit may be denied by the Issuing Authority for any of the following grounds:

1. The applicant fails to include all of the information required by section 30B.4.
2. The Issuing Authority determines that the activity proposed by the application will unreasonably interfere with the public's use of the public recreational property.
3. The actions proposed in the application are prohibited by other provisions of this Code and/or any applicable deed restrictions.
4. The proposed activity will unreasonably interfere with the activities authorized by another proposed Special Operations Permit.

30B.8 Termination or Restriction of Permit

The City Manager, or designee, may immediately terminate or modify the term of the Special Operations Permit if it is determined that the public health or safety is in imminent danger or the operations of permittee are inconsistent with the Special Operations Permit provisions.

30B.9 Police Powers of Lifeguard etc.

Any lifeguard or other City employee designated by the City Manager is hereby given all the powers of a police officer for the purpose of enforcing the provisions of this Chapter.