



# AGENDA REPORT

BEACHES, PARKS & RECREATION COMMISSION  
Meeting Date: October 13, 2015

Agenda Item 5.D.

Approvals:

Dept. Head EW

Manager \_\_\_\_\_

Admin. Assistant MS

**Department:** Beaches, Parks & Recreation  
**Prepared By:** Pamela Passow, Recreation Manager  
George Blair, Recreation Supervisor

**Subject:** *CONSIDERATION TO PROHIBIT UNAUTHORIZED COMMERCIAL, ORGANIZED OR INSTRUCTIONAL ACTIVITIES ON PUBLIC BEACHES, PARKS, AND TRAILS*

**Fiscal Impact:** There is a potential for increased revenue through proper permitting of facilities and addition of independent contractors through the City's Beaches, Parks and Recreation Department. There is a potential for increased expenditures related to oversight and enforcement of facility permits.

**Summary:** Staff recommends the modification of section 5.04.090 of the San Clemente Municipal Code to prohibit any commercial, organized or instructional activities on public, beaches, parks and trails without a permit or agreement with the City.

**Background:** The City of San Clemente is fortunate enough to have a wide variety of beaches, trails, parks, ball fields, courts, and other facilities available for public use. The City's amenities are available for numerous City programs, public use on a first-come, first served basis, as well as for private rentals.

Along with these permitted uses, a growing number of commercial businesses are offering unauthorized programs and for profit activities in City facilities. This raises concerns with safety of the public and program participants, facility management and availability of facilities to the public, liability from unauthorized activities, and other concerns. Some businesses are operating without business licenses and without proper permits from the City.

**Discussion:** In terms of use City parks, beaches and trails were created for recreational activity to be enjoyed by residents and visitors of San Clemente. Staff's recommendation is to modify Section 5.04.090 of the San Clemente Municipal Code to prohibit the use of City beaches, parks, and trails for unauthorized, commercial, organized, or instructional use. In the City's Ball Field Rental Policies, permits are currently required for: a reservation of a ball field, lighted evening use, all sport organization and club activities, any commercial use, and any use of Steed Park. At this time modifications to the current policies or a separate application would need to include trails and beaches. In doing so, Article 6 would be added to Section 5.040.090 to state that: The City may require an approved permit for any commercial or unauthorized use of public beaches, parks, and trails. Any unauthorized users may be subject to removal, program cancellation, or fine.

***Recommended***

***Action:*** STAFF RECOMMENDS THAT THE BEACHES, PARKS & RECREATION COMMISSION recommend the City Council modify section 5.04.090 of the San Clemente Municipal Code to prohibit any commercial, organized or instructional activities on public, beaches, parks and trails without a permit or agreement with the City.

***Attachments:*** 1. Draft ordinance

***Notification:*** None.

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SAN CLEMENTE, CALIFORNIA,  
AMENDING CHAPTER 5.04 OF THE SAN  
CLEMENTE MUNICIPAL CODE AMENDING  
5.04.090 DEFINITIONS**

**WHEREAS**, the various public spaces located in San Clemente are valued resources of the residents of San Clemente and its visitors. The City of San Clemente is committed to keeping the public spaces within the City clean, safe, healthy, and pleasant for everyone; and

**WHEREAS**, the City's amenities are available for numerous city programs, public use on a first-come, first-served basis, as well as for private rentals; and

**WHEREAS**, unauthorized users including commercial businesses are offering programs in city facilities. The unauthorized use create safety issues and concerns; and

**WHEREAS**, commercial businesses are operating without city business licenses and without permission from the City. This opens the City as well as the businesses up for liability in case of injury or lawsuit; and

**WHEREAS**, the unauthorized use also takes away from the public's ability to utilize the parks, beaches, and trails in a safe and enjoyable manner; and

**NOW THEREFORE**, the City Council of the City of San Clemente, California, DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1:** Chapter 5.04 of the Code of the City of San Clemente is hereby added to Section 5.04.090 that reads as follows:

**5.040.090 Permits, etc., required for certain businesses**

Beaches, parks, and trails are available during hours of operation, without charge or reservation on a first-come, first-served basis unless a permit is required or a space has been reserved. A permit is required for: a reservation of a ball field lighted evening use, all sport organizations, club and instructional activities, any commercial use, and use of Steed Park. Any unauthorized users will be subject to removal, program cancellation, or fine. The City has the authority to impose the collection of charges, rates, and rentals for the use of facilities of the parks, beaches, and trails.

**Section 2:** The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law and same shall take effect as provided by law.

APPROVED, ADOPTED and SIGNED this \_\_\_\_\_ day of \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor of the City of San  
Clemente, Recreation

DRAFT