

ORDINANCE NO. 011-09

AN ORDINANCE OF THE CITY OF YUBA CITY AMENDING TITLE 9,
CHAPTER 2, OF THE YUBA CITY MUNICIPAL CODE
PROHIBITING SMOKING IN ALL CITY PARKS AND WITHIN
50 FEET OF ANY PUBLIC ENTRANCE INTO ANY CITY OWNED
OR LEASED FACILITY

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

Section 1: Section 9-2.02(a) of the Yuba City Municipal Code entitled, "Hours of use," is hereby amended to read as follows:

Sec. 9-2.02. Hours of use.

(a) For purposes of this chapter, the word "neighborhood parks" shall mean any City park except for Blackburn-Talley Sports Complex, Gauche Aquatic Park, and Sam Brannan Park. Blackburn-Talley Sports Complex, Gauche Aquatic Park and Sam Brannan Park are defined as "community parks" for purposes of this chapter.

Section 2: Section 9-2.15 of the Yuba City Municipal Code entitled, "Alcohol restrictions in neighborhood and community parks," is hereby amended to read as follows:

Sec. 9-2.15. Alcohol restrictions in neighborhood and community parks.

It shall be unlawful for any person to bring, possess, or consume any alcoholic beverage within the confines of Yuba City's parks and recreation areas, with the exception of Sam Brannan Park, and Gauche Aquatic Park. In Sam Brannan and Gauche Aquatic Parks, possession and/or consumption of alcoholic beverages shall be permitted only by permit obtained from Yuba City Leisure Services. The person responsible for the conduct of an activity must sign the permit and the permit holder is tally responsible for the supervision and safety of all participants at the event. City may revoke the approval or this permit at any time in the interest of public safety. Such revocation shall be at the sole discretion of any City emergency service work (police or fire). Any permit pursuant to this section allowing the consumption of alcohol at Sam Brannan Park or Gauche Aquatic Park shall be limited to only the consumption of beer and wine. The fenced-in softball facility at the Blackburn-Talley Sports Complex is subject to separate regulations per Section 9-2.16 of this chapter.

Section 3: Section 9.2.23 of the Yuba City Municipal Code is hereby repealed.

Section 4: Section 9-2.23 is hereby added to the Yuba City Municipal Code to read as follows:

Sec. 9-2.23. Smoking prohibition at all City parks and within 50 feet of any public entrance into any City owned or leased facility.

It shall be unlawful for any person to use any tobacco product in all City parks and within 50 feet of any public entrance into any City owned or leased facility. "Tobacco Product" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.

Section 5: Section 9-2.30 is hereby added to the Yuba City Municipal Code to read as follows:

Sec. 9-2.30 Enforcement.

The Director of Public Works, or his designee, shall be responsible for enforcing the provisions of this chapter insofar as they relate to the functions and duties of the department. The Police Chief shall be responsible for enforcing the penal provisions of this chapter.

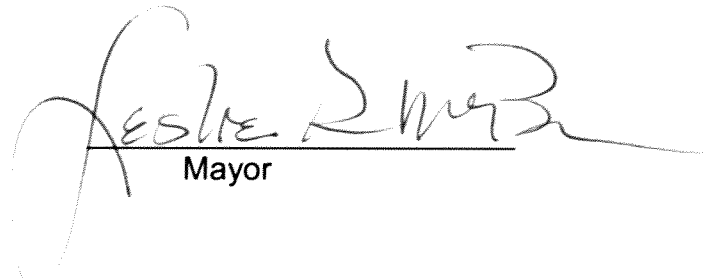
Section 6: This ordinance shall be effective thirty (30) days after its adoption and after it is adopted, it shall be published as provided for by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 20th day of October, 2009, and adopted at a regular meeting thereof held on the 3rd day of November, 2009.

AYES: Councilmember Gill, Maan, Miller and Mayor McBride

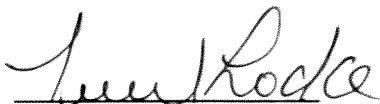
NOES: Councilmember Dukes

ABSENT: None



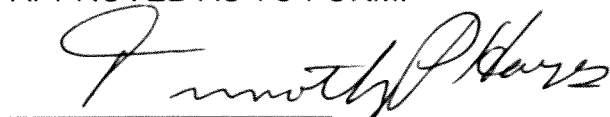
Mayor

Attest:



Terrel Lock, City Clerk

APPROVED AS TO FORM:



Timothy P. Hayes, Esq.
City Attorney