

ORDINANCE NO. 4273

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING TITLE 13 OF THE HUNTINGTON BEACH MUNICIPAL CODE RELATING TO PARKING LOT AND CAMPING REGULATIONS IN PUBLIC PARKS, AND MAKING A FINDING OF EXEMPTION UNDER CEQA

WHEREAS, the City of Huntington Beach is a charter city and municipal corporation duly created and existing under a charter pursuant to which the City has the right and power to make and enforce all laws and regulations in respect to municipal affairs.

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Sections 13.18.040 (Public Toilets), 13.48.060 (Vehicle Operations – Parking) of Chapter 13.48 (Parks) of Title 13 (Public Property) of the Huntington Beach Municipal Code is hereby amended in its entirety, to read as follows:

“13.48.040 Public Toilets

No person shall fail to cooperate in maintaining public toilets in a neat and sanitary condition nor shall any person loiter in or about any public toilet.

“13.48.060 Vehicle Operations, Parking, and Parking Lots

A. Unattended Vehicles. No person shall operate, drive, ride, park or leave standing any automobile, truck, motorcycle, motor scooter, motorized bicycle, go-cart or any other motor vehicle or any other vehicle at any time in any park; provided, however, that the provisions of this section shall not apply to those specific areas within any public park of the City which shall have been regularly and lawfully set aside for the use of vehicles; and provided further that the provisions of this section shall not apply to any vehicle used or owned by the City or any vehicle to which a temporary parking pass has been issued by the City or any commercial vehicle making lawful deliveries to or otherwise lawfully engaged in any undertaking or enterprise within any public park of the City. No person shall park and leave unattended any vehicle in areas other than those designated for parking. Vehicles left unattended in any area, except those designated for parking, without permission, may be towed away and stored by the City and said removal and storage costs shall be charged to and paid by the owner prior to release. Nor shall any person ride or drive a bicycle, skateboard or roller skates upon any tennis, handball, basketball, shuffleboard or multipurpose court in a City park.

B. Unattended Property. No person shall place personal property in any area of a public parking lot.

C. Parking Stall Obstruction. No person shall obstruct a vehicular parking space designated by lines or marks, by standing in such parking space or by placing any barrier, sawhorse, bicycle, trash can, non-registered motor vehicle, or other obstruction in such parking space. This section

shall not apply to temporary obstructions erected or maintained by governmental agencies, public utilities or adjacent property owners when necessitated by construction activities, or except as authorized by the Director.

D. Temporary Parking. Upon proof of valid California vehicle registration, proof of insurance as required by the California Vehicle Code and proof of a valid driver's license, the operator of a vehicle may be issued a temporary parking pass by the Director of Community Services or his or her designated representative. The pass will entitle the holder to park or operate a vehicle during short-term use of park facilities. The pass must be displayed at all times on the front dashboard of the vehicle or in a manner so that it is clearly visible through the windshield.

E. Single Stall Use. No vehicle shall be parked in any free public parking lot except entirely within a space indicated by painted lines, said space commonly referred to as a "parking space," "parking slot," or "parking stall," unless exempted by permit or as authorized by the Director. Nothing in this section shall prohibit recreational vehicles from parking in paid parking lots, including but not limited to the Sports Complex, with the applicable parking permit authorizing such use.

F. Head-In Parking. Vehicles shall be parked with the rear of the vehicle oriented closest to the traffic lane and within the space indicated unless otherwise specified by signage, or when necessary to permit access to a vehicle by a vehicle lawfully displaying a disabled placard or disabled license plates."

SECTION 2. Section 13.48.145 (Camping) of Chapter 13.48 (Parks) of Title 13 (Public Property) of the Huntington Beach Municipal Code is hereby amended in its entirety, to read as follows:

"13.48.145 Camping; Camp Fires

A. Designated Camping Facilities. The following City parks are hereby designated as camping facilities: Lake Park, Farquhar Park, Huntington Central Park, and Norma Brandel Gibbs Park. No person shall use any camping facility for overnight camping purposes without applying for and obtaining written permission from the Director upon payment of the required fees established, and amended from time to time, by resolution of the City Council of the City of Huntington Beach.

B. Camping Regulations. The Director may designate areas within subject parks for camping and may promulgate reasonable rules and regulations pertinent to the use of subject parks for camping purposes.

C. No person shall erect, maintain or occupy any canopy in excess of 100 square feet, or any tent without at least two sides completely open to public view, in any park, as described 13.48.010, except by permit issued by the Director.

D. Camping Fee Required. No person shall use or occupy a camping facility unless the fee, evidenced by a receipt, has first been paid.

E. Fire. No Person shall light, kindle, set or maintain fires or coals thereon, except in the City-provided fire rings or barbecues, or in self-contained barbecues or portable stove, or except by

permit issued by the Director. Disposable heating barbecue materials shall not be deposited anywhere except within the inside perimeter of the City-provided fire ring of City-provided barbecues. The heat source of self-contained barbecues or portable stove shall not be charcoal-based, and must be raised at least 18 inches above the surface of the ground.

F. Periods of Extreme Fire Danger. During times of extreme fire danger, when red-flag conditions are declared by a State, Local, or Federal fire authority, no open flames shall be permitted in any fire ring or City-provided barbecue. During these times, only those self-contained barbecues or portable stoves using canisters of propane, natural gas, alcohol, isobutane, butane, or similar liquids will be permitted when operated in compliance with the Huntington Beach Municipal Code specifying the permitted location of self-contained barbecues.”

SECTION 3. CEQA. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines, and the environmental regulations of the City. The City Council hereby finds and determines that the Ordinance is exempt from CEQA because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately. Furthermore, this Ordinance is exempt from CEQA under the general rule in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment and because it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

SECTION 4. Effective Date. This ordinance shall become effective 30 days after its adoption.

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance and shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. The City Council hereby declares it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Savings. Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution of any violation of any City ordinance or provision of the Huntington Beach Municipal Code, committed prior to the effective date hereto, nor be construed as a waiver of any license or penalty or the penalty provision applicable to any violation thereof.

SECTION 7. Certification and Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance or a summary thereof to be published in the manner required by law.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2023.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk




City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Manager



Chief of Police

LEGISLATIVE DRAFT
HBMC CHAPTER 13.48

Chapter 13.48.040

13.48.040 Public Toilets

No person shall fail to cooperate in maintaining public toilets in a neat and sanitary condition nor shall any person loiter in or about any public toilet or enter any public toilet designated for the opposite sex except that this provision shall not apply to persons under five years of age that are accompanied by a parent or guardian.

Chapter 13.48.060

~~13.48.060 Vehicle Operations—Parking~~

~~A.— **Parking.** No person shall operate, drive, ride, park or leave standing any automobile, truck, motorcycle, motor scooter, motorized bicycle, go-cart or any other motor vehicle or any other vehicle at any time in any park; provided, however, that the provisions of this section shall not apply to those specific areas within any public park of the City which shall have been regularly and lawfully set aside for the use of vehicles; and provided further that the provisions of this section shall not apply to any vehicle used or owned by the City or any vehicle to which a temporary parking pass has been issued by the City or any commercial vehicle making lawful deliveries to or otherwise lawfully engaged in any undertaking or enterprise within any public park of the City. No person shall park and leave unattended any vehicle in areas other than those designated for parking. Vehicles left unattended in any area, except those designated for parking, without permission, may be towed away and stored by the City and said removal and storage costs shall be charged to and paid by the owner prior to release. Nor shall any person ride or drive a bicycle, skateboard or roller skates upon any tennis, handball, basketball, shuffleboard or multipurpose court in a City park.~~

~~B.— Upon proof of valid California vehicle registration, proof of insurance as required by the California [Vehicle Code](#) and proof of a valid driver's license, the operator of a vehicle may be issued a temporary parking pass by the Director of Community Services or his or her designated representative. The pass will entitle the holder to park or operate a vehicle during short-term use of park facilities. The pass must be displayed at all times on the front dashboard of the vehicle or in a manner so that it is clearly visible through the windshield. (1246-10/66, 2451-11/80, 3373-11/97)~~

Chapter 13.48.145

13.48.145 Camping; Camp Fires

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B.—~~The Director may designate areas within subject parks for camping and may promulgate reasonable rules and regulations pertinent to the use of subject parks for camping purposes.~~

C.—~~No person shall use or occupy a camping facility unless the fee, evidenced by a receipt, has first been paid.~~