

ORDINANCE NO. 823 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
ADDING CHAPTER 9.42 TO THE CITY'S MUNICIPAL CODE
TO PROHIBIT SWIMMING AT BARNEY SCHWARTZ PARK

WHEREAS, the City is in the process of constructing a new park, known as Barney Schwartz Park, which will open in the spring of 2002 to provide the public with both open space and aesthetic benefits; and

WHEREAS, Barney Schwartz Park includes a water feature that functions both as an irrigation reservoir and an aesthetic visual element, but is not designed for safe swimming or for any kind of water sports; and

WHEREAS, the City desires to protect the public health, safety, and welfare by prohibiting swimming and water sports in the reservoir at Barney Schwartz Park.

NOW, THEREFORE, the City of El Paso de Robles does hereby ordain as follows:

SECTION 1: The City of El Paso de Robles Municipal Code shall be amended to add Chapter 9.42 to Title 9, Public Safety, which shall read as follows:

**Chapter 9.42 – SWIMMING AND WATER SPORTS
PROHIBITED IN CERTAIN AREAS**

9.42.010. Purpose

Because swimming or participating in other water sports in areas not designed or maintained for such activities presents significant danger, and in order to serve public health, safety, and welfare, the declared purpose of this chapter is to prohibit swimming and other water sports in certain areas used by and open to the public.

9.42.020. Prohibited swimming/water sport areas

Swimming and other water sports shall be prohibited in the reservoir at Barney Schwartz Park.

9.42.030. Posting of Signs

(A) Signs, which explain that swimming and water sports are prohibited pursuant to this section, shall be conspicuously posted in at least two locations at every site covered by this chapter.

(B) The Director of the Public Works Department or the Director's designated representative shall be responsible for compliance with the posting requirement of this chapter.

9.42.040. Violations and Penalties

Any person who violates this chapter by swimming or participating in water sports in a prohibited area is guilty of an infraction and is subject to punishment as provided for in this code.

Introduced at a regular meeting of the City Council held on February 19, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 5th day of March 2002 by the following roll call vote:

AYES: Heggarty, Nemeth, Picanco and Mecham
NOES: None
ABSENT: Finigan
ABSTAIN: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk