

ORDINANCE NO. 1967

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AMENDING SECTIONS 16-17, 17-5, AND MULTIPLE SECTIONS OF CHAPTER 19 OF THE FONTANA MUNICIPAL CODE TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOL INCIDENTAL TO THE PURPOSE OF A PERMIT UNDER SECTIONS 17-5 AND 19-3 OF THE MUNICIPAL CODE; AMEND THE STANDARDS, CONDITIONS AND REQUIREMENTS FOR SPECIAL PERMITS AND PERMITS ON PUBLIC MEETINGS AND DEMONSTRATIONS; PROHIBIT TOURNAMENTS, ADMISSION AND ASSOCIATED FEES IN PUBLIC PARKS; AND CLEAN UP ERRONEOUS LANGUAGE IN THE RESPECTIVE SECTIONS OF THE MUNICIPAL CODE.

WHEREAS, the City of Fontana, California ("City") is a general law city, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the City desires to modify Chapter 16-17 of the FMC to allow for the sale and consumption of beer and alcohol incidental to the purpose of a permit obtained for a designated area in a public park under Sections 17-5 and 19-3 of the FMC with approvals, including that of the city manager, as it pertains to tourism, community and cultural events; and

WHEREAS, the City desires to modify Chapter 17-5 of the FMC to amend the requirements and timeframes for permits for meetings, assemblies, rallies, demonstrations and parades consisting of 50 or more individuals on a public street, sidewalk or other public place within the city to grant the City an appropriate amount of time to receive and review applications, and to include additional methods of service for applicants to receive notice of the City's decision on such applications; and

WHEREAS, the City desires to modify Chapter 19 to update references to the Parks, Community and Human Service Commission; prohibit any tournament or the charge of admission and associated fees in any publicly maintained park; increase the threshold of the number of people required for a permit under the chapter; amend the reservation procedure to provide an indemnity provision and to increase the timeframes for reservation requests for permits under the chapter; amend the conditions for denial to further clarify such conditions for permits under the chapter; and to update the duties of the parks, community and human services commission to bring the municipal code current; and

WHEREAS, the City desires to clean up the erroneous language of the respective sections of Chapters 16, 17, and 19 to provide for a more comprehensible and concise municipal code.

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

Section 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference as findings in support of this Ordinance.

Section 2. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 3. Municipal Code Amendment. Chapters 16, 17 and 19 of the FMC are hereby amended to read as provided in Exhibit A which is attached hereto and incorporated herein by this reference.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

Section 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian of these records is the City Clerk.

Section 6. Effective Date. This Ordinance shall be effective thirty days (30) following its adoption.

Section 7. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Fontana.

APPROVED AND ADOPTED by the City Council of the City of Fontana, at a regular meeting of the City Council held on the 8th day of April, 2025.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced at a regular meeting of said City Council on the 25th day of March, 2025 and was finally passed and adopted not less than five days thereafter on the 8th day of April, 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

