

## ORDINANCE 07-02

**ESTABLISHING RUSS PARK USER RULES AND  
Repealing Ordinance 05-04**

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

ARTICLE 10: SHORT TITLE, PURPOSE AND SCOPE

- §4.15 This ordinance shall be known and cited as the “Russ Park Ordinance”.
- §4.16 Purpose: To establish user rules for Russ Park.
- §4.17 Scope: This ordinance shall apply to the use of Russ Park, within the city limits of Ferndale.
- §4.18 The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Ferndale City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right or power of the City.
- §4.19 Ordinance 05-04 is hereby repealed.

ARTICLE 11: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

- §4.15 Authority is granted by the California Constitution, Article 11 Local Government, Section 7. “A county or city may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.

ARTICLE 12: ADMINISTRATION, ENFORCEMENT & PENALTIES

- §4.15 Administration and Enforcement
- 4.15.1 The City Manager (or his/her designee) of the city shall administer and enforce the additional powers and duties imposed by this ordinance.
- §4.16 Penalties
- 4.16.1 This section provides penalties for violations of this ordinance except when in conflict with existing state statutes which take precedence.
- 4.16.2 Except as otherwise provided, any violation of any provision of this Ordinance is hereby declared to be a misdemeanor and civil action. The City shall endeavor to recover all costs pursuant to enforcement of this ordinance. (GC 36900)

ARTICLE 13: RULES

- §4.15 Russ Park shall be open to the community as a natural primitive area and bird sanctuary for day use only. The use, development and maintenance of the Park must compliment and enhance this purpose. Camping is prohibited.
- §4.16 The public's use of the Park is limited to designated trails and related improvements only (stay on the trails).
- §4.17 It is permissible to pinch back vegetation that has grown out onto the maintained trail way. Otherwise, there shall be no picking, cutting, carving, mutilation, painting or removal from the Park of any tree, shrub, fern, flower or fungi unless specifically authorized by the City of Ferndale. Likewise, there shall be no planting of any tree, shrub, fern, flower or fungi in the Park unless specifically authorized by the City, and then that authorization shall be limited to native park plants only.
- §4.18 There shall be no dumping of any limbs or yard waste in the Park.
- §4.19 There shall be no walking, wading, floating or swimming in any wetland or body of water.
- §4.20 There shall be no fires, campfires or burning material of any kind, including fireworks and cigarette/cigar/pipe type smoking materials.
- §4.21 Firearms are prohibited, including slingshots, air guns, bow and arrows and paintball guns.
- §4.22 Any activity that leaves litter or trash in the park is prohibited.
- §4.23 All foreign material (paper, cans, bottles, etc.) brought to the Park by visitors must be picked-up and deposited in the trash receptacle in the parking lot, or carried away by the visitor.
- §4.24 There shall be no painting, carving, dismantling, removal or destruction of any improvement in the park (benches, tables, kiosks, signs and interpretive signs).
- §4.25 There shall be no pursuit, interference or harassment or hunting of any bird, mammal, amphibian or wild animal in the Park.
- §4.26 Pet owners shall at all times be in control of, and responsible for their pet(s)
- 4.26.1 All dogs in the Park must be wearing collars and all persons with dogs in the park must have in their possession a leash for each dog in order to restrain them if necessary.
- 4.26.2 All persons in the park with dog(s) that in the past have exhibited aggressive tendencies to other dogs or persons shall have said animals on a leash at all times. Pet owners assume strict liability for their dogs.
- 4.26.3 Remove pet's litter and waste from trails and public use areas.
- §4.27 No person may lead, drive or ride any horse, mule or livestock in the Park.
- §4.28 Motorized vehicles, by whatever power, are prohibited.
- §4.29 Wheeled vehicles of any kind are prohibited past the Bluff Street parking lot, including bicycles and skateboards. Bicycles may enter the park from the Eugene Street extension no further than the public bike rack inside the gate.
- 4.29.1 Exception: Persons doing maintenance or projects authorized by the city may use wheeled vehicles within the park.
- §4.30 Organized activities in the Park must receive prior written approval by the City. Such activities must not be injurious to the natural beauty, usefulness and value of the lands as a park, and must not interfere with it as a refuge and breeding place for birds.

ARTICLE 14: SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 15: EFFECTIVE DATE: This ordinance becomes effective thirty (30) days after the date of its enactment.

ARTICLE 16: POSTING REQUIREMENT: The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 17: ENACTING DATE AND SIGNATURES: Passed, approved and adopted by the City Council of the City of Ferndale at a regular meeting on November 13, 2007 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
Nancy Kaytis-Slocum, City Clerk

\_\_\_\_\_  
Jeff Farley, Mayor

First Reading:       September 10, 2007  
Second Reading:    October 8, 2007  
Third Reading       November 13, 2007  
Effective Date:     December 13, 2007