



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Setting Entry Permit Fine For Lodi Lake Park, and Introduce Ordinance Amending Lodi Municipal Code Chapter 12.12 – Parks – by Adding Section 12.12.305, "Lodi Lake Park -- Vehicle Entry Restrictions"

**MEETING DATE:** June 19, 2013

**PREPARED BY:** Parks, Recreation and Cultural Services Director

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**RECOMMENDED ACTION:** Adopt resolution setting entry permit fine for Lodi Lake Park, and introduce ordinance amending Lodi Municipal Code Chapter 12.12 – Parks – by adding section 12.12.305, "Lodi Lake Park -- Vehicle Entry Restrictions."

**BACKGROUND INFORMATION:** The City has charged a vehicle entry fee for Lodi Lake Park since at least 1976. In 2011, the City Council set the current entry fees and, on April 17, 2013, set a fee for an annual pass.

Currently, vehicle entry fees are collected in three ways: 1) By a gate attendant on a seasonal basis; 2) by a self-serve fee collection station; 3) from visitors purchasing an annual entry pass. Visitors who fail to pay the fee could be cited under Lodi Municipal Code Section 12.12.300 ("Parking – Where permitted"), which requires persons to park vehicles in accordance with posted directions, but the ordinance does not specifically address nonpayment of the approved fee or the fact that it is really a vehicle entry fee, not a fee to park. The proposed ordinance and resolution closes that loop.

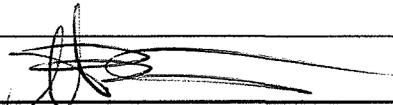
The proposed ordinance specifies that vehicles entering at Lodi Lake Park must show proof of payment on the dashboard or, if an annual pass, hung from the rear-view mirror. It also states that annual passes may be purchased at the Parks, Recreation and Cultural Services Department offices or the park gate. Vehicles failing to display a valid pass are subject to citation and the City Council has the authority to set penalties, fees and charges related to violations of this section. Adopting the attached resolution sets the fine for violating the entry permit requirement at \$50, the equivalent of an annual pass, subject to adoption of the proposed ordinance after the second reading.

Adopting this ordinance does not increase park fees, but provides PRCS additional means to collect fees previously established. Park visitors also have the option to avoid an entry fee altogether by entering the park by foot or by bicycle.

Parking enforcement would be by the park police officers or other authorized enforcement personnel. New signs will notify visitors of the requirement to pay the entry fee at all times, rather than only when a gate attendant is on duty. Education efforts have already begun, and the Parks, Recreation and Cultural Services Department intends to focus initially on encouraging payment of the vehicle entry fee instead of a heavy-handed enforcement approach.

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APPROVED:

  
Konradt Bartlam, City Manager

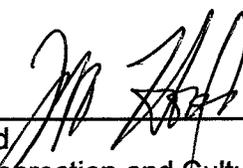
**Adopt Resolution Setting Entry Permit Fine For Lodi Lake Park, and Introduce Ordinance Amending Lodi Municipal Code Chapter 12.12 – Parks – by Adding Section 12.12.305, “Lodi Lake Park – Vehicle Entry Restrictions”**

Page 2

June 19, 2013

**FISCAL IMPACT:** Some additional entry fee revenue for PRCS in an unknown amount. Entry permit fine revenue will flow to the General Fund. Minimal cost for updating existing signs.

**FUNDING AVAILABLE:** Not applicable.

  
\_\_\_\_\_  
Jeff Hood  
Parks, Recreation and Cultural Services Director

JH:tl

Cc: City Attorney

Attachment: Proposed Ordinance  
Resolution

RESOLUTION NO. 2013-127

A RESOLUTION OF THE LODI  
CITY COUNCIL SETTING FINE FOR  
NONPAYMENT OF LODI LAKE PARK  
VEHICLE ENTRY FEE

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WHEREAS, the City has charged a vehicle entry fee for Lodi Lake Park since 1976, and in 2011 the City Council set the current entry fees, and on April 17, 2013, set a fee for an annual pass; and

WHEREAS, currently, vehicle entry fees are collected in three ways: 1) by a gate attendant on a seasonal basis; 2) by a self-serve fee collection station; or 3) from visitors purchasing an annual entry pass; and

WHEREAS, the Lodi Municipal Code does not specifically address the issue of nonpayment by vehicles entering Lodi Lake when an attendant is not present; and

WHEREAS, staff has brought forth a proposed ordinance change requiring that all vehicles that enter Lodi Lake Park must show proof of payment on the dashboard or, if an annual pass, hung from the rear-view mirror; and

WHEREAS, the ordinance also states that annual passes may be purchased at the Parks, Recreation and Cultural Services Department offices or the park gate. Vehicles failing to display a valid pass are subject to citation and the City Council has the authority to set penalties, fees, and charges related to violations of this section; and

WHEREAS, staff recommends that the City Council adopt this Resolution setting forth the fine for violating the Lodi Lake Park entry permit requirement at \$50, the equivalent of an annual pass, subject to adoption of the proposed ordinance; and

WHEREAS, enforcement of this requirement would be by the park police officers or other authorized enforcement personnel, and new signs will notify visitors of the requirement to pay the entry fee at all times, rather than only when a gate attendant is on duty.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the \$50 fine for violating the Lodi Lake Park vehicle entry restriction and may be cited under Lodi Municipal Code Section 12.12.305(D); and

BE IT FURTHER RESOLVED that this Resolution shall only take effect 30-days following and subject to the final adoption of the Ordinance amending Lodi Municipal Code Chapter 12.12 – Parks – by adding Section 12.12.305, “Lodi Lake Park – Vehicle Entry Restrictions.”

Dated: June 19, 2013

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I hereby certify that Resolution No. 2013-127 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 19, 2013, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, and  
Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Mounce

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING  
LODI MUNICIPAL CODE CHAPTER 12.12 – PARKS – BY  
ADDING SECTION 12.12.305, “LODI LAKE PARK –  
VEHICLE ENTRY RESTRICTIONS”

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 12.12 – Parks - is hereby amended by adding Section 12.12.305 - "Lodi Lake Park – Vehicle Entry Restrictions" and shall read as follows:

Lodi Lake Park - Parking Restrictions.

- A. No person shall enter Lodi Lake Park in any vehicle unless the vehicle contains a properly displayed valid annual entry permit, issued by the City of Lodi, or purchases a day use entry pass from either the gate attendant or the self-pay station located at the entrance to Lodi Lake Park. The annual pass or daily pass must be displayed on the driver's side dashboard or hung from the rear-view mirror with the expiration date/issuance date visible from the exterior of the vehicle.
- B. Annual permits for Lodi Lake Park can be purchased at the administrative offices of the Parks, Recreation and Cultural Services Department or from a park gate attendant when available. The fee for the annual permits will be established from time to time by Council Resolution.
- C. Vehicles entering Lodi Lake Park without a valid annual permit or valid day use pass will be in violation of this Chapter and subject to citation.
- D. By resolution adopted pursuant to this section, council shall adopt a schedule of penalties, administrative fees and any other charges related to violation of this section. The schedule may be amended by council from time to time by resolution.
- E. This section shall not apply to a governmental entity, Special District or public utility vehicles on the site in connection with the entities operations.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
ALAN NAKANISHI  
MAYOR

ATTEST:

RANDI JOHL  
City Clerk

State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held June 19, 2013, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2013, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL  
City Clerk

Approved to Form:

D. STEPHEN SCHWABAUER  
City Attorney

# Ordinance: Lodi Lake Park Vehicle Entry Restrictions



City Council  
June 19, 2013



# Goals

- Increase collection of Council-approved entry fees
  - No increase in fees
- Create incentive for payment
  - Carrot: Educate park visitors, provide flexibility
    - Annual pass available for purchase
  - Stick: Create penalty for refusing to pay



# Current practice

- Collect fee only when gate is staffed
- Entry fee not collected at other times (early mornings, evenings)
- No fee to enter on foot or bicycle
- Began selling annual passes in May

# Approach

- Similar to county, state and federal parks
- Combination of attended gate, self-service



CITY OF LODI

THIS TAB NOT FOR OFFICER PAYMENT  
OFFICER WILL VERIFY PAYMENT

Date \_\_\_\_\_  
Amount Paid \_\_\_\_\_

No. 000001

NO REFUNDS  
Each this tab and clip by on  
other's side of date and clearly  
visible from outside vehicle.

VALID DATE OF PURCHASE ONLY

Day Use

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No. 000001

PARKS, RECREATION & CULTURAL SERVICES DEPT.  
CITY OF LODI  
221 W. Pine St.  
Lodi, CA 95240  
(209) 333-6742

To validate,  
complete the following:  
Fees to be paid Daily  
OFFICER WILL VERIFY PAYMENT



1. NAME _____	2. DATE _____
3. VEH. MAKE _____	5. STATE _____
4. VEH. LIC./CF.NO. _____	

**VEHICLE ENTRY FEES**

\$4 Lodi Resident

\$5 Non-Resident

\$2 Lodi Resident Senior/Disabled (62-over)

\$3 Non-Resident Senior/Disabled (62-over)

\$5 Motorized Boat Launch (additional to Vehicle Fee)

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**DAY USERS - Complete this section  
and Items 1-5 Above.**

Veh. Lic. # \_\_\_\_\_

Tri. Lic. # \_\_\_\_\_

Amount Enclosed \$ \_\_\_\_\_

\$50 Annual Vehicle Permit available at  
above address.



# Resolution setting fine

- Entry fee at Lodi Lake since at least 1976
- Entry fee will be payable in three ways
  - At entry gate
  - Self-serve at “iron ranger” (envelopes en route)
  - Annual fee
- No penalty currently established for failing to pay
- City Attorney’s Office recommends \$50 fine (same as an annual pass)



# Resolution setting fine

- Enforcement -- Park staff working with:
  - Park Police Officer
  - Partners
  - Parking enforcement officer



# Proposed ordinance

- Specifies Lodi Lake Park, payment required
- Describes payment methods, proof of payment
- Refers to fine schedule (resolution) as penalty for violation
- Exempts government vehicles in connection with official duties

# PRCS approach

- Continue staffing entry gate as normal
- Work with Park Police Officers, others, on educating nonpaying entries
- San Joaquin County example at right

№ 426293

**DEPARTMENT OF PARKS & RECREATION**  
 COUNTY OF SAN JOAQUIN  
 11763 North Mule Grove Road  
 Lodi, CA 95240  
 (209) 953-8500

To validate, complete the following:  
**HANGER WILL VERIFY PAYMENT**

Fees to be paid Daily

1. NAME		2. DATE
3. VEH. MAKE	4. VEH. LIC. #	5. STATE
6. CAMPRITE NO.		7. NO. OF PETS

**CAMPERS** - Complete this section and Items 1-7 Above.  
 Additional Motorized Vehicles  
 Veh. Lic. No. # \_\_\_\_\_  
 Veh. Lic. No. # \_\_\_\_\_  
 Amount Enclosed \$ \_\_\_\_\_

**DAY USERS** - Complete this section and Items 4-5 Above.  
 Veh. Lic. # \_\_\_\_\_  
 Veh. Lic. # \_\_\_\_\_  
 Amount Enclosed \$ \_\_\_\_\_  
 Annual Permit available at above address.  
 (Day use only)

**NOTICE OF VIOLATION**

Date: \_\_\_\_\_ Day: \_\_\_\_\_  
 Time: \_\_\_\_\_ Vehicle Make: \_\_\_\_\_  
 Make: \_\_\_\_\_ Color: \_\_\_\_\_ Body: \_\_\_\_\_  
 AMOUNT OWED: \_\_\_\_\_  
 RD: \_\_\_\_\_

OAK  MGP  WOL  SEM  DCS  RSC  
 MZS  MSZ  DAY-USE  CAMPING  FISHING  
 COON/D ZARRIZ Fee Due  COON/D ZARRIZ Compliance

**CC CRD 2-001 COMPLIANCE** - Policy requires that every person in a park where a fee is due MUST DISPLAY PROOF of payment or exemption on the dash of their vehicle.

Proof of payment or exemption was not clearly displayed or was not visible to your vehicle.

**DAY USE** - UNLESS PAYMENT OR VALID PROOF OF EXEMPTION IS RECEIVED WITHIN FIVE DAYS OF THE DATE OF THIS NOTICE, A CITATION FOR QUINING YOUR APPEARANCE IN COURT WILL BE ISSUED.

**CAMPRITE** - Unless Payment is received by Park Admin. Office of this Notice, you will be subject to Citation of Arrest for Compliance. **THERE ARE NO EXCEPTIONS.**

**INSTRUCTIONS**

Insert payment or Proof of Exemption (Day Use Only) along with this Notice in the attached Numbered Envelope and drop in PAY BOX at any County Park. You may mail this addressed envelope but it must be received by Park Admin. Office no later than the specified date and time or legal action will commence.

If you have any questions - Call PARK ADMINISTRATION FOR FOLLOW UP PROGRAM (209) 953-8500 or 953-8600.  
 P&R 10/95



# Requested action

- Adopt resolution setting entry permit fine for Lodi Lake Park
- Introduce Ordinance specifying payment required for entry into Lodi Lake Park