

Ordinance 10-2022

ORDINANCE NO. 10-2022

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE COACHELLA VALLEY PUBLIC CEMETERY DISTRICT ADOPTING A CODE OF CONDUCT FOR DISTRICT PROPERTY VISITORS AND FINDING THE ACTION EXEMPT FROM CEQA.

SECTION 1. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. The following Code of Conduct of the Coachella Valley Public Cemetery District are hereby adopted as follows:

Coachella Valley Public Cemetery District Code of Conduct

- 1. Purpose; Findings**
- 2. Definitions**
- 3. Code of Conduct**
- 4. Staff Response**
- 5. Expulsion Procedure**
- 6. Appeal Procedure**
- 7. Enforcement; Penalties**

1. Purpose; Findings.

The mission and purpose of this Code of Conduct is to ensure that all visitors to District Property have access to the cemetery grounds in a peaceful and safe atmosphere, unhindered and undisturbed by disruptive actions and behavior of others. District staff is empowered to stop any activity which they consider harmful to the safety, well-being and security of visitors and staff or to the operations, facilities, and grounds of the cemetery.

2. Definitions.

For purposes of this Ordinance, the following definitions apply:

(a) "Board of Trustees" means the Board of Trustees of the Coachella Valley Public Cemetery District.

(b) "Code of Conduct" means a policy establishing rules and regulations for the conduct of visitors while on District Property.

(c) "District" means the Coachella Valley Public Cemetery District.

(d) "District General Manager" means the General Manager of the Coachella Valley Public Cemetery District or designee.

(e) “District Property” means any District-owned property, namely, the Coachella Valley Public Cemetery grounds located at 82925 52nd Avenue, Coachella, California 92236.

(f) “Expulsion Notice” means a notice provided to an individual who has been determined to have violated the District’s Code of Conduct.

(g) “Expulsion Term” means the time period that an individual is expelled from visiting District Property.

(h) “Sheriff’s Department” means the Riverside County Sheriff’s Department.

3. Code of Conduct.

(a) The District Board of Trustees hereby establishes a Code of Conduct for visitors to District Property.

(1) Expulsion up to thirty (30) days may be imposed whenever there is reasonable cause to believe that a person on District Property is engaged in the following:

- Possessing or consuming alcohol and/or illicit drugs, or exhibiting signs of being under the influence of alcohol or controlled substances.
- Driving in excess of the posted speed limit of 10 mph.
- Driving on portions of District Property that are not specifically designed for traffic.
- Double parking (automobiles parked on both sides of road blocking through traffic).
- Picnicking, meaning setting out a blanket(s) and/or chair(s) and/or sitting/standing on cemetery grounds while having food and/or beverages.
- Setting up and/or using multi-legged canopies.
- Engaging in sport activities.
- Loitering, meaning standing idly about and lingering without any purpose.
- Washing cars.
- Having pet(s) that are not service animals.
- Possessing or using fireworks (or other flammable or combustible materials) or having open flames, including candles.

- Discharging of firearms.
- Vending or performing music without a vendor permit.
- Violating any federal, state, or local law.

(2) Expulsion of up to one hundred eighty (180) days may be imposed whenever there is reasonable cause to believe that a person on District Property is engaged in the following:

- Been expelled for a period of thirty (30) days each on two (2) or more occasions within the prior twelve (12) months; or
- Engaged in any behavior, conduct, or activity which may damage District Property or pose a threat to other visitors or District staff, as reasonably determined by the District General Manager, and refused to cease such behavior, conduct, or activity when requested by District staff.

(3) Expulsion and suspension of privileges of up to one (1) year may be imposed whenever there is reasonable cause to believe that a person on District Property is engaged in the following:

- Been expelled for a period of one hundred eighty (180) days in the prior twelve (12) months; or
- Seriously threatened verbally or physically or seriously harassed verbally or physically, other visitors or District staff on District Property, as reasonably determined by the District General Manager; or
- Destroyed or defaced any District Property or other property on cemetery grounds or illegally removed any property from cemetery grounds; or
- Behaved in any manner prohibited by federal, state, or local law.

(b) Expulsion Term. The District General Manager may expel a person from District Property for the foregoing periods, as befitting the person's conduct.

4. Staff Response.

(a) Where there is reasonable cause to believe that an individual has violated the Code of Conduct, the District General Manager may notify the individual that consent to remain on District Property has been withdrawn and then may order such individual to leave District Property immediately. Consent shall be reinstated after successful appeal or after the Expulsion Term expires.

(b) District staff members are authorized to contact the Sheriff's Department to respond to such situations. Repeat misconduct or severe offenses (even if a single isolated event) may result in individuals being banned from District Property for a day up to a year. Staff will call the Sheriff's Department for severe or illegal behavior or when an individual refuses to leave District Property when told by staff to do so.

5. Expulsion Procedure.

After staff determines that a person has engaged in conduct described in Section 3 and should be expelled:

(a) Staff will involve the District General Manager.

(b) Staff will gather information about the individual being expelled, including the individual's name, address, telephone number, and email address.

(c) Staff will complete an incident report along with details about potential expulsion and recommendation for time period of expulsion.

(d) After review, if the District General Manager agrees with the reasons for the expulsion then the District General Manager will mail an Expulsion Notice to the individual. The District General Manager will notify the Board of Trustees and staff of the expulsion.

(e) The District General Manager will review and may reconsider the decision to expel an individual upon written request of the expelled individual and may shorten or terminate the Expulsion Term if information submitted by the individual, in the discretion of the District General Manager, warrants such modification. The District General Manager may consult with General Counsel before issuing the response to the expelled individual. Until such time as the Expulsion Notice has been reviewed and/or modified by the District General Manager or reversed on appeal by the Board of Trustees, the individual may not enter District Property.

6. Appeal Procedure.

(a) The District General Manager's written determination may be appealed to the Board of Trustees, if the individual aggrieved files a written notice of appeal within ten (10) days after he or she receives the determination. Such notice shall be filed with the District General Manager.

(b) Within thirty (30) days of the completion of the meeting, the Board of Trustees shall issue a written decision stating the reason(s) therefore. The Board of Trustees shall have the power to affirm or reverse the written determination or to remand it to the District General Manager with instructions for reconsideration. The decision, except for remand, shall be a final determination for the purposes of judicial review.

7. Enforcement; Penalties.

(a) Any person who has violated any Code of Conduct may be subject to expulsion for a period of time as provided in Section 3.

(b) Any person subject to expulsion shall remain subject to such expulsion during the pendency of any administrative or judicial appeal.

(c) Any person who fails or refuses to leave District Property after being given the requisite notice, warning, and direction to leave, shall be guilty of a misdemeanor which shall be punishable by a fine not exceeding one thousand dollars (\$1,000) per violation, or by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment.

(d) Any person who returns to District Property during any Expulsion Term shall be guilty of a misdemeanor which shall be punishable by a fine not exceeding one thousand dollars (\$1,000) per violation, or by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment.

(e) Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of or failure to comply with any provision of this Ordinance is committed, continued, or permitted by such person and shall be punishable accordingly.

(f) The penalties contained in this Section are cumulative.”

SECTION 3. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Board hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4. This Ordinance shall become effective thirty (30) days after its adoption by the Board.

SECTION 5. CEQA. The Board finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) 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. Moreover, the Board finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 6. The Clerk of the Board is directed to cause this Ordinance to be published in the manner required by law.