



BILL NO. B-9

ORDINANCE NO. 2010-11

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING ARTICLE 15 TO CHAPTER 10 OF THE FRESNO
MUNICIPAL CODE RELATING TO REGULATIONS FOR THE
PROTECTION OF THE SAN JOAQUIN RIVER AND BLUFFS

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

SECTION 1. Article 15 is added to Chapter 10 of the Fresno Municipal Code to read:

ARTICLE 15

SAN JOAQUIN RIVER AND BLUFF PROTECTION INITIATIVE

- Section 10-1501. Title
- 10-1502 Purpose
- 10-1503. Construction with Other Laws
- 10-1504. Application
- 10-1505 Definitions
- 10-1506 Vehicular Access
- 10-1507. Prohibited Acts
- 10-1508. Penalties and Enforcement
- 10-1509. Posting
- 10-1510. Defensible Space Requirements
- 10-1511. Progress Review

SECTION 10-1501. TITLE. This ordinance shall be known as the “San Joaquin River and Bluff Protection Initiative.”

SECTION 10-502. PURPOSE. The Council finds and declares that the San Joaquin River and southerly San Joaquin River Bluffs are a unique natural resource that must be protected and preserved for the enjoyment of, and appreciation by, present and future generations in the City of Fresno. The Council further finds and declares that the integrity of the natural landscape is threatened by pollution and damage caused by

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Effective See Section 3



vehicular and pedestrian traffic and activities that are not consistent with conservation of these precious natural resources.

The Council further finds and declares that vegetation fires along the San Joaquin River and to the southerly San Joaquin River Bluffs are particularly difficult to contain due to the ample flammable vegetation and difficult terrain and pose a threat to occupied structures in the area.

The ordinance enacted below is deemed necessary for the protection of the general health, safety, and welfare of people and property on the southerly San Joaquin River Bluffs.

SECTION 10-1503. CONSTRUCTION WITH OTHER LAWS. No provision of this article is intended to supersede or be in conflict with any federal regulation or any statute, rule or regulation of the state relating to the San Joaquin River or southerly San Joaquin River Bluffs, and in the event of any conflict between the provisions of this article and any such federal or state regulation, the provisions of this article so conflicting shall be deemed superseded by such statute, rule or regulation, and of no force or effect. Provided further, that other provisions of this article not so in conflict shall not be affected thereby and shall remain in full force and effect.

SECTION 10-1504 APPLICATION. The prohibitions of Sections 10-1506 and 10-1507 shall apply to the territory of the City of Fresno located between the midpoint of the San Joaquin River and the southerly bluff edge as defined below and between Highway 99 and Highway 41.



SECTION 10-1505. DEFINITIONS

(a) "Bluff" means the soil surface, substratum and area between the "Bluff Toe" and the "Bluff Edge" as defined in Section 12-105.B.9 of this Code.

(b) "Bluff Edge" means the first or southernmost point of tangency, within three hundred feet of the "Bluff Toe," or a ten per cent (10:1) slope line and the convex soil surface (or the break between slopes less than ten per cent and those greater than ten per cent) as defined in Section 12-105.B.10 of this Code.

(c) "Bluff Face" means that area between the "Bluff Edge" and "Bluff Toe" as defined in Section 12-105.B.11 of this Code.

(d) "Bluff Preservation Overlay District" is an overlying zoning district intended to provide special land development standards that will preserve the integrity of the natural landscape of the southerly San Joaquin River Bluffs, adjacent properties, and adjacent open spaces as areas of special quality by reason of the topography, geologic substratum, and environment of the area as defined in Section 12-243 of this Code.

(f) "Bluff Toe" means the point of tangency of a twenty per cent (5:1) slope line and the concave soil surface (or the break between slopes less than twenty per cent and those greater than twenty per cent) as defined in Section 12-105.B.13 of this Code.

(g) "Fireworks" shall have the same meaning as defined in Section 10-53302.3(d) of this Code.



SECTION 10-1506. VEHICULAR ACCESS.

(a) No person on public lands shall operate any motor vehicle, motorcycle, motor-driven cycle, minibike, or other vehicle by which any person or property may be propelled, moved, or drawn, excepting a vehicle or device moved by human power, below the bluff edge except upon roads designated for vehicular use.

(b) Exceptions.

(1) This section shall not apply to employees of a public agency engaged in the discharge of their duties;

(2) This section shall not apply to employees or agents of organizations engaged in land or resource management or conservation engaged in the discharge of their duties;

(3) This section shall not apply to a self-propelled wheelchair, motorized tricycle, or motorized quadricycle, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.

SECTION 10-1507. PROHIBITED ACTS. The following acts are prohibited below the bluff edge:

(a) Overnight camping except with appropriate permits and approvals and in designated areas;

(b) Depositing, placing, throwing or in any manner disposing of any rubbish, trash, garbage, can, bottle, glass, wood, paper or any decaying or putrid matter of any kind whatsoever except in containers provided for such purpose;



(c) Lighting of any fires or open flames, including but not limited to cooking fires and barbecues, except in designated areas. This prohibition shall not apply to cooking fires, barbecues, or outdoor fireplaces upon any private property which is subject to the provisions of this Article;

(d) Possession or use of fireworks, notwithstanding the provisions of Section 10-53302.5(b);

(e) Entering, remaining or loitering between the following hours: 10:00 p.m to sunrise from March through October; 6:00 p.m. to sunrise from November through February. This shall not apply to individuals whose private property is located below the bluff edge; individuals with appropriate permission or authorization to be on, or be in route to or from, private property located below the bluff edge; campers with appropriate permits and authorization; employees of a public agency in the discharge of their duties; or employees or agents of organizations engaged in land or resource management or conservation engaged in the discharge of their duties.

(f) Discharging of firearms, bows, pellet guns, or paintball guns except in areas or facilities specifically designated for such activities.

(g) Removal of vegetation or excavation of any rock or stone except when part of an authorized management program, such as creation of defensible space pursuant to Section 10-1510, or with appropriate permits and approvals;

(h) Removal or disturbance of archaeological or cultural artifacts unless with appropriate permits and approvals;