



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JANUARY 12, 2021

FROM: PUBLIC WORKS DEPARTMENT WARDS: ALL

SUBJECT: AMENDMENT TO SECTION 9.04.400(D) OF THE RIVERSIDE MUNICIPAL CODE REGARDING CONDUCT ON PUBLIC PROPERTY TO PROHIBIT ENTERING THE WATER, SHAVING, WASHING CLOTHES, OR OTHERWISE POLLUTE ANY DECORATIVE FOUNTAIN, OR ALLOW ANY MINOR CHILD OR PET TO DO THE SAME

ISSUE:

Adoption of an ordinance amending Section 9.04.400(D) of the Riverside Municipal Code to prohibit entering the water, shaving, washing clothes, or otherwise pollute any decorative fountain, or allow any minor child or pet to do the same.

RECOMMENDATIONS:

That the City Council:

1. Introduce and subsequently adopt an ordinance amending Section 9.04.400(D) of the Riverside Municipal Code regarding conduct on public property to prohibit entering the water, shaving, washing clothes, or otherwise pollute any decorative fountain, or allow any minor child or pet to do the same.

BACKGROUND:

The Pedestrian Mall in Downtown Riverside has decorative fountains in a few locations. These City fountains were designed as art and never intended to serve as sites for public wading, bathing or playing. They are filled with ordinary tap water and cleaned three times a week by a pool cleaning company. In recent years, there has been an increase in people swimming, bathing, washing clothes and conducting other personal hygiene activities inside of the decorative fountains.

The Daily Activity Report from the Multi Housing District Patrol shows numerous incidents of people washing clothes, brushing their teeth, and shaving using water from the fountains. There have also been previous reported incidents of urination in the fountain. Furthermore, the acts of swimming, splashing or playing in the fountains are disruptive to the surrounding restaurants and businesses. The potential risks include disease spread such as novovirus, cryptosporidiosis, and other bacteriological and viral infections because the feature's system is not designed to sufficiently filter or inactivate such contaminants.

There is a difference between decorative fountains and interactive water features that are designed for human use. Interactive water features have a number of design guidelines that should be followed for public health and safety, such as the following:

1. A maximum number of users possible at any one time;

2. Water treatment should be based on the anticipated number of users, not the volume of water in the system;
3. A minimum circulation rate;
4. A sufficient holding tank volume;
5. A separate holding tank for the returning play water to drain to and another tank which supplies the sprays with treated water;
6. Disinfectant residual levels higher than in swimming pools;
7. Trained staff alert to the need to react to poor microbiological test result;
8. Regular check of chemical values (including pH);
9. Backwashing frequency reflecting the varying levels of use;
10. Exclusion of animals; and
11. UV disinfection to provide an effective method of inactivating a wide range of waterborne pathogens including *Cryptosporidium*.

Furthermore, a filtration system for a pool or interactive water features is different than a filtration system for a public decorative fountain. The City's Main Street fountains have high rate sand filters. While similar to some pool filters, they are generally applied for agricultural use. They do not have as much waste as pool filters when backwashed.

The issue of interactive human use inside of decorative fountains is not limited to Riverside; many agencies including Washington D.C., Syracuse and Chicago have faced challenges related to recreational use of public fountains.

The Riverside Municipal Code currently does not adequately address activities occurring *inside* the decorative fountains on the Pedestrian Mall. (RMC section 9.08.170 forbids polluting the water of any fountain within a City park.) In its present form, Section 9.04.400(D) forbids walking, standing, sitting or lying upon monuments or decorative fountains. The proposed amendment to Section 9.04.400(D) will correct this oversight and further enhance the public welfare.

Cameron Kaiser, M.D., M.P.H., Riverside County Health Officer, concurs that urination, swimming, bathing, washing clothes and conducting other personal hygiene activities inside of the decorative fountains make it potentially dangerous for other uses. It would be good public health policy to restrict such use.

DISCUSSION:

Section 9.04.400(D) of the Riverside Municipal Code currently reads as follows:

- D. *Conduct on public property, monuments and lawns.* No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section, shall:
1. Walk, stand, sit or lie upon any monument, vase, decorative fountain, drinking fountain, bike rack, trash receptacle, median, fire hydrant, street tree planter berm, utility cabinet, railing, fence, planter, or upon any other public property not designed or customarily used for such purposes;
 2. Walk, stand, sit or lie upon any public lawn or planted area which is posted with signs that forbid such conduct; or
 3. Walk, stand or lie upon any public bench.

The proposed amendments to section 9.04.400(D) add the words "decorative fountains" to the

title and adds a category 4 to specifically address conduct in the fountains. The changes are indicated in bold:

- D. *Conduct on public property, monuments, **decorative fountains** and lawns.* No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section, shall:
1. Walk, stand, sit or lie upon any monument, vase, decorative fountain, drinking fountain, bike rack, trash receptacle, median, fire hydrant, street tree planter berm, utility cabinet, railing, fence, planter, or upon any other public property not designed or customarily used for such purposes;
 2. Walk, stand, sit or lie upon any public lawn or planted area which is posted with signs that forbid such conduct; or
 3. Walk, stand or lie upon any public bench.
 4. **Enter the water, shave, wash clothes, or otherwise pollute any decorative fountain, or allow any minor child or pet to do the same.**

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Kris Martinez, Public Works Director
Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Kristi J. Smith, Interim City Attorney

Attachments:
Draft Ordinance