



CITY OF CHICO
BIDWELL PARK AND PLAYGROUND COMMISSION (BPPC)
POLICY ADVISORY COMMITTEE

(Commissioners Moore (Chair), Glatz, and McReynolds)
Regular Meeting Agenda
April 10, 2019, 6:00 p.m.

Chico Municipal Center Council Chamber Building - 421 Main Street, Conference Room 2

Materials related to an item on this Agenda are available for public inspection in the Park Division Office at 965 Fir Street during normal business hours or online at <http://www.chico.ca.us/>.

1. CALL TO ORDER

2. REGULAR AGENDA

2.1. REVIEW OF THE POLICY ADVISORY COMMITTEE'S PURPOSE AND PREVIOUS ACTIONS

The Policy Advisory Committee (PAC) will review the Committee's purpose and previous recommendations to the Bidwell Park & Playground Commission (BPPC). The Committee will also consider agendizing pending policy items, such as vehicle speed in Lower Park, updating the donation policy, or other potential items for discussion in the future.

Recommendation: Park & Natural Resources Manager recommends that the PAC review and prioritize the following list of pending policy related items to be discussed by the Committee in the following months.

- Lower Park Speed Limit/Pedestrian Buffer Lane
- Bicycle Safety
- Dog Leash Rules
- Donation Policy
- Drone Use
- Pedal-assisted Bicycles

3. BUSINESS FROM THE FLOOR

Members of the public may address the Committee at this time on any matter not already listed on the agenda, comments are limited to three minutes. The Committee cannot take any action at this meeting on requests made under this section of the agenda.

4. ADJOURNMENT

Unless otherwise noticed, adjourn to the next regular meeting on May 8, 2019 at 6:00 p.m. in Conference Room 2, Chico Municipal Center Council Chamber Building located at 421 Main Street, Chico, California.



Please contact the Park Division Office at (530) 896-7800 if you require an agenda in an alternative format, or if you need to request a disability-related modification or accommodation. If possible, this request should be received at least three (3) working days prior to the meeting.



DATE: 4/04/19
TO: BPPC Policy Advisory Committee
FROM: Linda Herman, Park and Natural Resources Manager
SUBJECT: REVIEW OF THE POLICY ADVISORY COMMITTEE'S PURPOSE AND PREVIOUS ACTIONS

REPORT IN BRIEF:

The Policy Advisory Committee (PAC) will review the Committee's purpose and previous recommendations to the Bidwell Park & Playground Commission (BPPC). The Committee will also consider agenda items pending policy items, such as vehicle speed in Lower Park, updating the donation policy, or other potential items for discussion in the future.

Recommendation: Park & Natural Resources Manager recommends that the PAC review and prioritize the following list of pending policy related items to be discussed by the Committee in the following months.

- Lower Park Speed Limit/Pedestrian Buffer Lane
- Bicycle Safety
- Dog Leash Rules
- Donation Policy
- Drone Use
- Pedal-assisted Bicycles

BACKGROUND:

1. Committee Purpose

The PAC is responsible for interpreting existing policies and considering proposed or potential policy changes for matters dealing with art, municipal code changes, finances, and the volunteer program for consideration by the full BPPC

2. Relevant Chico Municipal Codes:

- a. Chico Municipal Code (CMC) Title 12R entitled "Rules and Regulations of Bidwell Park and Other Parks and Playgrounds" provides rules and regulations governing the use of the City's parks, playgrounds and open spaces. Title 12R further provides that the Public Works Director ("Director") be primarily responsible for administering the rules and regulations but provides for an appeal process to be aggrieved by the BPPC if necessary.
- b. CMC Section 9.50 entitled "Waterway Regulation" provides additional regulations regarding illegal camping and other activities affecting city parks, greenways, and water ways
- c. CMC Chapter 14.40 entitled "Street Trees" establishes regulations controlling and governing the planting, removal and maintenance of trees and shrubs on city-owned property and right-of-way.
- d. CMC Chapter 16.66 entitled "Tree Preservation Regulations" provides for the protection of City and private trees during the development process. C.

Copies of the policy relevant CMC Chapters 12R and 9.50 are attached as Attachment "A"

3. Previous PAC Actions and Recommendations:

At its 5/30/17 meeting, the BPPC reviewed the above CMC Chapters and Commissioners provided Staff with suggestions on which sections they considered to be important and need to be revised. There were several topics,

such as park reservations fees, noise, and tree related permits, that were of interest to three or more Commissioners and the BPPC directed discussion of these topics to either the PAC or the Tree Committee.

DISCUSSION:

The PAC met several times over the past two years to discuss various policy related CMC topics as well as some other topics that arose as part of these discussions. The following table summarizes and provides the status of these topics:

BPPC CMC REVISION LIST			
CMC Code Section	Title	Specific Topics Noted	Status
12R.04.050	Alcoholic Beverages	Enforce possession or Consumption	Enforcement occurring daily
12R.04.070	<i>Bicycles-Safety</i>	<i>Other Restrictions</i>	<i>Lower Priority - not reviewed yet</i>
12R.04.080	<i>Bicycles-safety</i>	<i>Reckless Operation</i>	<i>Lower Priority - not reviewed yet</i>
12R.04.340 & 9.50	Camping	Enforce illegal camping	Enforcement and cleanup ongoing daily
12R.04.370	Closure of Parks	Directed to BPPC by Council	BPPC and Council approved- all parks/greenways close at 11 p.m.
12R.04.110	<i>Dog Leash Rules</i>	<i>Review and update</i>	<i>Medium priority – not been reviewed yet</i>
12R.04.190	Noise	Complete – BPPC determined current rules suffice	BPPC determined current rules suffice
12R.08	Park Reservation/Fees	Review of all park reservation fees and processes	BPPC Approved – needs Council approval
12R.04.195	Signage	Need more signs informing public of rules	ongoing
12R.04.230 & 235	Smoking-Bidwell Park	zero tolerance	BPPC determined current rules suffice
12R.04.170	Fires in BBQs	Advised by Chico Fire to look at restricting the use of BBQs in Bidwell Park due to high fire danger.	Approved by BPPC and Council to ban wood fires in BBQs, and use of BBQs at night or on Red Flag Days
	Vehicle Use in Lower Bidwell Park	Recommended speed survey be done to determine if speed limit needs to be reduced. <i>Also determine feasibility of a buffered pedestrian lane and signage.</i>	BPPC Approved Speed Survey – survey not yet conducted by Traffic Engineering
Other Non CMC Items			
Part of Fee discussion	Upper Park Vehicle Fee	Recommended establishing a daily fee and annual pass for parking vehicles in Upper Park	BPPC Approved – needs Council approval
Directed by the City Council	Security Cameras	Install cameras in Children’s Playground, Bidwell Bowl, Caper Acres, One Mile Picnic Area, North side restroom/concession building	Approved by BPPC and Council – cameras have not been installed yet
Directed by the City Council	Bidwell Bowl Amphitheater	Considered closing Bidwell Bowl Amphitheater to permitted reservations only. PAC recommended not doing this now to see if cameras help	BPPC and Council approved leaving it as is for now

In addition to the pending CMC discussion items (denoted in bold and italics in the table above), there is a need to review and update the Park Division’s policies regarding donations and memorials, such as park benches and Caper Acres bricks. Whether to establish a policy regarding the use of pedal assisted bicycles and drones in Bidwell Park and other parks and greenways may also be potential topics of discussion.

ATTACHMENTS:

Attachment A: CMC Chapters 12R & 9.50

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

Print

Chico, CA Code of Ordinances

Title 12R RULES AND REGULATIONS OF BIDWELL PARK AND OTHER PARKS AND PLAYGROUNDS¹

Chapter:

12R.02 Administration and Enforcement of Park Rules and Regulations

12R.04 Rules Generally

Article I General Provisions

Article II Rules for Alcoholic Beverages

Article III Rules for Bicycles

Article IV Rules for Dogs

Article V Rules for Health, Safety and the Environment

Article VI Rules for Waterways

Article VII Other Rules, Restrictions and Prohibited Acts

12R.08 Permits Authorizing Public Events Conducted in City Parks and Playgrounds

12R.10 Reservation of Facilities in City Parks and Playgrounds

12R.16 Caper Acres Playground Area - Bidwell Park

12R.17 Humboldt Neighborhood Park

12R.20 Swimming Pools and Swimming Areas - Bidwell Park

12R.32 Vehicle Use in Parks and Playgrounds

Exhibits: (Exhibits following Chapter 12R.04)

A Children's Playground/Bidwell Bowl Amphitheater

B Bidwell Park

C Cedar Grove

D City Plaza

E Depot Park

F Five-Mile Recreation Area

G Greenways

H Lower Bidwell Park

I Middle Bidwell Park

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

J One-Mile Recreation Area

K Park

L Upper Bidwell Park

NOTE: Footnotes are numbered throughout the text and are located at the end of this title.

Chapter 12R.02 ADMINISTRATION AND ENFORCEMENT OF PARK RULES AND REGULATIONS

Section:

12R.02.005 Director - Defined

12R.02.010 Administrative responsibilities of director.

12R.02.020 Appeals to Bidwell Park and Playground Commission from a determination or action of the director.

12R.02.030 Appeals to the city council from a determination or action of the Bidwell Park and Playground commission.

12R.02.040 Enforcement by park rangers.

12R.02.045 Resisting park rangers or police officers in the performance of their duties - Unlawful.

12R.02.050 Exemptions from park rules and regulations.

12R.02.060 Violations.

12R.02.005 Director - Defined

As used in this Title, “director” means the public works director or any designee of the director.

(Res. No. 31-13 §3)

12R.02.010 Administrative responsibilities of director.

The **director** shall be primarily responsible for administering the park rules and regulations adopted in this title. In carrying out such responsibilities, the duties of the **director** shall include, but not be limited to, the issuance of permits authorizing the conduct of public events in the city's parks and playgrounds and the approval of reservations authorizing the exclusive use of portions of the city's parks and playgrounds in the manner provided for by this title, the granting of any other authorization or permission required by this title, and supervising the park rangers in the enforcement of the park rules and regulations adopted by this title.

(Res. No. 153 92-93 §1 (part)) (Res. No. 31-13 §1)

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.02.020 Appeals to Bidwell Park and Playground commission from a determination or action of the director.

A. Right of Appeal. Any person aggrieved by a determination or action of the director under the park rules and regulations adopted in this title, including a determination or action of the director on any application for a permit authorizing the conduct of a public event in a city park or playground or any application for a reservation authorizing the exclusive use of a portion of a city park or playground, may appeal such determination or action to the Bidwell Park and Playground commission.

B. Notice of Appeal. Appeals to the Bidwell Park and Playground commission from a determination or action of the director shall be made by filing a notice of appeal with the director not later than 15 days following the date the director serves the aggrieved person with a written notice of such determination or action in a manner required by this chapter or otherwise first informs the aggrieved person of such determination or action. Such notice of appeal shall be in a form prescribed by the director, shall contain a brief statement of the reasons why the person filing the appeal believes that the determination or action of the director does not comply with the provisions of this title, and shall set forth the relief requested by such person from such determination or action.

C. Appeals Procedures. Appeals to the Bidwell Park and Playground commission from a determination or action of the director shall be heard and decided by the commission at the first regular or adjourned regular meeting of the commission on or after the tenth day following the filing of the notice of appeal, and shall be conducted by the commission in accordance with the procedure for the conduct of appeals by the city council as prescribed in Title 2 of this code.

(Res. No. 153 92-93 §1 (part), Res. No. 3 94-95) (Res. No. 31-13 §1)

12R.02.030 Appeals to the city council from a determination or action of the Bidwell Park and Playground commission.

Any person aggrieved by a determination or action of the Bidwell Park and Playground commission under the park rules and regulations adopted in this title, including a determination or action of the commission on any application for a permit authorizing the conduct of a public event in a city park or playground or any application for a reservation authorizing the exclusive use of a portion of a city park or playground, may appeal such determination or action to the city council, all in the manner provided for by Title 2 of this code.

(Res. No. 153 92-93 §1 (part))

12R.02.040 Enforcement by park rangers.

The park rangers shall be primarily responsible for enforcing the park rules and regulations adopted in this title, subject to the direction and control of the **director**. However, the park rangers, shall, from time to time, be assisted in enforcing the park rules and regulations adopted in this title by city police officers.

(Res. No. 153 92-93 §1 (part)) (Res. No. 31-13 §1)

12R.02.045 Resisting park rangers or police officers in the performance of their duties - Unlawful.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

No person shall resist, delay, obstruct, or provide false information to a park ranger or a police officer in the discharge or attempt to discharge any duty of the office or when active within the scope of employment in any park or playground in the city.

(Res. No. 19 93-94 §1, Res. No. 02 03-04) (Res. No. 31-13 §4)

12R.02.050 Exemptions from park rules and regulations.

Except as otherwise specifically provided in this title, the park rules and regulations adopted in this title shall not apply to or restrict any city officer, employee, or agent when carrying out the duties and responsibilities of the office or when otherwise acting within the course and scope of employment or agency.

(Res. No. 153 92-93 §1 (part), Res. No. 02 03-04)

12R.02.060 Violations.

A violation of the park rules and regulations adopted in this title shall be an infraction punishable by a fine in the manner provided for by Section 1505 of the Charter of the City of Chico.

(Res. No. 153 92-93 §1 (part), Res. No. 150 96-97)

Chapter 12R.04 RULES GENERALLY

Section:

ARTICLE I. GENERAL PROVISIONS

12R.04.010 Application of chapter.

12R.04.020 Definitions.

ARTICLE II. RULES FOR ALCOHOLIC BEVERAGES

12R.04.030 Alcoholic beverages - Manufacture and sale - Prohibited.

12R.04.040 Alcoholic beverages - Gift - Prohibited.

12R.04.050 Alcoholic beverages - Possession or Consumption - Prohibited.

12R.04.055 Alcoholic Beverages - Municipal Golf Course

ARTICLE III. RULES FOR BICYCLES

12R.04.060 Bicycles - Helmets required for off-road use in Middle and Upper Bidwell Park.

12R.04.070 Bicycles - Other restrictions in Bidwell Park.

12R.04.080 Bicycles - Reckless operation - Prohibited.

12R.04.090 Bicycles - Use in Caper Acres Playground Area - Prohibited.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.04.095 Bicycles - Use in Children's Playground - Restricted.

12R.04.100 Bicycles - Use near banks of pools or swimming areas and in creeks - Prohibited - Exception.

ARTICLE IV. RULES FOR DOGS

12R.04.105 Dogs - Definitions.

12R.04.110 Dogs - Leash requirements.

12R.04.115 Leash requirements - Exception - Dog Off-leash Areas.

12R.04.120 Dogs - Leash requirements - Exception - Special Use Dogs.

12R.04.125 Dogs - Prohibited areas.

12R.04.130 Rules for Dogs - Construction.

ARTICLE V. RULES FOR HEALTH, SAFETY AND THE ENVIRONMENT

12R.04.140 Destruction, injury, cutting, alteration or removal of public property or any natural condition of the landscape - Prohibited.

12R.04.150 Glass containers - Prohibited - Exception.

12R.04.160 Equestrian use - Prohibitions.

12R.04.165 Control of Animals.

12R.04.170 Fires - Restrictions - Permit required for open fires at other than regularly established places.

12R.04.175 Fountains - Prohibition.

12R.04.180 Rubbish and garbage - Disposition in established receptacles required - Prohibited disposition.

12R.04.185 Feeding of animals.

12R.04.190 Unreasonable noises - Prohibited - Exception.

12R.04.195 Signs.

12R.04.200 Commercial advertising - Prohibited - Exception.

12R.04.210 Hunting - Prohibited - Exception - Permit required.

12R.04.220 Firearms or Other Projectile Weapon - Possession and use - Prohibited- Exception.

12R.04.230 Smoking - Prohibited in designated areas from May 1st to November 1st annually. (Repealed by Res. No. 31-13 §19)

12R.04.235 Smoking - Prohibited in City-owned Parks, Greenways, Open Spaces and Preserves.

12R.04.240 Fireworks - Prohibited.

12R.04.250 Hang-gliding and para-gliding.

12R.04.260 Entering or using designated restoration areas - Prohibited.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.04.275 Ball field lighting curfew - Wildwood Park.

ARTICLE VI. RULES FOR WATERWAYS

12R.04.280 Big Chico Creek - Use of boats - Prohibited - Exception.

12R.04.290 Big Chico Creek - Use prohibited within designated area - Municipal Golf Course vicinity - Exception.

12R.04.300 Horseshoe Lake - Use of motorized equipment - Prohibited.

12R.04.310 Horseshoe Lake - Fishing restrictions.

12R.04.320 Pollution of waterways - Construction of dams - Prohibited.

12R.04.330 Fishing from bridges and banks of swimming pools and areas - Prohibited.

ARTICLE VII. OTHER RULES, RESTRICTIONS AND PROHIBITED ACTS

12R.04.340 Camping - Prohibited - Exception - Permit required.

12R.04.350 Night closing of certain areas - Exception - Permit required. *(Repealed by Res. No. 31-13 §22)*

12R.04.360 Animals for Hire - Designated area - Prohibitions.

12R.04.370 Closure of parks.

12R.04.380 Coasting Devices - Prohibitions

ARTICLE I. GENERAL PROVISIONS

12R.04.010 Application of chapter.

The rules set forth in this chapter shall govern all persons using the parks and playgrounds within the city, and shall apply to all areas of such parks and playgrounds, unless otherwise specifically provided in the remaining chapters of this title.

(Res. No. 19 93-94 §2 (part))

12R.04.020 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions shall govern the construction of the words and phrases used in this chapter.

A. Alcoholic Beverages. For purposes of this chapter, the term “alcoholic beverages” shall include alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, liquor, wine or beer and which contains, $\frac{1}{2}$ of 1% or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

B. Bidwell Bowl Amphitheater. The term “Bidwell Bowl Amphitheater shall include all that area South of Sowilleno Avenue, North of Children’s Playground and East of California State University, Chico. Exhibit “A” entitled “Children’s Playground/Bidwell Bowl Amphitheater,” attached to this chapter and incorporated herein by this reference (Exhibit “A”).

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

C. Bidwell Park. The term “Bidwell Park” shall specifically include Upper Bidwell Park, Middle Bidwell Park, and Lower Bidwell Park. Exhibit “B” entitled “Bidwell Park,” attached to this chapter and incorporated herein by this reference (Exhibit “B”).

D. Cedar Grove. The term “Cedar Grove” shall include an area of Lower Bidwell Park located from where the western portion of the World of Trees borders the adjacent residential area, south of South Park Drive, North of East 8th St and includes Cedar Grove Way and the gravel parking lot. Exhibit “C” entitled “Cedar Grove,” attached to this chapter and incorporated herein by this reference (Exhibit “C”).

E. Children’s Playground. The term “Children’s Playground” shall include all that area which is bounded on the north by Big Chico Creek, on the south by Shasta Way, on the east by The Esplanade and on the west by the Bidwell Presbyterian Church, excluding the Bidwell Bowl Amphitheater seating area. Exhibit “A” entitled “Children’s Playground/Bidwell Bowl Amphitheater,” attached to this chapter and incorporated herein by this reference (Exhibit “A”).

F. City Plaza. The term “City Plaza” shall include all that area west of Main Street, east of Broadway Street, north of 5th Street and south of 4th Street. Exhibit “D” entitled “City Plaza,” attached to this chapter and incorporated herein by this reference (Exhibit “D”).

G. Depot Park. The term “Depot Park” shall include all that area west of the railroad, east of Cedar Street, north of 3rd Street and south of 5th Street. Exhibit “E” entitled “Depot Park,” attached to this chapter and incorporated herein by this reference (Exhibit “E”).

H. Five-Mile Recreation Area. The term “Five-Mile Recreation Area” shall include an area of Middle Bidwell Park located east of the diversion structure on both sides of the Big Chico Creek to the eastern edge of the south parking lot, including the north gravel parking lot off of Five Mile Way. Exhibit “F” entitled “Five-Mile Recreation Area,” attached to this chapter and incorporated herein by this reference (Exhibit “F”).

I. Greenway. The term “Greenway” shall include all areas adjoining Big Chico Creek, Little Chico Creek, Lindo Channel, Comanche Creek, Edgar Slough, Sycamore Creek, Dead Horse Slough or any other stream or watercourse which has been acquired or which is hereafter acquired by the city, either in fee title or by way of an easement which authorizes public use of the easement area. Exhibit “G” entitled “Greenways,” attached to this chapter and incorporated herein by this reference (Exhibit “G”).

J. Lower Bidwell Park. The term “Lower Bidwell Park” shall include all that area of Bidwell Park located from where the Esplanade bridge crosses the Big Chico Creek (the eastern end of both sides of Lost Park) all the way to Manzanita Avenue. The area also includes Lost Park, Annie’s Glen, Camellia Way, One-Mile Recreation Area and Cedar Grove. Exhibit “H” entitled “Lower Bidwell Park,” attached to this chapter and incorporated herein by this reference (Exhibit “H”).

K. Middle Bidwell Park. The term “Middle Bidwell Park” shall include all that area of Bidwell Park located east of Manzanita Avenue to the gate on Upper Park Road just east of Parking Area E and includes the Bidwell Golf Course, the Five-Mile Recreation Area and Hooker Oak Recreation Area. Exhibit “I” entitled “Middle Bidwell Park,” attached to this chapter and incorporated herein by this reference (Exhibit “I”).

L. One-Mile Recreation Area. The term “One-Mile Recreation Area” shall include an area of Lower Bidwell Park located east of Pine St to the eastern edge of the Caper Acres Playground. The area also includes the Sycamore Pool, Campfire Council Ring and the Caper Acres Playground. Exhibit “J” entitled “One-Mile Recreation Area,” attached to this chapter and incorporated herein by this reference (Exhibit “J”).

M. Open Space. The term “Open Space” shall mean land that is maintained in a primarily natural state, or primarily without structures other than facilities in support of outdoor recreation.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

N. Park. The term "Park" shall mean any area on public property designated in Chapter 12.04 of Title 12 of the Chico Municipal Code as a park, greenway, or open space, including, but not limited to, the playground areas, sitting areas, parking areas, landscape areas, planter strips, trails, paths, roadways, streams, and pools, within the boundaries of such park, greenway, or open space. Exhibit "K" entitled "Park," attached to this chapter and incorporated herein by this reference (Exhibit "K").

O. Upper Bidwell Park. The term "Upper Bidwell Park" shall include all that area of Bidwell Park located east of the Upper Park Road gate at parking Area E on the north side of Big Chico Creek to the eastern park boundary and on the south side of Big Chico Creek the area east of Bidwell Golf Course up to the eastern boundary, established by Highway 32. Exhibit "L" entitled "Upper Bidwell Park," attached to this chapter and incorporated herein by this reference (Exhibit "L").

(Res. No. 19 93-94 §2 (part)) (Res. No. 31-13 §5)

ARTICLE II. RULES FOR ALCOHOLIC BEVERAGES

12R.04.030 Alcoholic beverages - Manufacture and sale - Prohibited.

No person shall make or sell alcoholic beverages of any kind or variety in any park or playground in the city.

(Res. No. 19 93-94 §2 (part), Res. No. 9 95-96 §1)

12R.04.040 Alcoholic beverages - Gift - Prohibited.

No person shall give away any alcoholic beverage in any park or playground of the city.

(Res. No. 19 93-94 §2 (part), Res. No. 9 95-96 §2)

12R.04.050 Alcoholic beverages - Possession or Consumption - Prohibited.

No person shall possess an open container of an alcoholic beverage or consume an alcoholic beverage of any kind or variety in any park or playground in the city.

(Res. No. 19 93-94 §2 (part), Res. No. 9 96-96 §3, Res. No. 20-01-02)

12R.04.055 Alcoholic beverages - Municipal Golf Course.

Notwithstanding sections 12R.04.030 and 12R.04.050 above, any person may sell alcoholic beverages at the Municipal Golf Course pursuant to a valid license issued by the California Department of Alcoholic Beverage Control and any person over the age of 21 years may possess or consume alcoholic beverages at the Municipal Golf Course.

(Res. No. 2-14)

ARTICLE III. RULES FOR BICYCLES

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.04.060 Bicycles - Helmets required for off-road use in Middle and Upper Bidwell Park.

No one shall ride a bicycle off-road in Middle or Upper Bidwell Park unless wearing a bicycle helmet for head protection. "Off-road," as used in this section, shall be construed to mean not on pavement.

(Res. No. 19 93-94 §2 (part)) (Res. No. 31-13 §6)

12R.04.070 Bicycles - Other restrictions in Bidwell Park.

Bicycle use in Bidwell Park shall be permitted only on the roads and trails, except that bicycles shall not be permitted on Yahi Trail. No bicycle use shall be permitted on the trails whenever the director determines that damage is likely due to wet weather conditions and closes the trails or portions thereof. Roads closed, permanently or temporarily, to motor vehicles are trails for the purpose of this section.

(Res. No. 19 93-94 §2 (part), Res. No. 39 02-03) (Res. No. 31-13 §7)

12R.04.080 Bicycles - Reckless operation - Prohibited.

No person shall operate a bicycle within a city park or playground, whether on- or off- road, in a reckless or unsafe manner so as to endanger the safety and well-being, or interfere with the use and enjoyment of park or playground facilities by other users.

(Res. No. 19 93-94 §2 (part))

12R.04.090 Bicycles - Use in Caper Acres Playground Area - Prohibited.

Bicycle use shall be prohibited inside of the Caper Acres Playground.

(Res. No. 19 93-94 §2 (part))

12R.04.095 Bicycles - Use in Children's Playground - Restricted.

No person shall ride a bicycle within Children's Playground, except on a sidewalk or such other portion of Children's Playground specifically designated as a bike path.

(Res. No. 19 93-94 §2 (part)) (Res. No. 31-13 §8)

12R.04.100 Bicycles - Use near banks of pools or swimming areas and in creeks - Prohibited - Exception.

Bicycle use is prohibited within 100 feet of the banks of any swimming pool or swimming area in Bidwell Park, except where established roads for vehicle traffic or bicycle paths are situated at a closer distance. Bicycle use is also prohibited within Big Chico Creek except when permission is granted by the park director or the Bidwell Park and Playground Commission.

(Res. No. 19 93-94 §2 (part), Res. No. 39 02-03)

ARTICLE IV. RULES FOR DOGS

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.04.105 Dogs - Definitions.

A. "Effective Control" means that the dog is trained to respond to the owner or handler, who is capable of exercising such control, so that the dog is not allowed to commit any nuisance as defined in Section 7.08.130.

B. "Leash" means a restraint not exceeding six (6) feet in length. Retractable leashes that can extend beyond six (6) feet are not allowed in any city park or playground.

C. "Special Use Dog" means any guide dog, signal dog, service dog, or search and rescue dog, trained, or being trained, to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items, or trained, or being trained, to do work or perform tasks for the purpose of search, rescue, and disaster relief in accordance with the standards of the State Office of Emergency Services or local disaster agencies.

D. "Swimming Area" or "Swimming Pool" shall mean the One-Mile Recreation Area, as delineated in Exhibit "J," and those areas in Upper Bidwell Park commonly known as Alligator Hole, Bear Hole, Brown's Hole, Day Camp, Diversion Dam, and Salmon Hole.

(Res. No. 39 02-03) (Res. No. 31-13 §9)

12R.04.110 Dogs - Leash requirements.

No person shall take or allow any dog into any park or playground in the city unless the dog is kept and maintained on a leash under the control of a competent person and restrained by a leash not exceeding six (6) feet in length, or as permitted under Sections 12R.04.130.

(Res. No. 39 02-03)

12R.04.115 Dogs - Leash requirements - Exception - Dog Off-leash Areas.

A. A dog may be off-leash in Bidwell Park if the dog is under the effective control of its owner or specifically in these areas:

1. In Lower Park each day between 5:00 a.m. and 8:30 a.m., Pacific Time, as delineated on Exhibits "H" and "J".

2. Northerly of the Upper Park Road in Middle and Upper Park, as delineated on Exhibits "I" and "L", each day between 5:00 a.m. and thirty (30) minutes after sunset.

B. The dog exercise areas delineated in this section do not include any portion of the Upper Bidwell Park Road, the shoulders thereof, or the unpaved extension of such road and shoulders thereof.

C. Off-leash privileges provided herein shall not apply in areas posted with signs prohibiting dogs or in areas that dogs are otherwise prohibited.

(Res. No. 39 02-03) (Res. No. 31-13 §10)

12R.04.120 Dogs - Leash requirements - Exception - Special Use Dogs.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

A. Within written permission from the park director, Special Use Dog handlers shall be permitted to conduct off-leash training of Special Use Dogs in Bidwell Park, so long as such dogs are under the effective control of their handlers at all times.

B. During any off-leash training, dog handlers and their dogs shall wear visible identification indicating that the dog is being trained as a special use dog.

(Res. No. 39 02-03)

12R.04.125 Dogs - Prohibited areas.

A. No person shall allow any dog owned by or under control of such person to go into:

1. Any swimming pool or swimming area, except that they may travel on leash across the foot bridges at the Five-Mile and One-Mile Recreation Areas and the access routes thereto, as delineated on Exhibit "F" and "J" of this chapter.

2. Any restroom facility in any city park or playground.

3. Caper Acres Playground.

4. The sports playing fields at Wildwood Park.

B. The prohibitions in this section do not apply to special use dogs.

(Res. No. 39 02-03, Res. No. 02 03-04) (Res. No. 31-13 §11)

12R.04.130 Rules for Dogs - Construction.

This Article is supplemental to Chapter 7.08 of this code entitled, "Dog Licenses and Regulations" and all provisions of that chapter apply except as specifically modified by the designation herein of dog exercise areas.

(Res. No. 39 02-03)

ARTICLE V. RULES FOR HEALTH, SAFETY AND THE ENVIRONMENT.

12R.04.140 Destruction, injury, cutting, alteration or removal of public property or any natural condition of the landscape - Prohibited.

No person shall destroy, injure, cut, alter or remove any park facility or infrastructure, historical or archeological feature, including, but not limited to, tables, fencing, signs, parking lots, walls, restrooms, or play structures, or natural condition of the landscape, including, but not limited to, flowers, shrubbery, plants, vines, trees, grass, wood, or rocks, in or from any city park or playground except with written permission of the director.

(Res. No. 19 93-94 §2 (part), Res. No. 39 02-03) (Res. No. 31-13 §12)

12R.04.150 Glass containers - Prohibited - Exception.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

No person shall possess any glass container in any park or playground within the city except that the sponsor of an organized public event may obtain permission from the director to possess glass containers, provided that the containers remain under the sponsor's control and are not distributed to participants of the event.

(Res. No. 19 93-94 §2 (part)) (Res. No. 31-13 §13)

12R.04.160 Equestrian use - Prohibitions.

Equestrian use shall be permitted on all roads and trails within city parks except that equestrian use is prohibited in any city playground, in the One-Mile Recreation Area, on turf areas in any city park, on the Yahi Trail in Bidwell Park, and on accessible trails in any city park. No equestrian use shall be permitted on the trails whenever the director determines that damage is likely due to wet weather condition and closes the trails or portions thereof. Roads closed, permanently or temporarily, to motor vehicles are trails for the purpose of this section. Equestrians shall cross creeks flowing through city parks only at regularly established trail or vehicular crossings. Equestrians shall not tie or hitch any horse within 100 feet of any established swimming pool, picnic ground, or picnic table. Equestrians shall not ride in a reckless or unsafe manner within a city park, whether on- or off-road or trail.

(Res. No. 39 02-03) (Res. No. 31-13 §14)

12R.04.165 Control of Animals.

Except as otherwise provided under Article IV of this Chapter as related specifically to dogs, no person shall bring any wild or domesticated animal into any park or playground in the city unless the animal is penned, caged or kept and maintained on a leash under the effective control of the owner or handler and restrained by a leash not exceeding six (6) feet in length.

(Res. No. 31-13 §15)

12R.04.170 Fires - Restrictions - Permit required for open fires at other than regularly established places.

Except as herein otherwise provided, it is unlawful to make any fire at any point in any park in the city, except at regularly established places for such purposes. "Regularly established places" are defined to be masonry, concrete or metal constructed fireplaces, pits or grills. Fires at the Campfire Council Ring and open fires at other locations within any park in the city, may be authorized by a permit issued by the director, who shall notify the fire department of each permit issued. Such permitted fires shall not be left unattended and must be completely extinguished prior to the permittee's departure.

(Res. No. 19 93-94 §2 (part))(Res. No. 31-13 §16)

12R.04.175 Fountains - Prohibition.

No person shall discard or discharge any solid or liquid substance into the waters of any fountain in any park in the city.

(Res. No. 31-13 §17)

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.04.180 Rubbish and garbage - Disposition in established receptacles required - Prohibited disposition.

No person shall throw, dump or otherwise place or cause to be placed, or leave, either directly or indirectly, any rubbish, garbage, sewage or waste matter, or any trash or refuse of any kind or character, in any public park or playground of the city, other than in receptacles established and maintained for such purposes. No person shall bring, or cause to be brought, any rubbish, garbage, sewage, waste matter, trash or refuse of any kind into any public park or playground of the city for the purpose of disposing of same therein either in the receptacles described herein or at any other place.

(Res. No. 19 93-94 §2 (part))

12R.04.185 Feeding of animals.

A. Except as provided in subsection B, below, no person shall feed or cause the feeding of any wild or domestic animals within Bidwell Park. No person shall leave food or containers of food for the purpose of feeding any animals within Bidwell Park.

B. Unless otherwise prohibited by this chapter, feeding of fowl at Horseshoe Lake and the Deer Pen, and feeding of a domestic animal by its owner or handler, while under the owner or handler's control, is permitted.

(Res. No. 12 97-98, Res. No. 39 02-03)

12R.04.190 Unreasonable noises - Prohibited - Exception.

No person shall cause a loud or excessive noise within a city park or playground which unreasonably disturbs the peace and quiet of any neighborhood, the quiet enjoyment of property, or any reasonable person of normal sensitivity residing or working in the area, unless such noise is emanating from a public event for which a permit has been issued by the director or Bidwell Park and Playground Commission, in which case the conditions of such permit as to noise shall apply.

(Res. No. 19 93-94 §2 (part), Res. No. 39 02-03) (Res. No. 31-13 §1)

12R.04.195 Signs.

No person shall post a sign in a city park or playground or leave a sign unattended in a city park or playground unless the sign is posted or placed in the park or playground as part of a public event authorized by a permit issued pursuant to Chapter 12R.08 of this title. However, with prior approval of the director, unattended signs which are not part of such a public event may be placed in a city park or playground by a public agency for the purpose of informing the public of a public event sponsored by that agency. Such sign shall not remain in a park or playground for a duration exceeding seven days.

This section shall not preclude a person from bringing a sign into a city park or playground for purposes of displaying the sign to members of the general public provided the sign is continually maintained in such person's immediate custody and control and is not affixed to any tree, building, or other vegetative growth or structure within the park or playground.

(Res. No. 34 94-95, Res. No. 02 03-04) (Res. No. 31-13 §1)

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.04.200 Commercial advertising - Prohibited - Exception.

No person shall display or post any commercial advertising in any city park or playground unless such advertising is posted or displayed as part of a public event authorized by a permit issued pursuant to Chapter 12R.08 of this title or unless such advertising has been approved by the Bidwell Park and Playground Commission.

(Res. No. 19 93-94 §2 (part))

12R.04.210 Hunting - Prohibited - Exception - Permit required.

No person shall hunt, injure, harass or take any wildlife including, but not limited to, wild game, animals, birds, or eggs in any city park or playground except with written permission of the director, which permission shall be given solely for the protection of life or property or the preservation of wildlife. All applicable federal, state, or municipal statutes, regulations, or ordinances including, but not limited to, any park rule or regulation now or hereafter adopted by the city, shall have full force and effect in city parks and playgrounds.

(Res. No. 19 93-94 §2 (part), Res. No. 39 02-03) (Res. No. 31-13 §18)

12R.04.220 Firearms or Other Projectile Weapon - Possession and use - Prohibited - Exception.

A. No person shall take or discharge any firearm or other projectile weapon upon, through, across, or within any city park or playground except by special permission from the director.

B. All applicable federal, state, or municipal statutes, regulations, or ordinances related to firearms or other projectile weapons including, but not limited to, any park rule or regulation now or hereafter adopted by the city shall have full force and effect in city parks and playgrounds.

C. Notwithstanding the above, a person may take a firearm or other projectile weapon in Upper Bidwell Park while going to or coming from the Chico Rod and Gun Club facility. Such persons may only discharge a firearm or other projectile weapon in Upper Bidwell Park within the Chico Rod and Gun Club facility.

D. For the purposes of this section, “firearm or other projectile weapon” includes, but is not limited to, any pistol, revolver, rifle, gun, flare gun, paint ball gun, zip gun, spring gun, air gun, BB or pellet gun, rocket, rocket launcher, rocket propelled projectile launcher, slingshot, wrist rocket, bow and arrow, or crossbow or compound bow designed to propel an arrow.

(Res. No. 19 93-94 §2 (part), Res. No. 39 02-03) (Res. No. 31-13 §1)

12R.04.230 Smoking - Prohibited in designated areas from May 1st to November 1st annually. *(Repealed by Res. No. 31-13 §19)*

(Res. No. 19 93-94 §2 (part))

12R.04.235 Smoking - Prohibited in City-owned Parks, Greenways, Open Spaces and Preserves.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

No person shall light or carry any lighted cigar, pipe, cigarette or other smoking device within any city-owned park, greenway, open space or preserve, or on the sidewalks adjacent to and surrounding City Plaza. This section shall not apply to the Bidwell Park Municipal Golf Course.

(Res. No. 68-09) (Res. No. 31-13 §20)

12R.04.240 Fireworks - Prohibited.

No person shall possess or discharge any fireworks in any city park or playground.

(Res. No. 19 93-94 §2 (part), Res. No. 39 02-03)

12R.04.250 Hang-gliding and para-gliding.

A. Hang-gliding. No person shall participate in the sport of hang-gliding within the boundaries of any city park or playground.

B. Para-gliding. Para-gliding in Bidwell Park is permitted as follows:

1. No person shall para-glide in Bidwell Park without first obtaining a permit from the director. Permit applications shall be filed in the office of the director. The director shall issue permits only to pilots who provide evidence of current membership in the United States Hang Gliding and Para-gliding Association (USHPA) and possess, at a minimum, a USHPA intermediate rating of Para 3. A permit may also be issued to a pilot who is a member of USHPA and has a beginner rating of Para 2, subject to the condition that a pilot with a Para 2 rating may only para-glide in Bidwell Park when accompanied by another pilot who possesses a rating of Para 3 or greater and who has also been issued a permit by the director. An applicant for a para-gliding permit must agree in writing to comply with the permit conditions set forth in paragraph 2., below, prior to issuance of a permit. A permit shall be valid for a period of one year from the date of issuance.

2. All para-gliding permits shall be subject to the following conditions:

- a. All pilots shall fly with a reserve parachute.
- b. Para-gliding shall occur only from those designated launching and landing locations delineated in Exhibit "L" of this chapter.
- c. Only one pilot launching and one pilot setting up shall be permitted on each launch site at any one time.
- d. Pilots shall make every effort to minimize their effect on the launch site by not digging, removing or moving rocks, or removing any vegetation.
- e. Motorized para-gliding is prohibited.
- f. Para-gliding acrobatics are prohibited.
- g. Pilots shall avoid flying over or around horses.
- h. All pilots with a Para 2 rating must be accompanied by a pilot with a Para 3, or greater, rating who also has a permit issued by the director.
- i. The director may apply additional conditions if necessary to protect the natural resources of Bidwell Park.

(Res. No. 19 93-94 §2 (part), Res. No. 36-09 §3 (part)) (Res. No. 31-13 §21)

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.04.260 Entering or using designated restoration areas - Prohibited.

No person shall enter into or use a designated restoration area which has been appropriately signed and fenced as such within the boundaries of any city park or playground. For the purposes of this section, "designated restoration area" means an area within a city park or playground requiring special renovation or reconstruction in order to protect and/or restore the animal or plant life within it, or to refurbish its natural terrain features, and which requires the exclusion of public use for an appropriate and necessary time period to accomplish such end.

(Res. No. 19 93-94 §2 (part))

12R.04.275 Ball field lighting curfew - Wildwood Park.

Ball field lighting in Wildwood Park located east of Manzanita Avenue and north of Wildwood Avenue shall be restricted to no later than 10:00 p.m

(Res. No. 134 94-95)

ARTICLE VI. RULES FOR WATERWAYS

12R.04.280 Big Chico Creek - Use of boats - Prohibited - Exception.

A. Big Chico Creek, as it travels through Bidwell Park, is primarily dedicated to the uses of swimming, bathing, or otherwise playing in the waters. No person shall place, use or operate any nonmanually-powered boat, watercraft, or other floatation device in Big Chico Creek. No person shall place, use or operate any manually-powered boat, watercraft, or other floatation device in Big Chico Creek except as provided in subsection B.

B. The following boats, watercrafts, or other floatation devices shall be permitted:

1. Pneumatically-inflated air mattresses, tubes, and other floatation devices used primarily in aid of swimming, bathing, or otherwise playing in the waters;
2. Kayaks, whitewater rafts, and whitewater canoes during the period of November 1 through April 30; and
3. Any other boat, watercraft, or other floatation device, after receiving the written permission of the park director.

(Res. No. 19 93-94 §2 (part), Res. No. 57 98-99)

12R.04.290 Big Chico Creek - Use prohibited within designated area - Municipal Golf Course vicinity - Exception.

No person shall make any use of that portion of Big Chico Creek and its adjacent banks which lies within 200 yards upstream of the footbridge located in the municipal golf course except that kayaks, whitewater rafts, and whitewater canoes may use this portion of Big Chico Creek during the period of November 1 through April 30. Uses of such area which are incidental to the use of the municipal golf course are excluded from the prohibition of this regulation.

(Res. No. 19 93-94 §2 (part), Res. No. 57 98-99)

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.04.300 Horseshoe Lake - Use of motorized equipment - Prohibited.

No person shall place, use or operate any motor boat, or other motorized equipment in or upon the reservoir in Bidwell Park, commonly known as Horseshoe Lake, except with written permission of the director.

(Res. No. 19 93-94 §2 (part)) (Res. No. 31-13 §1)

12R.04.310 Horseshoe Lake - Fishing restrictions.

Fishing in the reservoir in Bidwell Park, commonly known as Horseshoe Lake, shall be allowed only as follows:

A. Children 14 years of age and younger may catch and keep fish in accordance with the rules and regulations of the state of California Department of Fish and Game.

B. Persons over the age of 14 years may fish in Horseshoe Lake only on a catch-and- release basis.

(Res. No. 19 93-94 §2 (part))

12R.04.320 Pollution of waterways - Construction of dams - Prohibited.

A. No person shall contaminate or pollute, or cause to be contaminated or polluted, any water of any creek flowing through or any reservoir located within any park in the city, or deposit or cause to be deposited any refuse, rubbish or other waste matter of any kind or character, in such waters, or wash or clean automobiles or other vehicles in the waters of any creek or reservoir.

B. No person shall construct a dam, or otherwise obstruct or divert, any creek flowing through any park in the city.

(Res. No. 19 93-94 §2 (part))

12R.04.330 Fishing from bridges and banks of swimming pools and areas - Prohibited.

Fishing from any bridge over Big Chico Creek or the bank of any swimming pool or area in Bidwell Park is prohibited.

(Res. No. 19 93-94 §2 (part))

ARTICLE VII. OTHER RULES, RESTRICTIONS AND PROHIBITED ACTS

12R.04.340 Camping - Prohibited - Exception - Permit required.

No person or group of persons shall camp overnight or remain or stay overnight within any city park or playground unless such overnight camping or stay is undertaken for the purpose of making preparations for a public event or for the purpose of providing overnight security for equipment and structures utilized in such public event, and the overnight camping or stay is authorized by a permit issued for the public event pursuant to Chapter 12R.08 of this title.

(Res. No. 19 93-94 §2 (part))

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.04.350 Night closing of certain areas - Exception - Permit required. *(Repealed by Res. No. 31-13 §22)*

(Res. No. 19 93-94 §2 (part), Res. No. 11 96-97 §3)

12R.04.360 Animals for Hire

A. Definitions.

1. "Animals for Hire" shall mean those animals, including, but not limited to, goats, sheep, llamas, horses, cattle, or any other animal approved by the park director, that may be hired by the city from time to time to aid in vegetation management of a city park.

2. "Designated Area" shall mean an area within a city park which is being grazed by animals for hire, and which requires the exclusion of public use while such grazing is occurring.

B. No person shall, or allow an animal owned by or under the control of such person to, enter a designated area which has been signed and fenced for animals for hire within the boundaries of any city park.

C. No person shall, or allow an animal owned by or under the control of such person to, harass, disturb, or injure any animals for hire within any city park.

D. No person shall, or allow an animal owned by or under the control of such person to, harass, disturb, or injure the handlers of the animals for hire or any personal property, fencing, or signage thereof in or near a designated area for animals for hire within any city park.

(Res. No. 39 02-03)

12R.04.370 Closure of parks.

A. Unless authorized by permit issued by the city of Chico, it is unlawful for any person to be present in any of the parks set forth in subsection B, below, during the hours the park is closed. Closing hours will be posted at all parks subject to this section.

B. The following parks shall be closed between the hours of 12:00 a.m. (midnight) and 5:00 a.m., Pacific Time:

1. Lower Bidwell Park;
2. Children's Park;
3. Bidwell Bowl Amphitheater;
4. Depot Park;
5. Ringel Park;
6. All city-owned Greenways;
7. Wildwood Park; and
8. All city-owned neighborhood parks.

C. Middle and Upper Bidwell Park shall be closed between the hours of 11:00 p.m. and 5:00 a.m. of the following day, Pacific Time.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

D. City Plaza shall be closed between the hours of 2:00 a.m. and 5:00 a.m., Pacific Time.

E. The following exceptions shall apply to this section, if the person is:

1. Directly and actively proceeding to a destination outside of the parks listed in subsection B, above; or

2. A duly authorized city employee or persons participating in city activities or other activities for which the city has provided written permission to utilize a park beyond the closing time.

F. The director may temporarily close any park or a portion of any park within the city whenever the director determines that such closure is necessary for the protection of public safety or public property. It is unlawful for any person to be present in any park or portion of any park within the city that has been temporarily closed by the director.

(Res. No. 95-06, Res No. 105-08) (Res. No. 31-13 §23)

12R.04.380 Coasting Devices - Prohibitions

No person shall use or ride upon a coasting device on any sidewalk, ramp or other surface within City Plaza. "Coasting Device" is defined in Chapter 10.45 entitled "Coasting Devices - Public Areas" of the Chico Municipal Code.

(Res. No. 31-13 §24)

EXHIBITS

Note: Exhibits A-L are available in PDF format. Click EXHIBIT A-L to view

A Children's Playground/Bidwell Bowl Amphitheater

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

- 12R.08.050 Permit requirements.
- 12R.08.060 Exceptions to permit requirements.
- 12R.08.070 Park director permits authorizing public events conducted in city parks and playgrounds.
- 12R.08.080 Applications for a director permit - Place and time of filing.
- 12R.08.090 Applications for a director permit - Form and content.
- 12R.08.100 Applications for a director permit - Application fee.
- 12R.08.110 Applications for a director permit - Review by chief of police.
- 12R.08.120 Action on applications for a director permit - Time for taking action.
- 12R.08.130 Action on applications for a director permit - Approval and issuance of permit.
- 12R.08.140 Action on applications for a director permit - Permit alternatives.
- 12R.08.150 Action on applications for a director permit - Denial of permit.
- 12R.08.160 Park commission permits authorizing public events conducted in city parks and playgrounds.
- 12R.08.170 Applications for a park commission permit - Place and time of filing.
- 12R.08.180 Applications for a park commission permit - Form and content.
- 12R.08.190 Applications for a park commission permit - Application fee.
- 12R.08.200 Applications for a park commission permit - Review by chief of police, fire chief or director of public works.
- 12R.08.210 Action on applications for a park commission permit - Time for taking action.
- 12R.08.220 Action on applications for a park commission permit - Approval or denial of permit.
- 12R.08.230 General permit conditions - Indemnification agreement.
- 12R.08.240 General permit conditions - Liability insurance.
- 12R.08.250 General permit conditions - Basic park use fees.
- 12R.08.260 General permit conditions - Additional park use fees.
- 12R.08.263 General permit conditions - Bidwell Bowl.
- 12R.08.270 Special conditions of permits.
- 12R.08.280 Revocation of permits.
- 12R.08.290 Emergency suspension of a public event.
- 12R.08.300 Interference with public events.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.08.310 Compliance by permittee with other city laws and regulations.

12R.08.010 Purpose.

This chapter is adopted pursuant to Chapter 12.16 of this code for the purpose of regulating public events conducted in city parks and playgrounds in order to ensure that such events are carried out in a safe manner, in a manner that does not unreasonably interfere with the use of such parks and playgrounds by other members of the general public not participating in the events, and in a manner which does not damage park or playground property including, in particular, park and playground landscaping or natural vegetation, and in order to require persons sponsoring or conducting a public event to pay a park use fee based on a fair share of that part of the cost of operating and maintaining the city's parks and playgrounds which is reasonably attributable to the use of the parks and playgrounds for such public event.

(Res. No. 153 92-93 §3 (part))

12R.08.020 Findings.

The Bidwell Park and Playground commission finds as follows:

A. That it is in the public interest to regulate the use of the city's parks and playgrounds for public events in order to ensure that such events are carried out in a safe manner, in a manner that does not unreasonably interfere with the use of such parks and playgrounds by other members of the general public not participating in the public event, and in a manner which does not damage park and playground property including, in particular, park and playground landscaping or natural vegetation, and in order to require persons utilizing the city's parks and playgrounds for a public event to pay a park use fee based on a fair share of that part of the cost of operating and maintaining such parks and playgrounds which is reasonably attributable to the use of the parks and playgrounds for the public event;

B. That in regulating the use of the city's parks and playgrounds for public events, recognition must be given to the fact that certain city parks and playgrounds or portions of such parks and playgrounds have been historically used for such events or are particularly suited to be used for the events, including, in particular, events involving the exercise of free speech rights, and that by reason thereof, the conduct of public events in city parks and playgrounds or portions of such parks and playgrounds designated in this chapter as "intensive use areas," can best be regulated through the expeditious issuance of ministerial permits authorizing such events by the **director** where the public event does not exceed 10 hours in duration, except in those cases in which there are specific grounds for denying such permits, all as hereinafter provided for by this chapter;

C. That in regulating the use of the city's parks and playgrounds for public events, recognition must also be given to the fact that certain parks and playgrounds or portions of such parks and playgrounds, such as portions of Bidwell Park and city's creekside greenways, have historically been used as open space, dedicated to passive recreational uses requiring peace, quiet and tranquillity, or dedicated to recreational uses which may be incompatible with the conduct of certain public events, and that by reason thereof, the conduct of public events in city parks and playgrounds or portions of such parks and playgrounds, described in this chapter as "non-intensive use areas," can best be regulated by providing for the issuance of discretionary permits authorizing such events by the Bidwell Park and Playground commission in those cases in which the commission finds that approval of the event is in the public interest and will not unreasonably interfere with the use of such non-intensive use areas of the city's parks and playgrounds by other members of the general public not participating in the event, also in the manner hereinafter provided by this chapter;

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

D. That in regulating the use of the city's parks and playgrounds for public events, further recognition must be given to the fact that even in an intensive use area of a city park or playground, such events conducted in such intensive use area for extended periods of time in excess of ten hours might unreasonably interfere with the use of intensive use areas by other members of the general public not participating in the event and, that by reason thereof, events in intensive use areas exceeding ten hours in duration can best be regulated by providing for the issuance of discretionary permits authorizing such event by the Bidwell Park and Playground commission in those cases in which the commission finds that approval of the event is nevertheless in the public interest, also in the manner hereinafter provided for by this chapter; and

E. That in regulating public events in which persons participating in or viewing the event are charged a fee or solicited for a donation or which include the sale of food, beverages or merchandise and/or the rental of equipment or other things, the **director** should be vested with authority to issue a ministerial permit for such public event only in those cases in which the event is conducted by a nonprofit organization providing a service of benefit to the Chico community, and that the Bidwell Park and Playground commission should retain sole authority to issue a discretionary permit authorizing the event in those cases in which the event is not conducted by a nonprofit organization providing a service of benefit to the Chico community.

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.030 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions shall be given the construction of the words and phrases used in this chapter:

A. Exercise of Free Speech Rights. The phrase “exercise of free speech rights” means the articulation of a verbal statement, distribution of literature and/or the conduct of some other activity, the purpose of which is to convey a religious, political, philosophical or ideological message to others.

B. Public Event. The term “public event” means any activity undertaken in a city park or playground or portion of a city park or playground which is participated in or open to participation by members of the general public or a particular segment of the general public. Such activities shall include, but not be limited to, any activity in a city park or playground which is publicized prior to the date or time of the activity in a manner intended to invite attendance or participation in the activity by members of the general public or a particular segment of the general public; any activity in a city park or playground which is carried out in a manner intended to attract the attention of any members of the general public or a particular segment of the general public; any activity in which the persons participating in or viewing the activity are charged a fee or solicited for donations; and any activity which includes the sale of food, beverages or merchandise and/or the rental of equipment or other things.

(Res. No. 153 92-93 §3 (part))

12R.08.040 Designation of park and playground areas as intensive use areas.

A. Initial Designation of Intensive Use Areas. For purposes of this chapter, the following city parks and playgrounds, or portions of such parks and playgrounds are initially designated as intensive use areas:

1. The following portions of Bidwell Park as delineated in Exhibits “C, F, and J” attached to Chapter 12R.04 of this Title:

a. The One-Mile Recreation Area,

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

- b. The Campfire Council Ring area,
 - c. The Cedar Grove area,
 - d. The Five-Mile Recreation Area.
2. The following roads or portions of roads within Bidwell Park:
 - a. Petersen Memorial Drive.
 - b. South Park Drive from 4th Street east to Centennial Avenue.
 - c. Upper Park Road from Wildwood Avenue east to end of the road.
 3. The following additional parks and playgrounds as delineated in Exhibits “A, D, and E” attached to Chapter 12R.04 of this Title:
 - a. Children's Playground,
 - b. City Plaza,
 - c. Depot Park,
 - d. Bidwell Bowl Amphitheater.

B. Additional Designation of Intensive Use Areas. Whenever a new park or playground is acquired by the city, or whenever there is a substantial change in the character or use of an existing city park or playground or portion thereof, the Bidwell Park and Playground commission shall designate such park or playground or portion thereof as an intensive use area unless the commission finds:

1. The city park or playground or portion of such park or playground has been dedicated as open space to remain in its natural state, or has been dedicated to a passive recreational use requiring peace, quiet and tranquillity, and, by reason thereof, the regular use of such park or playground or portion thereof for public events would normally be incompatible with such dedicated use; or
2. The city park or playground or portion of such park or playground has been dedicated to an active recreational use, but the regular use of such park or playground or any portion thereof for certain public events would substantially interfere with such active recreational use and/or threaten the safety of those persons engaged in such use.

C. Nonintensive Use Areas. For purposes of this chapter any city park or playground or portion of such park or playground not designated as an intensive use area in the manner provided by this section shall be deemed a nonintensive use area.

(Res. No. 153 92-93 §3 (part), Res. No. 52 97-98) (Res. No. 31-13 §26)

12R.08.050 Permit requirements.

Except as otherwise provided in this chapter, it is unlawful for any person to sponsor or conduct a public event in a city park or playground unless authorized by a permit issued by the **director** or the Bidwell Park and Playground commission in the manner hereinafter provided by this chapter.

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.060 Exceptions to permit requirements.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

Notwithstanding the provisions of this chapter to the contrary, a permit shall not be required for the following public events conducted in a city park or playground:

A. Any public event conducted in a city park or playground or portion of such park or playground which is sponsored or carried out by another public agency, a private organization or an individual pursuant to a lease or other agreement between the city and such public agency, private organization or individual;

B. Any public event conducted in a city park or playground in which the agency, organization or individual operating the Chico Creek Nature Center is the sole organizer and sponsor of the public event and in which the predominant purpose of the public event is the observation of park vegetation, wildlife, streams and/or geological formations.

(Res. No. 153 92-93 §3 (part))

12R.08.070 Director permits authorizing public events conducted in city parks and playgrounds.

The director shall issue each permit required by this chapter for all public events conducted in a city park or playground or portion of a city park or playground which is designated as an intensive use area and runs for a period of time not exceeding 10 hours in length, except for any such event, other than an event conducted by a nonprofit organization providing a service of benefit to the Chico community, which includes the sales of food, beverages or merchandise and/or the rental of equipment or other things, and/or in which persons participating in or viewing the public event are charged a fee or solicited for a donation.

(Res. No. 153 92-93 §3 (part))

12R.08.080 Application for director permit - Place and time of filing.

Applications for a director permit authorizing a public event in a city park or playground, should be filed in the office of the director at least 57 days prior to the date of such event in order to ensure adequate time for an appeal of the director's action on such application to the Bidwell Park and Playground commission in the manner provided for by Chapter 12R.02 of this title, and at least 107 days prior to the date of the event in order to ensure adequate time for appeal of the director's action on the application to the commission, as well as a further appeal from the decision of the commission thereon to the city council, also in the manner provided for by Chapter 12R.02 of this title.

Nevertheless, applications for a director permit authorizing a public event in a city park or playground shall be acted upon by the director if filed in the office of the director at least 7 days prior to the date of such event. Moreover, the time for filing an application for a director permit authorizing a public event may be waived by the director if the director determines that sufficient time remains to review and act on the application in the manner hereinafter required by this chapter prior to the date of such event. However, where an application for a director permit authorizing a public event is not filed at least 57 days prior to the date of such event, any right to appeal the action of the director on such application to the Bidwell Park and Playground Commission shall be deemed waived if there is insufficient time for such appeal, and where an application for a director permit authorizing a public event is not filed at least 107 days prior to the date of such event, any right to appeal the action of the director on such application to the commission, and to further appeal the decision of the commission thereon to the city council shall be deemed waived if there is insufficient time for such appeals.

Under no circumstances shall an application for a director permit authorizing a public event in a city park or playground be filed more than 1 year prior to the proposed date of such event.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.090 Applications for a director permit - Form and content.

Applications for a director permit authorizing a public event in a city park or playground shall be filed by a natural person who is 18 years of age or older, shall be in a form prescribed by the director, and shall contain all of the following information:

- A. The name, home and business address, and home and business telephone number of the person filing the application;
- B. If the event is to be conducted by an organization, the name, address and telephone number of the organization, the name, home and business address, and home and business telephone number of the president, leader or other head of the organization, and documentation of the authority under which the applicant is applying for the permit on behalf of the organization;
- C. The name, home and business address, and the home and business telephone number of the person who will be present at and in charge of the event on the day of the event;
- D. The name, home and business address, and home and business telephone number of any persons assigned to monitor the event;
- E. The nature of the event;
- F. The proposed date and estimated starting and ending time of the event;
- G. The proposed location of the event;
- H. The estimated number of persons conducting, participating in and/or viewing the event;
- I. The type of any equipment or facility to be used in the event, including, but not limited to, any sound amplification equipment;
- J. The parking requirements for the event;
- K. The amount of any fee to be charged or donation to be solicited from those persons participating in or viewing the event;
- L. The type and number of any vendors who will sell food, nonalcoholic beverages or merchandise as part of or incident to the event; and
- M. Any other information which the director finds reasonably necessary, given the nature of the event, to determine whether a permit authorizing the event should be approved in the manner hereinafter provided by this chapter or whether such permit should be issued subject to any special conditions, also in the manner hereinafter provided for by this chapter.

(Res. No. 153 92-93 §3 (part), Res. No. 11 96-97 §4) (Res. No. 31-13 §1)

12R.08.100 Application for a director permit - Application fee.

Application Fee Requirements. Applications for a director permit authorizing a public event in a city park or playground shall be accompanied by an application fee which shall be in the amount established by resolution of the Bidwell Park and Playground commission and approved by resolution of the city council, based on the estimated administrative costs incurred by the city for processing such applications and issuing such permits.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

Waiver of Application Fee. The application fee required by this section shall be waived by the director whenever an application is filed for a public event in which the dominant purpose of the event is the exercise of free speech rights and the applicant establishes that the applicant does not have the financial resources to pay such fee by filing with the director financial statements demonstrating such inability to pay, and by filing with the director a declaration executed by or on behalf of applicant under penalty of perjury attesting to such inability to pay.

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.110 Applications for a director permit - Review by chief of police.

Applications for a director permit authorizing a public event in a city park or playground shall be referred by the director to the chief of police for the chief's review and recommendations whenever the director determines that the chief's review and recommendations will assist the director in acting on the application. Upon receipt of such a referral, the chief of police shall consider such application, conduct any investigation necessary to evaluate the application, and report back to the director the chief's recommendations on the action to be taken by the director on the application, including, but not limited to, the chief's recommendations in regard to any special conditions of the permit issued pursuant to the application, all prior to the date the director is required to act on the application. In the report of the chief of police on an application for a director permit authorizing a public event in a city park or playground, the chief shall also set forth the number, type and estimated hours of employment of police department personnel, if any, which will be required to monitor such event in order to enable the director to compute any additional park user fees to be assessed and levied incident to the issuance of the permit for the event in the manner hereinafter provided for by Section 12R.08.260 of this chapter.

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.120 Action on applications for a director permit - Time for taking action.

Following the filing of a completed application for a director permit authorizing a public event in a city park or playground, the director shall act on such application by approving or disapproving the application not later than 7 days from the date of filing the application, or as soon as practicable prior to the date of such event where the director has waived the time for filing the application in the manner hereinbefore provided by this chapter.

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.130 Action on applications for a director permit - Approval and issuance of permit.

Where the director determines that a completed application has been filed for a director permit authorizing a public event in a city park or playground in the manner required by this chapter, that there is no reason for proposing approval of a permit authorizing such event on alternative dates and times and/or at alternative locations in the manner hereinafter provided by this chapter, and that there are no grounds for denying such permit as hereinafter provided for by this chapter, the director shall approve the permit subject to all of the general conditions hereinafter required by this chapter, plus any special conditions authorized by this chapter and determined by the director to be necessary in order to protect the health and safety of those persons participating in the event as well as members of the general public using city park or playground facilities in and around the site of the event but not participating in the event, and/or in order to prevent damage to park or playground property in and around the site of the event. Upon approving an application for a director permit authorizing a public event in a city park or playground, the director shall promptly cause a notice of such action to be served on the permit applicant

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

and, where appropriate, shall provide a copy of such notice to the chief of police. Thereafter, the director shall issue a permit authorizing the public event to the person or organization designated as the permittee in the application at such time as the permittee has executed the indemnification agreement, provided the liability insurance and paid the park use fees required as a general condition of such permit, and has also fulfilled all special conditions of the permit which must be complied with prior to issuance of the permit.

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.140 Action on applications for a director permit - Permit alternatives.

Where, following the filing of an application for a director permit authorizing a public event in a city park or playground, the director determines that there are grounds for denying such application, but that such grounds would not exist if there was a change in the date, time and/or location of such event, or the director determines that the event will substantially endanger public safety, but that such endangerment could be eliminated or significantly reduced by changing the date, time and/or location of the event in a manner which does not unreasonably interfere with the exercise of free speech rights, the director shall propose approval of a permit authorizing the event at such alternative dates or times and/or at such alternative locations. Promptly following such action, the director shall cause a notice proposing such permit alternatives to be served on the permit applicant, and shall also provide copies of such notice to the city attorney, and where appropriate, the chief of police. In such notice, the director shall state the reasons for the director's determination not to approve a permit for the public event proposed by the application on the date and time or at the location set forth therein and shall set forth the right of the applicant to appeal such determination in the manner provided for by Chapter 12R.02 of this title.

Any applicant desiring to accept such permit alternative shall file a written notice of acceptance with the director not later than 5 days after service of the notice of permit alternatives. In the event the applicant fails to accept such permit alternatives in the manner and within the time provided for herein, then the permit application shall be deemed denied.

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.150 Action on applications for a director permit - Denial of permit.

A. Grounds for Denial. The director shall deny an application for a director permit authorizing a public event in a city park or playground if the director determines that:

1. The person applying for the permit has failed to provide additional information requested by the director pursuant to subsection M of Section 12R.08.090, or has otherwise failed to complete the application;
2. The information contained in the application, including any additional information requested by the director in the manner provided for by subsection M of Section 12R.08.090, is found to be false in any material respect;
3. The application is filed for a public event at a location, date and time which would cause such event to conflict or interfere with another public event which was authorized or will be authorized by a permit issued pursuant to an application filed prior in time, or will conflict or interfere with the exclusive use of city park and playground facilities reserved by a person or group of persons in the manner provided for by Chapter 12R.10 of this title where the application for such reservation was also filed prior in time;
4. The nature and size of the public event will require a diversion of city police officers to monitor the public event which is so great in number as to cause police protection in the rest of the city to be

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

seriously jeopardized; provided, however, that nothing herein authorizes the denial of a permit because of the need to protect persons conducting the event from the actions of others if reasonable permit conditions can be imposed to allow for adequate protection of persons conducting the event given the number of city police officers available to monitor the event;

5. The nature or size of the public event threatens to cause significant damage to city park or playground property, including, but not limited to, park or playground landscaping or natural vegetation; provided, however, that nothing herein authorizes the denial of a permit by reason of threatened damage to park or playground property caused by the actions of persons not conducting such event; or

6. The location of the public event will substantially interfere with construction or maintenance work previously scheduled to take place in or around the site of such event.

B. Notice of Denial. Where the director determines to deny an application for a director permit authorizing a public event in a city park or playground, the director shall promptly cause a notice of such determination to be served on the permit applicant and shall provide copies of such notice to the city attorney and, where appropriate, the chief of police. In such notice, the director shall state the reasons for the director's determination not to approve a permit for the public event proposed by the application and shall set forth the right of the applicant to appeal such determination in the manner provided for by Chapter 12R.02 of this title.

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.160 Park commission permits authorizing public events conducted in city parks and playgrounds.

The Bidwell Park and Playground commission may issue any permit required by this chapter whenever the permit authorizes a public event which is conducted in a city park or playground or portion of a city park or playground not designated as an intensive use area, authorizes a public event which will exceed ten hours in length or authorizes a public event, other than an event conducted by a nonprofit organization providing a service of benefit to the Chico community, which includes the sale of food, beverages or merchandise and/or the rental of equipment or other things, and/or in which persons participating in or viewing the event are charged a fee or solicited for a donation.

(Res. No. 153 92-93 §3 (part))

12R.08.170 Applications for a park commission permit - Place and time of filing.

Applications for a park commission permit authorizing a public event in a city park or playground should be filed in the office of the director at least 85 days prior to the date of such event in order to ensure adequate time for an appeal of a decision of the Bidwell Park and Playground commission on such application to the city council in the manner provided for by Chapter 12R.02 of this title.

Nevertheless, applications for a park commission permit authorizing a public event in a city park or playground shall be considered and acted upon by the Bidwell Park and Playground commission if filed in the office of the director at least 35 days prior to the date of such event. In addition, applications for a park commission permit authorizing a public event in a city park or playground may be considered and acted upon by the park commission if filed in the office of the director less than 35 days prior to the date of such event where the park commission waives the 35-day filing time for good cause shown. However, where an application for a park commission permit authorizing the public event in a city park or playground is not filed at least 85 days prior to the date of such event, any right to appeal the decision of the Bidwell Park and Playground commission on such application to the city council shall be deemed waived if there is insufficient time for such appeal.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

Under no circumstances shall an application for a park commission permit authorizing a public event in a city park or playground be filed more than 1 year prior to the proposed date of such event.

(Res. No. 153 92-93 §3 (part), Res. No. 95 96-97 §1) (Res. No. 31-13 §1)

12R.08.180 Applications for a park commission permit - Form and content.

Applications for a park commission permit authorizing a public event in a city park or playground shall be in a form prescribed by the director and shall contain the following information:

A. The application shall contain all of the information required in the case of an application for a director permit authorizing a public event in a city park or playground, as provided for by Section 12R.08.090 of this chapter.

B. Where the application is for a public event in a city park or playground or portion of such park or playground not designated as an intensive use area, the application shall contain a statement of the reasons why such event cannot be conducted in an intensive use area of a city park or playground, except in those cases in which the event consists of a bicycle or foot race in Bidwell Park which will utilize park roads.

C. Where the application is for a permit authorizing a public event in a city park or playground or portion of such city park or playground designated as an intensive use area which exceeds ten hours in duration, the application shall contain a statement of the reasons for the extended duration of such event.

D. Where the application is for a permit authorizing a public event in which persons participating in or viewing such event are charged a fee or solicited for donations or which includes the sale of food, beverages or merchandise and/or the rental of equipment or other things and the event will not be conducted by a nonprofit organization providing a service of benefit to the Chico community, the application shall contain a statement of the reasons why approval of a permit authorizing the event would be in the public interest.

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.190 Applications for a park commission permit - Application fee.

Applications for a park commission permit authorizing a public event in a city park or playground shall be accompanied by an application fee in an amount established by resolution of the Bidwell Park and Playground commission and approved by resolution of the city council based on the estimated administrative costs incurred by the city for processing and reviewing such applications.

(Res. No. 153 92-93 §3 (part))

12R.08.200 Applications for a park commission permit - Review by chief of police or fire chief.

Applications for a park commission permit authorizing a public event in a city park or playground shall be referred by the director or Bidwell Park and Playground commission to the chief of police and/or fire chief for their review and recommendations whenever the director or commission determines that review and recommendations by the chief of police, fire chief and/or will assist the commission in acting on the application. Upon receipt of such a referral, the chief of police and/or fire chief shall consider such application, conduct any investigation necessary to evaluate the application, and report to the Bidwell Park and Playground commission their recommendations on the action to be taken by the commission on the application, including, but not limited to, their recommendations in regard to any special conditions

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

of a permit issued pursuant to such application, all prior to the date the commission acts on the application. In their reports on an application for a park commission permit authorizing a public event in a city park or playground, the chief of police and/or fire chief shall also set forth the number, type and estimated hours of employment of city personnel, if any, which will be required to monitor or otherwise render services in connection with such event in order to enable the Bidwell Park and Playground commission to compute any additional park user fees to be assessed and levied incident to the issuance of a permit for the event in the manner hereinafter provided for by Section 12R.08.260 of this chapter.

(Res. No. 153 92-93 §3 (part), Res. No. 150 96-97) (Res. No. 31-13 §27)

12R.08.210 Action on applications for a park commission permit - Time for taking action.

Following the filing of a completed application for a park commission permit authorizing a public event in a city park or playground, the Bidwell Park and Playground commission shall consider the application at its first regular or adjourned regular meeting after the tenth day following filing of the application, provided, however, that the commission may defer acting on such application to a subsequent meeting or meetings when the commission determines that additional information must be obtained in order to properly evaluate such application, or where the commission determines there is likely to be sufficient public interest in the application to justify holding a public hearing on the application at a subsequent meeting. Notice of all meetings of the Bidwell Park and Playground commission on an application for a park commission permit authorizing a public event in a city park or playground shall be given to the permit applicant at least ten days prior to the date of such meeting, and where action on such permit is deferred by the commission to a subsequent meeting in order to permit a public hearing on such application, notice of the time and date of such hearing shall be published at least once in a newspaper of general circulation within the city at least ten days prior to the date of the hearing.

(Res. No. 153 92-93 §3 (part))

12R.08.220 Action on applications for a park commission permit - Approval or denial of permit.

After considering an application for a park commission permit authorizing a public event in a city or playground in the manner hereinbefore provided by this chapter, the Bidwell Park and Playground commission shall approve such permit if the commission determines that approval of such event is in the public interest and will not unreasonably interfere with the use of the nonintensive use areas of the city's parks and playgrounds by other members of the general public not participating in the event. If the Bidwell Park and Playground commission fails to approve the application after considering same, then the application shall be deemed denied.

(Res. No. 153 92-93 §3 (part))

12R.08.230 General permit conditions - Indemnification agreement.

As a condition precedent to the issuance of a permit authorizing a public event in a city park or playground, the permittee shall enter into an agreement with the city which shall be in a form approved by the city attorney and which shall set forth the undertaking of the permittee to indemnify the city, hold the city harmless and reimburse the city from and for any liability, damage or loss occurring during the course of such event where such liability, damage or loss is proximately caused by the negligent or intentional act or omission of the permittee or any person who is under the permittee's legal control. In addition, such agreement shall provide that where a claim is made against the city by suit or otherwise, whether the same be groundless or not, arising out of such negligent or intentional act or omission, then

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

the permittee shall defend the city and shall indemnify the city for any judgment rendered against it or any sums paid out in settlement or otherwise. Such agreement shall be filed with the director prior to the issuance of the permit.

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.240 General permit conditions - Liability insurance.

A. Insurance Requirements. As a condition precedent to the issuance of a permit authorizing a public event in a city park or playground the permittee, in addition to executing the indemnity agreement hereinbefore required by this chapter, shall also obtain comprehensive general liability insurance from an insurance company licensed to do business in the state of California and having a financial rating in Best's Insurance Guide of at least "B," which provides insurance coverage against liabilities for any death, personal injury or property damage arising out of or in any way connected with such event.

Such insurance shall be in a form approved by the city's risk manager, shall name the city and city's officers, employees and agents as additional insureds under the coverage afforded, shall be primary with respect to any other insurance available to city, and shall include a severability of interest (cross-liability) clause. In the case of a director permit authorizing a public event in a city park or playground, such insurance shall be in the amount of at least \$1,000,000.00, combined single limit. However, in the case of a Bidwell Park and Playground commission permit authorizing a public event in a city park or playground, such insurance shall be in an amount related to the city's likely exposure to risks arising out of such event as determined by the Bidwell Park and Playground commission based on the recommendations of the city's risk manager, but shall not be in an amount less than \$1,000,000.00.

Proof of insurance, in a form approved by city's risk manager, shall be filed with the director prior to issuance of a permit, and such insurance shall be maintained in full force and effect throughout the course of the public event authorized by the permit.

B. Waiver of Insurance Requirements. The insurance required by this section shall be waived by the director for any permit authorizing a public event in a city park or playground or portion of a city park or playground designated as an intensive use area which does not exceed ten hours in length where the director determines that the dominant purpose of the event is the exercise of free speech rights.

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.250 General permit conditions - Basic park use fees.

A. Fee Requirements. As a condition precedent to the issuance of a permit authorizing a public event in a city park or playground, the permittee shall pay to the city a basic park use fee in an amount established by resolution of the Bidwell Park and Playground commission and approved by resolution of the city council based on a fair share of that part of the overall cost of operating and maintaining the city's parks and playgrounds reasonably attributable to the permittee's use of city park facilities pursuant to such permit.

B. Waiver of Fees by the director for Free Speech Events. The basic park use fees required by this section shall be waived by the director for any permit authorizing a public event in a city park or playground or portion of a city park or playground designated as an intensive use area which does not exceed ten hours in length where the dominant purpose of such event is the exercise of free speech rights, and the permittee establishes that the permittee does not have the financial resources to pay such basic park use fee by filing with the director financial statements demonstrating such inability to pay, together with a declaration, executed by or on behalf of the permittee under penalty of perjury, attesting to such inability to pay.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

C. Waiver or Refund of Fees by the Bidwell Park and Playground Commission for Events Conducted by Public Agencies and Non-Profit Organizations. The basic park use fees required by this section may be waived by the Bidwell Park and Playground Commission for a permit authorizing an event in any city park or playground where the permittee is a public agency and the event is being conducted by such public agency in furtherance of its powers and purposes. In addition, where the permittee is a non-profit organization which is conducting an event primarily for the purpose of raising funds for the benefit of the City's parks and playgrounds, the Bidwell Park and Playground Commission may refund that portion of the fee which is equal to the difference between the amount of the funds raised at the event for the benefit of the City's parks and playgrounds and the amount of the fee, or the entire fee where the amount of such funds exceeds the amount of the fee.

(Res. No. 153 92-93 §3 (part), Res. No. 95 96-97 §2) (Res. No. 31-13 §1)

12R.08.260 General permit conditions - Additional park use fees.

A. Additional Park Fee Requirements. As a condition precedent to the issuance of a permit authorizing a public event in a city park or playground, the permittee shall also pay to the city an additional park use fee in an amount equal to the city's total estimated cost for providing city personnel and/or equipment, if any, which are necessary in order to monitor such event or otherwise provide city services for or in connection with the event. Such additional park use fee shall be determined by the director based upon a schedule of additional park use fees and rates established by resolution of the Bidwell Park and Playground commission and approved by resolution of the city council and based on the estimate of the chief of police and/or fire chief as to the number and hours of employment of city personnel necessary to control the public event or otherwise provide city services for or in connection with the such event.

B. Waiver of Fee. The additional park use fees required by this section shall be waived by the director for any permit authorizing a public event in a city park or playground or portion of a city park or playground designated as an intensive use area which does not exceed ten hours in length where the purpose of such event is the exercise of free speech rights, and the permittee establishes that the permittee does not have the financial resources to pay such use fee by filing with the director financial statements demonstrating such inability to pay together with a declaration, executed by or on behalf of the permittee under penalty of perjury, attesting to such inability to pay.

(Res. No. 153 92-93 §3 (part), Res. No. 95 96-97 §3, Res. No. 150 96-97) (Res. No. 31-13 §28)

12R.08.263 General permit conditions - Bidwell Bowl.

All events conducted in that part of Children's Playground known as the Bidwell Bowl pursuant to a permit issued in the manner provided by this chapter shall comply with the following additional requirements:

A. All events shall be carried out only during the following times:

1. Monday through Thursday during the months of September through and including May: 5:00 p.m. - 8:00 p.m.
2. Monday through Thursday during the months of June through and including August: 8:00 a.m. - 8:00 p.m.
3. Fridays during the months of September through and including May: 5:00 p.m. - 10:00 p.m.
4. Fridays during the months of June through and including August: 8:00 a.m. - 10:00p.m.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

5. Saturdays: 9:00 a.m. - 10:00 p.m.

6. Sundays: 9:00 a.m. - 9:00 p.m.

B. Amplified sound shall comply with and be subject to the following limitations:

1. Amplified music shall be permitted during the event if and only if it is played during the event for a cumulative period of time not exceeding more than 20 minutes in length.

2. Events utilizing amplified sound shall be limited to one per weekend and a total of three other times during the week.

3. Monday through Friday, amplified sound shall be permitted only between 5:00 p.m. and 9:00 p.m.

4. Saturday and Sunday, amplified sound shall be permitted only between 10:00 a.m. and 9:00 p.m.

5. All speakers shall be directed in a southerly direction towards the audience.

(Res. No. 95 96-97 §4)

12R.08.270 Special conditions of permits.

When acting on a permit authorizing a public event in a city park or playground, the director or Bidwell Park and Playground commission may condition such permit or the issuance thereof on the permittee's compliance with reasonable requirements concerning the conduct of such event which are necessary to ensure that the event is carried out in a manner that will not threaten the health and safety of those persons participating in the event and in a manner which will not damage park or playground property including, but not limited to, park or playground landscaping or natural vegetation; provided, however, that such requirements shall not unreasonably restrict the exercise of free speech rights. Such conditions may include, but shall not be limited to, requirements concerning the following:

A. Accommodations for the parking of vehicles used by those persons attending or participating in the public event;

B. Accommodations for pedestrian traffic in and around the site of the event;

C. Inspections and approval by city personnel of structures and equipment to be used in the event to ensure that such structures have been safely constructed and that such equipment can be safely operated;

D. Provision of electrical power to be utilized during the event;

E. Provision of signage and barricades as may be necessary in order to avoid conflicts between persons participating in the event and other persons using park facilities in and around the site of the event or which may be necessary to protect park or playground landscaping or natural vegetation in and around site of the event;

F. Provisions of monitors and security personnel as may be necessary to safely carry out the public event;

G. Access to the site of the event through park gates at times when such gates are normally closed in order to prepare for such event or to clean up and remove equipment and structures at the conclusion of the event;

H. Overnight camping by persons engaged in preparing for the event or providing overnight security for equipment and structures utilized in such event;

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

- I. Provision and operation of first aid stations and/or sanitary facilities, including handicapped-accessible sanitary facilities;
- J. Provision and use of garbage containers, and the cleanup and restoration of the site of the event at the conclusion of such event;
- K. Use of sound amplification equipment during the course of the event; and
- L. Provision of a notice of permit conditions to event participants.

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.280 Revocation of permits.

A. Grounds for Revocation. The director may revoke a director permit or park commission permit authorizing a public event in a city park or playground at any time the director determines that such event is being conducted in violation of the terms and conditions of such permit, or persons conducting the event have violated or threatened to violate any applicable law or regulation. In addition, the director may revoke any director permit authorizing a public event in a city park or playground whenever the director determines that there were grounds for denying such permit in the manner hereinbefore provided by this chapter which were first disclosed or otherwise made known to the director after issuance of the permit; provided, however, that nothing herein shall authorize the director to revoke a permit because of the need to protect persons conducting a public event authorized by such permit from the actions of others; provided, further, that the director shall not revoke a permit unless and until the director advises the permittee and/or the responsible persons of the grounds for such permit revocation and provides the permittee and/or responsible persons a reasonable opportunity to correct same.

B. Notice of Revocation. Where the director determines to revoke a director permit or park commission permit authorizing a public event in a city park or playground, the director shall promptly cause written notice of such action to be served on the permittee and shall provide copies of such notice to the park commission and to the city attorney, as well as to the chief of police and/or fire chief where the chief of police or fire chief are charged with monitoring such event and/or otherwise providing city services in connection with the conduct of the event. However, where the director determines to revoke a permit authorizing a public event on the day of the event, the director shall announce such action to the persons conducting or otherwise participating in such event, those city officers and employees actually engaged in monitoring the event or providing services in connection with the conduct thereof, and to any person in charge of the event where such person can be located at the site of the event. Thereafter, the director shall cause written notice of such action to be served on the permittee and shall provide a copy of the notice to the park commission and the city attorney. In such written notice, the director shall set forth, with particularity, the reasons for such action.

(Res. No. 153 92-93 §3 (part), Res. No. 150 96-97) (Res. No. 31-13 §29)

12R.08.290 Emergency suspension of a public event.

The director, chief of police, fire chief, a park ranger or a sworn peace officer employed by the city may temporarily suspend a public event in any city park or playground which is authorized by a director permit or a park commission permit issued in the manner hereinbefore provided by this chapter whenever there is an emergency which requires the event to be temporarily suspended to protect public health or safety. Whenever a public event is temporarily suspended for this reason, the permittee and all other persons participating in such event shall immediately comply with the suspending officer's instructions.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

(Res. No. 153 92-93 §3 (part)) (Res. No. 31-13 §1)

12R.08.300 Interference with public events.

No person shall knowingly obstruct, impede, hamper or otherwise interfere with a public event in any city park or playground which is authorized by a permit issued in the manner herein before provided by this chapter, nor with any person participating in such event.

(Res. No. 153 92-93 §3 (part))

12R.08.310 Compliance by permittee with other city laws and regulations.

The issuance of a permit authorizing a public event in the manner provided by this chapter shall not release the permittee from the obligation of complying with the provisions of Chapter 3.32 of code, which prohibits persons from transacting and carrying on any business in this city without procuring and obtaining the business license provided for therein, from complying with the provisions of Chapter 5.38 of this code, which prohibits persons from operating or maintaining a food facility within the city without a food facility permit issued by the health officer pursuant to that chapter, from complying with the park rules provided for in this title and/or from complying with any other state or city law or regulation applicable thereto.

(Res. No. 153 92-93 §3 (part))

Chapter 12R.10 RESERVATION OF FACILITIES IN CITY PARKS AND PLAYGROUNDS

Section:

12R.10.010 Purpose.

12R.10.020 Findings.

12R.10.030 Designation of park and playground areas as exclusive use areas.

12R.10.040 Approval of the reservation of park facilities by the director.

12R.10.050 Applications for the reservation of park facilities which may be approved by the director.

12R.10.060 Action on applications for the reservation of park facilities which may be approved by the director.

12R.10.070 Approval of the reservation of park facilities by the Bidwell Park and Playground commission.

12R.10.080 Applications for the reservation of park facilities which must be approved by the Bidwell Park and Playground commission.

12R.10.090 Action on applications for the reservation of park facilities which must be approved by the Bidwell Park and Playground commission.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.10.095 Application for the reservation of park facilities - Application fee.

12R.10.100 Park reservation fees.

12R.10.110 Liability insurance.

12R.10.120 Notice of the reservation of park facilities.

12R.10.130 Interference with persons occupying and using reserved park facilities.

12R.10.010 Purpose.

This chapter is adopted pursuant to Chapter 12.16 of this code in order to authorize and establish a procedure for reserving facilities within the city's parks and playgrounds for the exclusive use of a person or group of persons requesting reservation of same.

(Res. No. 153 92-93 §4 (part)) (Res. No. 31-13 §1)

12R.10.020 Findings.

The Bidwell Park and Playground commission finds as follows:

A. That the reservation of facilities within the city's parks and playgrounds for the exclusive use of a person or group of persons is appropriate and should be permitted in those situations where the exclusive use of the reserved facilities would not unreasonably interfere with the right of the general public to the use and enjoyment of the city's parks and playgrounds;

B. That in establishing procedures to be followed by persons seeking to reserve city park and playground facilities for their exclusive use, it would be proper to delegate to the park director authority to approve such reservations in those cases in which the facilities to be reserved are within that portion of the city's parks and playgrounds previously determined by the commission to be particularly suitable for such use and where the reserved facilities are to be used for a period of time not exceeding ten hours in length, all in the manner hereinafter provided by this chapter; and

C. That in establishing the procedures to be followed by persons seeking to reserve city park and playground facilities for their exclusive use, it would also be proper for the commission to retain the exclusive right to approve such reservations in those cases in which the facilities to be reserved are not located within that portion of the city's parks and playgrounds previously determined by the commission to be particularly suitable for such use and/or where the reserved facilities will be used for a period of time which does exceed ten hours in length, provided that the commission also finds, in each such case, that reservation of such facilities is in the public interest and will not unreasonably interfere with the general public's use and enjoyment of the city's parks and playgrounds

(Res. No. 153 92-93 §4 (part))

12R.10.030 Designation of park and playground areas as exclusive use areas.

A. Initial Designation of Exclusive Use Areas. For purposes of this chapter, the following portions of Bidwell Park, as more particularly delineated in Exhibits "C, F, and J" attached to Chapter 12R.04 of this Title, are initially designated as exclusive use areas:

1. The group picnic areas within the One-Mile Recreation Area;

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

2. The Birthday Ring within the Caper Acres Playground Area;
3. The group picnic area within the Cedar Grove Area;
4. The meadow within the Cedar Grove Area;
5. The group picnic area within the Five-Mile Recreation Area; and
6. The Campfire Council Ring Area.

B. The following additional parks and playgrounds as delineated in Exhibits “A” and “E” attached to Chapter 12R.04 of this Title:

1. Bidwell Bowl Amphitheater; and
2. Depot Park.

C. Additional Designation of Exclusive Use Areas. Whenever a new park or playground is acquired by the city or whenever there is a substantial change in the character or use of an existing city park or playground, the Bidwell Park and Playground commission shall designate a portion of such park or playground as an exclusive use area whenever the commission finds that such designation would be in the public interest.

(Res. No. 153 92-93 §4 (part)) (Res. No. 31-13 §30)

12R.10.040 Approval of the reservation of park facilities by the director.

The director is authorized to approve the reservation of city park and playground facilities for the exclusive use of a person or a group of persons where such facilities are located within that portion of a city park or playground designated as an exclusive use area and where the use of the facilities will not exceed ten hours in length.

(Res. No. 153 92-93 §4 (part)) (Res. No. 31-13 §1)

12R.10.050 Applications for the reservation of park facilities which may be approved by the director.

Applications for the reservation of city park and playground facilities which are located within that portion of a city park or playground designated as an exclusive use area and which request exclusive use of such facilities for a period of time not exceeding ten hours in length shall be made at the office of the director at least two days prior to the date such reservation is to be in effect. Such applications shall describe the city park and playground facilities to be reserved, shall set forth the dates and times such facilities are sought to be reserved, and shall otherwise be in the form and include such other information as may be required by the director. In addition, such applications shall be accompanied by an application fee in an amount determined by the Bidwell Park and Playground commission and approved by resolution of the city council based on the estimated administrative costs incurred by the city for processing such applications.

(Res. No. 153 92-93 §4 (part)) (Res. No. 31-13 §1)

12R.10.060 Action on applications for the reservation of park facilities which may be approved by the director.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

Upon receipt of an application for the reservation of city park and playground facilities which are located within that portion of a city park or playground designated as an exclusive use area and which requests the exclusive use of such facilities for a period of time not exceeding ten hours in length, the director shall approve the application and make the reservation unless the director finds that the city park and playground facilities sought to be reserved have already been reserved pursuant to another application filed prior in time, that the reservation of such facilities will conflict with a public event conducted under a permit issued in the manner provided for by Chapter 12R.08 of this title where the application for such event was also filed prior in time, or where the reservation of such facilities will conflict with construction or maintenance of work previously scheduled to take place in or around the facility sought to be reserved.

(Res. No. 153 92-93 §4 (part)) (Res. No. 31-13 §1)

12R.10.070 Approval of the reservation of park facilities by the Bidwell Park and Playground commission.

The Bidwell Park and Playground commission shall have exclusive authority to approve the reservation of city park and playground facilities for the exclusive use of a person or group of persons where such facilities are located within any portion of a city park or playground not designated as an exclusive use area and/or where the use of such facilities will exceed ten hours in length.

(Res. No. 153 92-93 §4 (part))

12R.10.080 Applications for the reservation of park facilities which must be approved by the Bidwell Park and Playground commission.

Applications for the reservation of city park and playground facilities which are located within any portion of a city park or playground not designated as an exclusive use area and/or which request the exclusive use of such facilities for a period of time which exceeds ten hours in length shall be filed in the office of the director at least 35 days prior to the date such reservation is to be in effect. Such applications shall be in writing, shall describe the city park and playground facilities sought to be reserved, shall set forth the date and times such facilities are sought to be reserved, and shall otherwise be in the form and contain such other information as may be required by the director. In addition, such applications shall be accompanied by an application fee in an amount established by resolution of the Bidwell Park and Playground commission and approved by resolution of the city council based on the estimated administrative costs incurred by the city for processing such application.

(Res. No. 153 92-93 §4 (part)) (Res. No. 31-13 §1)

12R.10.090 Action on applications for the reservation of park facilities which must be approved by the Bidwell Park and Playground commission.

Upon the filing of an application for the reservation of city park and playground facilities which are located within any portion of a city park or playground not designated as an exclusive use area and/or which requests the exclusive use of a reserved area for a period of time exceeding ten hours in length, the Bidwell Park and Playground commission shall consider the application at its first regular or adjourned regular meeting after the tenth day following the filing of the application. Thereafter, the Bidwell Park and Playground commission may approve the application and authorize the reservation if the commission determines that exclusive use of the park and playground facilities sought by the applicant at the place, on the date and at the time set forth in the application is in the public interest and will not unreasonably interfere with the general public's use and enjoyment of the city's parks and playgrounds.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

(Res. No. 153 92-93 §4 (part))

12R.10.095 Application for the reservation of park facilities - Application fee.

Applications for the reservation of city park and playground facilities within designated exclusive use areas shall be accompanied by an application fee which shall be in the amount established by resolution of the Bidwell Park and Playground commission and approved by resolution of the city council, based on the estimated administrative costs incurred by the city for processing such applications and issuing such permits.

12R.10.100 Park reservation fees.

Incident to and as a condition of the approval of an application for the reservation of city park and playground facilities for the exclusive use of a person or group of persons, the applicant for such reservation shall pay to the city a park reservation fee in an amount established by resolution of the Bidwell Park and Playground commission and approved by resolution of the city council based on a fair share of that part of the overall cost of operating and maintaining the city's parks and playgrounds reasonably attributable to the applicant's use of such facilities pursuant to such authorization.

(Res. No. 153 92-93 §4 (part))

12R.10.110 Liability insurance.

Incident to and as a condition of the approval of an application for the reservation of city park and playground facilities for the exclusive use of a group of persons which number 100 persons or more, the applicant shall obtain comprehensive general liability insurance from an insurance company licensed to do business in the state of California and having a financial rating in Best's Insurance Guide of at least "B," which provides insurance coverage against liabilities for any death, personal injuries or property damage arising out of or in any way connected with the use of such facilities.

Such insurance shall be in a form approved by the city's risk manager, shall name the city and the city's officers, employees and agents as additional insureds under the coverage afforded, shall be primary with respect to any other insurance available to city and shall include a severability of interest (cross-liability) clause. In the case of an application for reservation of city park and playground facilities located within a portion of a city park or playground designated as an exclusive use area and which requests exclusive use of such facilities for a period of time not exceeding ten hours in length, such insurance shall be in an amount of at least \$1,000,000.00 combined single limit. However, in the case of an application for the reservation of city park and playground facilities which are not located in that portion of a city park or playground designated as an exclusive use area and/or which requests exclusive use of such facilities for a period of time exceeding ten hours in length, such insurance shall be in an amount related to the city's likely exposure to risks arising out of the exclusive use of such facilities as determined by the Bidwell Park and Playground commission based on the recommendations of the city's risk manager, but in no event shall such insurance be in an amount less than \$1,000,000.00.

Proof of such insurance in a form approved by the city's risk manager shall be filed in the office of the city's park director prior to undertaking the use of the reserved facilities and shall be maintained in full force and effect at all times throughout the use of the reserved facilities.

(Res. No. 153 92-93 §4 (part))

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.10.120 Notice of the reservation of park facilities.

Where the reservation of city park and playground facilities has been approved by either the director or the Bidwell Park and Playground commission in the manner provided by this chapter, the director shall provide the applicant for such reservation with a written authorization to reserve park facilities which describes the facilities to be reserved as well as the date and times such facilities are reserved. In addition, at least 24 hours prior to the time the reservation is to be in effect, the director shall endeavor to cause a notice to be posted at or near the site of the reserved facilities which advises the general public of the date and times such facilities are reserved, as well as the name of the person or organization for which such facilities are reserved.

(Res. No. 153 92-93 §4 (part)) (Res. No. 31-13 §1)

12R.10.130 Interference with persons occupying and using reserved park facilities.

No person shall knowingly impede, hamper or interfere with any other person occupying and using city park and playground facilities where such other person is entitled to the exclusive use of such facilities pursuant to a reservation of park facilities approved either by the director or the Bidwell Park and Playground commission in the manner provided by this chapter, or is part of a group of persons entitled to the exclusive use of such facilities pursuant to the reservation of city park facilities approved either by the director or the Bidwell Park and Playground commission in the manner provided by this chapter.

(Res. No. 153 92-93 §4 (part)) (Res. No. 31-13 §1)

Chapter 12R.16 CAPER ACRES PLAYGROUND AREA - BIDWELL PARK

Section:

12R.16.010 Violation of rules - Additional penalty - Violator subject to removal.

12R.16.020 Age limitation.

12R.16.030 Days and hours of operation.

12R.16.040 Closure.

12R.16.050 School activities - Prior notice required.

12R.16.060 Playing on fences and gates - Prohibited.

12R.16.070 Smoking - Prohibited.

12R.16.010 Violation of rules - Additional penalty - Violator subject to removal.

Violation of the rules of this chapter shall, in addition to other penalties provided by law, subject the violator to removal from the Caper Acres playground area upon order of the park director or by any authorized employee or officer of the city. Persons refusing to remove themselves upon such order shall be in violation of this section. Removal, if ordered, includes exclusion from such area for a 24-hour period.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

(Res. No. 19 93-94 §3 (part))

12R.16.020 Age limitation.

Persons 13 years of age and older shall not enter Caper Acres playground area, except when accompanying a child of less than 13 years of age.

(Res. No. 19 93-94 §3 (part))

12R.16.030 Days and hours of operation.

The Caper Acres playground area shall be open daily, except Monday, from 9:00 a.m. to 9:00 p.m. during the months of May, June, July, August and September, and from 9:00 a.m. to 5:00 p.m. the remainder of the year. If Monday falls on a holiday, the area shall be open on that day, but closed the Tuesday immediately following. No person shall be allowed inside of the Caper Acres playground area while it is closed.

(Res. No. 19 93-94 §3 (part))

12R.16.040 Closure.

The park director may close the Caper Acres playground area any time that the park director feels it is necessary for the protection of public property or public safety.

(Res. No. 19 93-94 §3 (part), Res. No. 02 03-04)

12R.16.050 School activities - Prior notice required.

Caper Acres playground area may be used for activities organized and supervised by a public or private school only when such school has given the park director reasonable prior notice of the date and time of such activity.

(Res. No. 19 93-94 §3 (part))

12R.16.060 Playing on fences and gates - Prohibited.

No person shall play about or climb upon any of the fences or gates surrounding Caper Acres playground area, nor shall any person play upon or make any other use of the bridge at the entrance to Caper Acres playground area other than for the purpose of entering or leaving Caper Acres playground area. No person shall enter or be in, for any purpose, the planting areas adjacent to the entrance to Caper Acres playground areas, including the moat area. No person shall play with, or otherwise move, the wooden gate which is a part of the decor of the entrance to Caper Acres playground area.

(Res. No. 19 93-94 §3 (part))

12R.16.070 Smoking - Prohibited.

No person shall smoke inside of the Caper Acres Playground.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

(Res. No. 19 93-94 §3 (part))

Chapter 12R.17 HUMBOLDT NEIGHBORHOOD PARK

Section:

12R.17.010 Violation of rules - Additional penalties -Violator subject to removal.

12R.17.020 Days and hours of operation - prohibition.

12R.17.030 Closure.

12R.17.040 Safety.

12R.17.050 Uses.

12R.17.060 Amplified sounds prohibited.

12R.17.070 Smoking - Prohibited.

12R.17.080 Tagging, graffiti and defacing.

12R.17.010 Violation of rules - Additional penalties - Violator subject to removal.

Any person who violates the rules of this chapter shall, in addition to other penalties provided by law, be subject to removal from the Humboldt Neighborhood Park upon order of the director or any authorized employee or officer of the city or Chico Area Recreation District. Failure to leave the park when ordered to do so is a violation of this section. Removal, if ordered, includes exclusion from such area for a 24-hour period.

(Res. Nos. 121 98-99) (Res. No. 31-13 §32)

12R.17.020 Days and hours of operation - prohibition.

The Humboldt Neighborhood Park skateboard track shall be open daily at 8:00 a.m. to 5:30 p.m. during January, 6:00 p.m. during February, 6:30 p.m. during March, 8:00 p.m. during April, 8:30 p.m. during May, 9:00 p.m. during June and July, 8:30 p.m. during August, 7:30 p.m. during September, 7:00 p.m. during October, 5:00 p.m. during November and December. It is unlawful for any person to be present in the fenced area of the skateboard track or on the skateboard track when the park is closed.

(Res. Nos. 121 98-99 and 39 99-00) (Res. No. 31-13 §33)

12R.17.030 Closure.

The director may close the Humboldt Neighborhood Park skateboard track whenever the director determines that such closure is necessary for the protection of public property or public safety.

(Res. No. 121 98-99) (Res. No. 31-13 §1)

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.17.040 Safety.

Every person using the skateboard track shall wear a helmet, wrist supports, elbow pads and knee pads at all times. No food or drink are allowed within the skateboard track surface area. Additional obstacles or other materials (ramps, jumps or lights) may not be brought into the skateboard track by any person at any time.

(Res. No. 121 98-99)

12R.17.050 Uses.

Only persons using skates and skateboards are allowed on the track. Bicycles are not allowed within the skateboard track.

(Res. No. 121 98-99)

12R.17.060 Amplified sounds prohibited.

Amplified sound is not permitted in the Humboldt Neighborhood Park. No person shall wear any headset or earplugs while skating.

(Res. No. 121 98-99)

12R.17.070 Smoking - Prohibited.

No person shall light matches or smoke cigars, pipes, cigarettes or any other smoking device in Humboldt Neighborhood Park.

(Res. No. 121 98-99)

12R.17.080 Tagging, graffiti and defacing.

Tagging, graffiti and or any other form of defacing park property is not permitted.

(Res. No. 121 98-99)

Chapter 12R.20 SWIMMING POOLS AND SWIMMING AREAS - BIDWELL PARK

Section:

12R.20.010 Definitions - Swimming pool or area.

12R.20.020 Violation of rules - Additional penalty - Violator subject to removal.

12R.20.030 Proper swimming attire.

12R.20.040 Sycamore Pool - Use restrictions.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.20.050 Obedience to lifeguard - Required.

12R.20.060 Skating in pool areas - Prohibited.

12R.20.070 Running and scuffling - Prohibited.

12R.20.080 Loitering or playing on bridges or spillways - Prohibited.

12R.20.090 Picnicking - Restricted to established areas.

12R.20.100 Bathing by diseased persons - Prohibited.

12R.20.010 Definitions - Swimming pool or area.

The terms “swimming pool” or “swimming area” in Bidwell Park include not only the established swimming facilities at Sycamore Pool and Hooker Oak swimming areas, but also includes all portions of Big Chico Creek commonly used for swimming, bathing, or otherwise playing in the waters thereof.

(Res. No. 19 93-94 §4 (part))

12R.20.020 Violation of rules Additional penalty - Violator subject to removal.

Violation of the provisions of this chapter shall, in addition to other penalties provided by law, subject the violator to removal from the swimming pools and areas in Bidwell Park by order of any lifeguard on duty, the **park director** or any authorized employee or officer of the city. Persons refusing to so remove themselves upon such order shall be in violation of this section. Removal, if ordered, includes exclusion from park pools or swimming areas for a 24-hour period.

(Res. No. 19 93-94 §4 (part))

12R.20.030 Proper swimming attire.

Swim trunks, swim suits, teeshirts and cutoffs that do not extend below the knee shall be considered proper swimming attire for any person swimming in any established swimming pool or swimming area in Bidwell Park.

(Res. No. 19 93-94 §4 (part))

12R.20.040 Sycamore Pool - Use restrictions.

No person shall enter Sycamore Pool in Bidwell Park while it is empty or being emptied, or while it is being filled, except where the water has attained a depth of at least 2 feet. Entrance shall be limited to the ladders and steps until the pool is completely filled.

(Res. No. 19 93-94 §4 (part))

12R.20.050 Obedience to lifeguard - Required.

No person shall disobey or resist any lawful order of any employed lifeguard on duty at the Sycamore Pool or the Hooker Oak swimming areas.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

(Res. No. 19 93-94 §4 (part))

12R.20.060 Skating in pool areas - Prohibited.

Persons on skates and skateboards shall be prohibited from skating on any swimming pool deck or swimming area deck or on any sidewalk adjacent to a swimming pool deck or swimming area deck.

(Res. No. 19 93-94 §4 (part))

12R.20.070 Running and scuffling - Prohibited.

No person using any swimming pool or swimming area in Bidwell Park shall participate in running or scuffling of any kind.

(Res. No. 19 93-94 §4 (part))

12R.20.080 Loitering and playing on bridges or spillways - Prohibited.

No person shall loiter, play, sit on, dive or jump from any bridge or spillway facility located at or near a swimming pool or area in Bidwell Park.

(Res. No. 19 93-94 §4 (part))

12R.20.090 Picnicking - Restricted to established areas.

Picnicking shall be permitted in established picnic areas only.

(Res. No. 19 93-94 §4 (part))

12R.20.100 Bathing by diseased persons - Prohibited.

No person afflicted with any contagious or infectious disease or bearing any open cut or skin infections shall enter the waters of any creek or bathing area, in any park in the city.

(Res. No. 19 93-94 §4 (part))

Chapter 12R.32 VEHICLE USE IN PARKS AND PLAYGROUNDS

Section:

12R.32.010 Vehicle code and Title 10 CMC applicable.

12R.32.015 Vehicle - Defined.

12R.32.020 Maximum speed limit - Adoption of lesser speed limits authorized.

12R.32.025 Reckless operation - Prohibited.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

12R.32.030 Commercial vehicles - Prohibited - Exception - Permit required.

12R.32.040 Use of roads required - Exceptions.

12R.32.050 Parks closed to vehicles - Prohibited - Exception.

12R.32.060 Blocking of entrances and exits to bike paths and trails - Prohibited.

12R.32.070 Petersen and South Park Drive - One-way traffic.

12R.32.080 Vehicle parking in Upper Park.

12R.32.010 Vehicle code and Title 10 CMC applicable.

The provisions of the Vehicle Code of the state of California and of Title 10 Vehicles and Traffic of this code are applicable to all roads in Bidwell Park which are open to the public for vehicular traffic, whether paved or unpaved, to the same extent that they would be so applicable in the absence of this rule.

(Res. No. 19 93-94 §7 (part))

12R.32.015 Vehicle - Defined.

“Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power, devices used exclusively upon stationary rails or tracks, and motor-driven wheelchairs or similar devices used by a physically handicapped person.

(Res. No. 31-13 §35)

12R.32.020 Maximum speed limit - Adoption of lesser speed limits authorized.

No person shall operate or drive any vehicle or bicycle within any park or playground within the city at a greater speed than twenty-five miles per hour. Whenever it appears appropriate, reasonable and necessary, this maximum speed limit may be reduced on any park road, or portion thereof, pursuant to the provisions of and in the manner provided by the Vehicle Code.

(Res. No. 19 93-94 §7 (part)) (Res. No. 31-13 §36)

12R.32.025 Reckless operation - Prohibited.

No person shall operate any vehicle in any park in the city in a careless, negligent or reckless manner which may endanger public safety or public property.

(Res. No. 31-13 §37)

12R.32.030 Commercial vehicles - Prohibited - Exception - Permit required.

No person shall operate commercial vehicles, either motorized or horse-drawn, including, but not limited to, delivery cars, trucks, trailers and wagons, while engaged in the performance of a business or

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

occupation, over any road in or through or across any park or playground or any part thereof, in the city, without first having obtained a permit therefor in writing from the Bidwell Park and Playground commission except in the following cases:

A. Passenger vehicles for hire, other than those engaged in park tours;

B. Delivery vehicles delivering merchandise and supplies to concession operators lawfully engaged in operating concessions in any park under permit or contract with the Bidwell Park and Playground commission;

C. Vehicles delivering merchandise, supplies and equipment to the Bidwell Golf Course in Bidwell Park.

(Res. No. 19 93-94 §7 (part))

12R.32.040 Use of roads required - Exceptions.

Vehicles operated in any park or playground in the city shall be operated only upon:

A. Paved or gravel surfaced roads which are not closed to use by the public for vehicular traffic;

B. Dirt or unimproved roads marked or otherwise designated for vehicular traffic;

C. Paved, graveled or otherwise designated picnic or parking areas with operation limited in such areas to parking and ingress to and egress from such areas for picnic or parking purposes;

D. Other areas designated in written permit issued by the director.

(Res. No. 19 93-94 §7 (part)) (Res. No. 31-13 §38)

12R.32.050 Parks closed to vehicles - Prohibited - Exception.

A. No owner, operator or person in control of any motor vehicle shall permit any such vehicle to remain in any city park during the hours when such park, or any area thereof, has been designated as closed, either permanently or temporarily, to vehicular traffic.

B. This section shall not apply to vehicles delivering merchandise, supplies and equipment to the Bidwell Golf Course in Upper Bidwell Park.

(Res. No. 19 93-94 §7 (part)) (Res. No. 31-13 §39)

12R.32.060 Blocking of entrances and exits to bike paths and trails - Prohibited.

No vehicle shall block the entrance to or exit from any bike path or trail located in any park or playground.

(Res. No. 19 93-94 §7 (part))

12R.32.070 Petersen and South Park Drive - One-way traffic.

All motor vehicle and bicycle traffic on Petersen and South Park Drive shall be restricted to one-way traffic. This restriction shall be construed to include bicycle traffic on that portion of South Park Drive which is closed to motor vehicles.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

(Res. No. 124 93-94 §2) (Res. No. 31-13 §40)

12R.32.080 Vehicle parking - Off road parking - Prohibited - Exception.

A. Vehicle parking in city parks and playgrounds shall be permitted only within those areas specifically designated and marked as parking areas.

B. No person shall park and leave unattended any vehicle in violation of an official sign prohibiting the stopping or parking of vehicles and giving notice that such vehicle may be removed.

C. Vehicles left unattended in any city park or playground, except in specifically designated parking areas, for seventy-two (72) hours may be removed by the city. Removal and storage costs shall be charged to and paid by the owner prior to release of the vehicle.

D. This section shall not apply to individuals who have received written permission from the director to park in non-designated parking areas in any city park or playground.

(Res. 105 01-02 §1) (Res. No. 31-13 §41)

TITLE 12R FOOTNOTES

1. This title was initiated by Resolution 1 75-76 of the playground commission, passed April 26, 1976, approved by the city council May 4, 1976, as Resolution 132 75-76, and repealed and replaced in its entirety by Resolution 19 93-94. For additional provisions concerning municipal parks and park regulations, see Title 12 of this code.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

[Print](#)

Chico, CA Code of Ordinances

Chapter 9.50 WATERWAY REGULATION

Section:

- 9.50.010 Purpose and scope.**
- 9.50.020 Regulated areas.**
- 9.50.030 Prohibited activities and conditions.**
- 9.50.040 Inspection and enforcement.**
- 9.50.050 Appeals.**
- 9.50.060 No liability upon the city.**

9.50.010 Purpose and scope.

A. This chapter shall govern all regulated areas, as defined herein, within the jurisdictional limits of the City of Chico, whether located on public or private property.

B. The public health, safety, and welfare, as well as the city's ability to comply with its statutory, regulatory and permitting obligations with respect to the protection of its creeks, tributaries, riparian corridors and associated natural resources, require that the city adopt and enforce comprehensive regulations specifically prohibiting deleterious activities within these areas, whether located on public or private property.

C. The purpose of this chapter is to establish clear and direct requirements for the use, inspection and maintenance of the areas governed by this chapter and to authorize city enforcement of violations of the provisions of this chapter by individuals engaging in prohibited activity and/or property owners permitting prohibited activities or conditions to occur or be maintained on their properties.

(Ord. 2466 §6 (part))

9.50.020 Regulated areas.

Regulated areas subject to the requirements and prohibitions of this chapter include the following areas within the city limits:

A. All greenways or parklands adjoining Big Chico Creek, Little Chico Creek, Lindo Channel, Comanche Creek, Edgar Slough, Sycamore Creek, Dead Horse Slough Teichert Ponds, any other stream, any manmade channel constructed to facilitate the use of water or convey

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

storm water or watercourse which has been acquired or which is hereafter acquired by the city, either in fee title or by way of an easement which authorizes public use of the easement area;

B. Tributaries and any other “water of the United States,” as defined in 40 C.F.R. 122.2, including all surface watercourses and waterbodies, natural waterways and definite channels and depressions in the earth, or such sections or connections of such waters that have been lined with concrete, covered or channelized in the past, that may carry water, even though such waterways may only carry water during rains and storms and may not carry surface water at and during all times and seasons;

C. Riparian areas, which include the area between a stream or other body of water and the adjacent upland identified by soil characteristics and distinctive vegetation and wetlands and those portions of floodplains and valley bottoms that support riparian vegetation (herbaceous plants, shrubs, and trees which are naturally associated with stream side environments, and with roots and branches extending in or over a creek channel).

(Ord. 2466 §6 (part))

9.50.030 Prohibited activities and conditions.

It shall be unlawful and a violation of this chapter for any person to engage in or maintain, or for any property owner to allow or maintain, any of the following activities or conditions in regulated areas:

- A. Deface, destroy, damage or impair any natural or cultural resources, except for pruning, removal of materials or any other activities authorized under appropriate permits from state and/or federal agencies or in conjunction with permitted city-sponsored activities.
- B. Staying or camping overnight pursuant to Chapter 9.20 of this code.
- C. Store personal property pursuant to Section 9.20.050 of this code.
- D. Entering into or remaining within regulated areas that are open to the public between one hour after sunset and one hour before sunrise of the following day without approval from the city manager or designee.
- E. Entering into or remaining within property to which public access is prohibited or restricted.
- F. Driving or otherwise operating a vehicle, except as authorized in conjunction with otherwise permitted activity.
- G. Using bicycles in regulated areas not explicitly labeled as areas and/or trails designated for bicycle use.
- H. Possessing or consuming alcoholic beverages.
- I. Disposing of, depositing, throwing, keeping or accumulating trash, litter, rubbish, rubble, garbage, debris or other solid waste, dirt, green waste or animal waste.
- J. Posting any sign on a tree, tree-stake or guard, or fastening any wire, cable or rope to any tree, tree-stake or guard unless otherwise authorized by the city.

ATTACHMENT A - CMC CHAPTERS 12R AND 9.50

K. Urinating or defecating.

L. Making any excavation or unauthorized encroachment.

M. Possessing or discharging of weapons, firearms, paintballs, fireworks, or open fire. Open fire shall include but is not limited to the burning of fuels for campfire, recreational and cooking purposes. Furthermore, under no circumstances may plywood, particleboard, scrap lumber, pallets, waste or natural vegetation be burned.

N. Any act in a regulated area constituting a violation of any provision of the California Endangered Species Act (CESA), the Endangered Species Act (ESA), the California Public Resources Code, or any regulation of the California Department of Fish and Game, or of any permit or approval issued by any federal, state or local agency having jurisdiction over the regulated area shall also be a violation of this chapter.

(Ord. 2466 §6 (part))

9.50.040 Inspection and enforcement.

A. Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever the enforcement officer has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter, the city manager or designee may enter such premises during normal business hours to inspect the same, take water samples and/or verify that compliance with this chapter is occurring. In the event that the owner or occupant refuses entry after a request has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction or other state or federal agency staff with jurisdiction in obtaining such entry.

B. Violation of this chapter shall be a misdemeanor or an infraction and may be enforced by the filing of a criminal action by the city attorney or the issuance of an administrative citation in accordance with the provisions of Chapter 1.15 by city staff authorized by the city manager to issue citations.

(Ord. 2466 §6 (part))

9.50.050 Appeals.

Any person aggrieved by an act or determination of the staff in exercising the administrative authority herein granted shall have the right to appeal to the city council in accordance with Chapter 1.15, Article III-V of this code.

(Ord. 2466 §6 (part))

9.50.060 No liability upon the city.

Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, nor to relieve the owner or occupant of any private property from the duty to keep property in a safe condition.