



CHICO AREA RECREATION AND PARK DISTRICT
545 VALLOMBROSA AVENUE, CHICO, CA 95926
Also Via Teleconference at Scottsdale Stadium Services
Office, 7408 E Osborn Rd, Scottsdale, AZ 85251
Phone (530) 895-4711 Fax (530) 895-4721
Thursday, March 12, 2020 – 4:00 p.m.

Posted Prior to 4:00 pm
Wednesday, March 11, 2020

BOARD MEMBERS:

Tom Lando, Chair
Thomas Nickell, Vice Chair
Michael Worley
Dave Donnan
Michael McGinnis

CARD STAFF:

Ann Willmann, General Manager
Jason Bougie, Director of Parks and Recreation
Heather Childs, Finance Manager
Jennifer Marciales, Executive Assistant

GENERAL INFORMATION:

1. Agendas:

Agendas are available at the meeting or may be picked up in advance at the CARD Office the day prior to the Board meeting without charge.

2. Agenda Items:

Agenda items are available for public inspection at each meeting or in advance at the CARD Office the day prior to the Board meeting. Copies of agenda items will be available at 20¢ per page.

Notice: if a writing that is a public record pursuant to Government Code Section 54957.5(a) and that relates to an item on this agenda for open session is distributed less than 24 hours prior to this meeting, the writing shall be available for public inspection at the offices of the Chico Area Recreation and Park District, located at 545 Vallombrosa Avenue, Chico, California, at the time the writing is distributed to all or the majority of all of the members of the body.

3. Items Not Appearing On Posted Agenda:

This agenda was posted at least 24 hours in advance of this meeting. For each item not appearing on the posted agenda upon which the Board wishes to take action, it must make one of the following determinations:

- Determine by a majority vote that an emergency exists as defined in Government Code 54956.5.
- Determine by a two-thirds vote or by a unanimous vote if less than two-thirds of the Board is present, that the need to take action arose subsequent to the agenda being posted.
- Determine that the item appeared on a posted agenda for a meeting occurring not more than five calendar days prior to this meeting, and the item was continued to this meeting.

Notwithstanding the above, items may be added to the agenda for Board discussion only or to acknowledge receipt of correspondence or other information.

4. Consent Agenda: All items listed under the Consent Agenda are considered to be routine and will be enacted by one motion. Resolutions will be read by title only. There will be no separate discussion of these items unless members of the Board, or persons in the audience, request specific items to be removed from the Consent Agenda to the Regular Agenda for separate discussion, prior to the time the Board votes on the motion to adopt the Consent Agenda. If any item(s) are removed from the Consent Agenda, the item(s) will be considered at the beginning of the Regular Agenda.

5. Assistance for the Disabled: If you are disabled in any way and need accommodation to participate in the meeting, please contact the CARD Office at (530) 895-4711 at least 48 hours prior to the start of the meeting so the necessary arrangements can be made.

6. Identity of Speakers: Speakers are asked to state their names before speaking and to voluntarily write their names on the provided record.



**SPECIAL MEETING OF THE CHICO AREA
RECREATION AND PARK DISTRICT BOARD OF DIRECTORS
Thursday, March 12, 2020 – 4:00 p.m.**

*Posted Prior to 4:00 pm
Wednesday, March 11, 2020*

AGENDA

1.0 CALL TO ORDER

1.1 Roll Call

2.0 Public Comments

NOTE: The Chico Area Recreation and Park District Board of Directors may take official action only on items included in the posted agenda for a specific scheduled meeting. Items addressed during the Public Comment section are generally matters not included on the agenda and therefore, the Board will not take action at this scheduled meeting. However, such items may be put on the agenda for a future meeting. The public shall have the opportunity to address items that are on the posted agenda.

3.0 Discussion Regarding Proposed Changes to City of Chico Ordinances – (Staff Report 20-9) - *Action Requested – that the Board of Directors direct staff how to proceed.*

4.0 Adjournment

Adjourn to the next meeting of the Board of Directors of the Chico Area Recreation and Park District.



Chico Area Recreation and Park District “Helping People Play”

Staff Report 20-9
Agenda Item 3.0

STAFF REPORT

DATE: March 12, 2020
TO: Board of Directors
FROM: Ann Willmann, General Manager
SUBJECT: Proposed Changes to City of Chico Ordinances

Discussion

The Chico City Council will be discussing proposed elimination or changes to several ordinances that prohibit the access to public facilities and storage of personal property on public land. The following recommended changes have been made by Vice Mayor Brown:

- Eliminate allowable hours in Civic Center, 7:00am to 10:00pm (9.43.030)
- Eliminate section 9.20.050, Storage of personal property in public spaces (Camping is already illegal per Title 9 (9.20.030))
- Eliminate the following elements of 9.5.030: Store personal property pursuant to Section 9.20.050 of this code. 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.
- Change all sections dictating that, “Violation of this chapter shall be a misdemeanor or an infraction,” and amend them to, “Violation of this chapter shall be an infraction.” This institutes a fine but eliminates arrest as an option for enforcement. Infractions are less serious offenses than misdemeanors. They are punishable by a maximum fine of \$250. Unlike misdemeanors, they do not subject an offender to incarceration.
- Review and if needed, amend 9.43.140 Possession of hypodermic needles and syringes, to align with current state law.

While these changes appear to affect the City of Chico parks and facilities only, there are several parks and facilities operated and maintained by CARD that could be affected. Specifically, those located in or around Bidwell Park, such as the CARD Community Center, Hooker Oak Park, Sycamore Field, and the Chico Creek Nature Center.

In order for the Board to fully evaluate the proposed changes, the above referenced City Ordinances have been included. The areas being considered for change are highlighted in yellow.

This item will be discussed at the City Council Meeting on March 17, 2020. Should the Board want to provide an official statement or request of the City Council regarding the above changes, staff recommends submitting a letter addressed to all City Council Members.

Recommendation:

It is recommended that the Board of Directors direct staff how to proceed.

By _____
Ann Willmann
General Manager

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 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.

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.

(Ord. 2466 §6 (part))

Chapter 9.20

CAMPING

Section:

9.20.010 Purpose.

9.20.020 Definitions.

9.20.030 Unlawful camping.

9.20.040 Exception.

9.20.050 Storage of personal property in public places.

9.20.060 Violation - Penalty.

9.20.010 Purpose.

The streets and public areas within the city should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts the community. Camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the city. The purpose of this chapter is to maintain streets, parks and other public and private areas within the city in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community. Nothing in this chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property.

(Ord. 2369)

9.20.020 Definitions.

As used in this chapter, the following words and phrases have the meanings set forth in this section, unless the context in which any such word or phrase is used clearly requires another meaning:

A. "Camp" means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors.

B. "Camp facilities" include, but are not limited to, tents, huts, vehicles, recreational vehicles, or temporary shelters.

C. "Recreational vehicle" means any of the following:

1. "Travel trailer" means a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for camping, travel, recreational, and vacation uses permanently identified as a travel trailer by the manufacturer;

2. "Camper" means a structure designed primarily to be mounted upon a motor vehicle and with sufficient facilities to render as suitable for use as a temporary dwelling for camping, travel, recreational and vacation purposes;

3. "Motorized home" means a portable, self-contained dwelling designed and constructed as an integral part of a self-propelled vehicle; and

4. "Full tent trailer" means a canvas folding structure mounted on wheels and designed for camping, travel, recreational, and vacation use.

(Ord. 2369)

9.20.030 Unlawful camping.

Except as otherwise provided in this Chapter, it is unlawful and a public nuisance for any person to camp or occupy camp facilities on any public property or any private property which is not operated and maintained as a campground in conformance with the regulations set forth in Title 19 of this code.

(Ord. 2369)

9.20.040 Exception.

Nothing in this chapter shall prohibit overnight camping in a recreational vehicle which is parked on a public street when the occupants of the recreational vehicle are guests of the owners or occupants of an adjacent residential property, and:

- A. The recreational vehicle is legally parked directly adjacent to the residential property where the occupants are guests;
- B. The overnight camping in the recreational vehicle at that location does not extend for a period of more than seven (7) consecutive days; and
- C. The recreational vehicle is self-contained and does not require hook-ups to the adjacent residential property.

(Ord. 2369)

9.20.050 Storage of personal property in public places.

It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by resolution of the city council:

- A. Any park;
- B. Any street;
- C. Any public parking lot or public area, improved or unimproved; and
- D. On, near or adjacent to any waterway as defined in Section 9.50.020 of this code.

(Ord. 2466 §2)

9.20.060 Violation - Penalty.

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 Chapter 1.15 of this code.

(Ord. 2479 §§5, 6)

Chapter 9.43

CIVIC CENTER REGULATIONS

Section:

- 9.43.010 Civic Center.
- 9.43.020 Applicability.
- 9.43.030 Days and hours of operation.
- 9.43.040 Bicycling and skateboarding – Prohibited.
- 9.43.050 Damage to plants or property prohibited.
- 9.43.060 Public urination and defecation – Prohibited.
- 9.43.070 Alcohol – Prohibited.
- 9.43.080 Smoking – Prohibited.
- 9.43.090 Tagging, graffiti and defacing.
- 9.43.100 Amplified sounds prohibited.
- 9.43.110 Glass containers – Prohibited.
- 9.43.120 Dogs on public property.
- 9.43.130 Removal and disposal of dog feces from public property.
- 9.43.140 Possession of hypodermic needles and syringes.
- 9.43.150 Violation of rules.

9.43.010 Civic Center.

For purposes of this chapter, “civic center” is defined as the area in the City of Chico, Butte County, State of California, bounded by East 4th Street to the north, Main Street to the west, East 5th Street to the south, and Flume Street to the east.

(Ord. 2466 §5 (part))

9.43.020 Applicability.

A. This chapter shall govern all areas within the civic center, as defined herein.

B. This chapter does not intend to regulate conduct in the public right-of-way, such as streets, sidewalks and parkways.

(Ord. 2466 §5 (part))

9.43.030 Days and hours of operation.

A. All areas located within the civic center will be open to members of the public and accessible, used and entered only between the hours of 7:00 a.m. and 10:00 p.m. The civic center may have extended hours of operation when the city council is in session.

B. It shall be prohibited and a violation of this section for a member of the public to access, use, be present, enter, or remain within the civic center between the hours of 10:01 p.m. and 6:59 a.m. of the succeeding day, except as provided in subsection C.

C. Subsection B shall not be applicable to the city council and its members, all city officers, employees and agents. Furthermore, members of the public shall be allowed to remain and linger up to one hour before and after any city-sponsored event to which the

general public is invited. Failure to leave the premises after requested to do so by a police officer or a government employee shall constitute a violation of this chapter.

D. Notwithstanding the foregoing, the city shall remain entitled to close the civic center or extend the hours of operation when deemed reasonable or necessary by the city council, city manager or designee and authorized in writing. Notice to the public of such closure shall be by those means deemed reasonable and necessary, including but not limited to posting of temporary signs and/or utilization of the city's website.

(Ord. 2466 §5 (part))

9.43.040 Bicycling and skateboarding – Prohibited.

A. Skateboarding and skating, including but not limited to roller skates, in-line skates and/or roller blades, are not allowed in the civic center.

B. Riding bicycles is not allowed in the civic center.

(Ord. 2466 §5 (part))

9.43.050 Damage to plants or property prohibited.

No person shall damage, cut, carve upon, transplant or remove any tree or plant, or injure the bark or pick the flowers or seeds of any tree or plant; nor shall any person attach any rope, wire or other contrivance to any tree or plant; nor climb any tree; nor walk, stand or sit upon monuments, vases, fountains, railings, fences or upon any other property not designated or customarily used for such purposes. A person shall not dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.

(Ord. 2466 §5 (part))

9.43.060 Public urination and defecation – Prohibited.

No person shall deposit, by means of urination or defecation, any human waste material in any public place (other than in a public toilet or restroom designed to receive waste material), in any place exposed to public view, or upon the surface of the ground or upon any premises, lot, or public street.

(Ord. 2466 §5 (part))

9.43.070 Alcohol – Prohibited.

Pursuant to Chapter 9.30 of this code, no person shall use, consume, or have in their possession an open alcoholic beverage, in the Civic Center unless prior written approval is obtained from the city manager or designee.

(Ord. 2466 §5 (part), Ord. 2479 §15)

9.43.080 Smoking – Prohibited.

Smoking as defined in Section 8.28.010 of this code is not permitted in the civic center. This includes but is not limited to an electronic smoking device or battery-operated device that delivers vapors for inhalation which includes every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic cigarette, an

electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

(Ord. 2466 §5 (part))

9.43.090 Tagging, graffiti and defacing.

Tagging, graffiti and/or any other form of defacing public property is not permitted in the civic center.

(Ord. 2466 §5 (part))

9.43.100 Amplified sounds prohibited.

Amplified sounds are not permitted in the civic center without prior written approval from the city manager or designee.

(Ord. 2466 §5 (part))

9.43.110 Glass containers – Prohibited.

No person shall possess any glass container in the civic center, including but not limited to, rights-of-way, streets, sidewalks, alleys, parks, parking lots and buildings pursuant to Chapter 9.32 of this code. Possession of glass containers will be allowed with prior written approval by the city manager or designee.

(Ord. 2466 §5 (part))

9.43.120 Dogs on public property.

A. It shall be unlawful for any person owning or having the control of, or being the keeper of, any dog, to permit said dog to run at large in the civic center in violation of Section 7.08.110 of this code.

B. Any person owning or having the control of, or being the keeper of, any dog, shall adhere to the city's dog license requirements pursuant to Section 7.08.020 of this code.

(Ord. 2466 §5 (part))

9.43.130 Removal and disposal of dog feces from public property.

A. A person who owns or has custody of a dog shall immediately remove and dispose of any feces deposited by such dog on any public property in a sanitary manner, by placing in an appropriate device and depositing in a sanitary receptacle.

B. A person who has custody of a dog shall carry an appropriate device to pick up dog feces at all times when the dog is not on the premises of its owner or custodian.

C. Exception: The provisions of this section shall not apply to any person with a disability accompanied by a service dog. "Service dog" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence and the emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

(Ord. 2466 §5 (part))

9.43.140 Possession of hypodermic needles and syringes.

A. It shall be unlawful for any person to possess a hypodermic needle or syringe, except as provided in subsection B of this section.

B. The provision of this section shall not apply to any person in possession of a hypodermic needle or syringe that is a licensed health care professional and/or any person with a current and valid prescription to be in possession of a hypodermic needle or syringe, until its final use, provided however, any such possession must be reasonably related to an accepted medical treatment and/or a current and valid prescription for the possessor by a licensed medical professional.

C. Any person that uses and/or possess any hypodermic needle or syringe, as permitted in subsection B of this section, shall cause such hypodermic needle or syringe to be transported to the appropriate facility for disposal in a container that meets state and federal standards for disposal of sharps waste. It is illegal and a violation of this section to dispose of hypodermic needles and syringes in the trash or recycling container.

(Ord. 2466 §5 (part))

9.43.150 Violation of rules.

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 Chapter 1.15 of this code.

(Ord. 2466 §5 (part))