



**CITY OF CHICO  
BIDWELL PARK AND PLAYGROUND COMMISSION (BPPC)**

Regular Meeting Agenda  
March 28, 2022, 6:00 pm  
City Council Chambers - 421 Main Street

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

**1. REGULAR COMMISSION MEETING**

1.1. Call to Order

1.2. Roll Call

**2. CONSENT AGENDA**

All matters listed under the Consent Agenda are to be considered routine and enacted by one motion.

**2.1. APPROVAL OF MEETING MINUTES**

**Action:** Approve minutes of BPPC meeting held on 2/28/22.

**3. ITEMS REMOVED FROM CONSENT – IF ANY**

**4. NOTICED PUBLIC HEARINGS NONE**

**5. REGULAR AGENDA**

**5.1. CONSIDERATION OF A REQUEST FROM THE CHICO EQUESTRIAN ASSOCIATION TO LIMIT PUBLIC VEHICLE ACCESS TO THE HORSE ARENA AREA.**

The Bidwell Park & Playground Commission (BPPC) will consider a request from the Chico Equestrian Association (CEA) that the gate to the Horse Arena area be closed to non-member vehicles, except during the required public use periods. (**Report – Linda Herman, Park & Natural Resource Manager**)

**Recommendation:** The Park & Natural Resources Manager recommends that the BPPC approve CEA's request.

**5.2. REVIEW AND CONSIDERATION OF CHICO MUNICIPAL CODE REGULATIONS REGARDING PARK RULES**

At its 2/10/22 meeting, the Chico City Council approved Mayor Coolidge's request to direct the Bidwell Park and Playground Commission (BPPC) to review certain park rules and Chico Municipal Code (CMC) regulations. The Commission will begin its review of the Chico Municipal Code regulations regarding the pertinent topics for potential revisions: (**Report – Linda Herman, Park & Natural Resource Manager**)

**Recommendation:** Park & Natural Resource Manager recommends that the BPPC review the list of CMC Sections and provide direction to Staff or recommendations to the City Council.

**5.3. CONSIDERATION OF CHAIR GLATZ'S REQUEST TO DISCUSS ALLOWING FREE PERMITS TO PLAY ACOUSTIC MUSIC IN CITY PLAZA.**

At its 2/28/22 meeting, the BPPC approved Chair Glatz's request to consider issuing free permits to play acoustic music in the downtown City Plaza. **(Report – Chair Glatz)**

**5.4. CONSIDERATION OF CHAIR GLATZ'S REQUEST TO DISCUSS ALLOWING A MOBILE COFFEE SHOP OR CART AT SYCAMORE POOL AREA IN LOWER PARK.**

At its 2/28/22 meeting, the BPPC approved Chair Glatz's request to consider allowing a mobile coffee shop or cart at Sycamore Pool Area in the One Mile Recreation Area in Bidwell Park. **(Report – Chair Glatz)**

**6. BUSINESS FROM THE FLOOR**

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

**7. REPORTS AND COMMUNICATIONS**

Items provided for the Commission's information and discussion. No action can be taken on any of the items unless the Commission agrees to include them to a subsequent posted agenda.

7.1. Parks Division Report – Linda Herman, Park and Natural Resources Manager.

7.2. Street Tree Division Report – Richie Bamlet, Urban Forest Manager.

**8. ADJOURNMENT**

Adjourn to the next regular meeting on 4/25/22 at 6:00 P.M. in the Council Chamber of the Chico Municipal Center 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. This request should be received at least three working days prior to the meeting.

**CITY OF CHICO  
BIDWELL PARK AND PLAYGROUND COMMISSION (BPPC)  
MINUTES OF THE  
FEBRUARY 28, 2022 MEETING**

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**1. REGULAR COMMISSION MEETING**

**1.1. Call to Order**

Meeting called to order by Chair Glatz at 6:00 pm.

**1.2. Roll Call**

**Commissioners Present:**

Jeff Glatz  
Jesse Alexander  
Nancy Wolfe  
Megan Thomas Petty  
Anjanette Shadley  
Larry Willis

**Staff Present:**

Erik Gustafson (Public Works Director O&M)  
Linda Herman (Park and Natural Resource Manager)  
Richie Bamlet (Urban Forest Manager)  
Shane Romain (Park Services Coordinator)

**1.3. Selection of Chair and Vice Chair**

Nomination by Commissioner Wolfe for Chair Glatz to continue as Chair. Second by Commissioner Shadley.

AYES: Commissioner Alexander, Vice-Chair Thomas Petty, Commissioner Wolfe, Chair Glatz, Commissioner Shadley and Commissioner Willis

NOES: None

ABSENT: None

Chair Glatz will continue as Chair.

Nomination by Commissioner Wolfe for Vice-Chair Thomas Petty to continue as Vice-Chair. Second by Commissioner Willis .

AYES: Commissioner Alexander, Vice-Chair Thomas Petty, Commissioner Wolfe, Chair Glatz, Commissioner Shadley and Commissioner Willis

NOES: None

ABSENT: None

Vice-Chair Thomas Petty will continue as Vice-Chair.

**2. CONSENT AGENDA**

All matters listed under the Consent Agenda are to be considered routine and enacted by one motion.

## **2.1. APPROVAL OF MEETING MINUTES**

**Action:** Approve minutes of BPPC meeting held on 12/14/21

## **2.2. PERMIT TO HOLD A SHAKESPEARE PERFORMANCE IN CEDAR GROVE MEADOW FROM JUNE 1, 2022 TO JUNE 11, 2022**

Erin Horst from Legacy Stage (applicant), requested to hold a Shakespearean performance in the Cedar Grove Meadow four evenings a week on Wednesday through Saturday, starting on June 1, 2022, to June 11, 2022. The reservation request is from 6:00 p.m. to 10:30 p.m. each night, with the actual performances being held from 8:00 p.m. to 9:30 or 10:00 p.m. The applicant also requested to reserve the Meadow for three additional days for rehearsals.

**Recommendation:** *Staff recommends conditional approval of the permit*

Motion was made by Commissioner Wolfe and seconded by Vice-Chair Thomas Petty to approve the Consent Agenda.

The motion carried as follows:

AYES: Commissioner Alexander, Vice-Chair Thomas Petty, Commissioner Wolfe, Chair Glatz, Commissioner Shadley and Commissioner Willis

NOES: None

ABSENT: None

## **3. ITEMS REMOVED FROM CONSENT – NONE**

## **4. NOTICED PUBLIC HEARINGS**

### **4.1. CONSIDERATION OF AN APPEAL OF A DENIED TREE REMOVAL PERMIT FOR 5 LONDON COURT**

Louise Murad (Applicant) requested a permit to remove one Maple tree located at 5 London Court. The Applicant cites raised sidewalks, broken sprinklers and that the tree was not planted as part of the development. Staff denied the permit as the tree is not dead, dying, or posing a dangerous or defective condition. Per the Chico Municipal Code and at the request of the Applicant, the BPPC considered an appeal of the denied permit. (Report – Richie Bamlet, Urban Forest Manager)

**Recommendation:** The Urban Forest Manager requested that Bidwell Park & Playground Commission (BPPC) make a determination to a) Uphold the denial of the tree removal permit or b) Grant approval to remove the tree with any conditions deemed appropriate.

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No public comment was made on this appeal.

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Motion was made by Commissioner Wolfe to uphold the denial of the tree removal permit. Second by Commissioner Willis.

The motion carried as follows:

AYES: Commissioner Alexander, Vice-Chair Thomas Petty, Commissioner Wolfe, Chair Glatz, Commissioner Shadley and Commissioner Willis

NOES: None

ABSENT: None

#### **4.2. CONSIDERATION OF AN APPEAL OF A DENIED TREE REMOVAL AT 680 CAMELLIA WAY**

Mr. Bracewell requested the removal Hackberry tree located at the end of Camellia Way adjacent to the Newton-Bracewell Funeral Home. Mr. Bracewell cited sidewalk and sprinkler damage as well as fruit debris falling onto the sidewalk and vehicles as justification for removal. Staff denied the removal as the tree is not dead, dying, or posing a dangerous or defective condition. Per the Chico Municipal Code and at the request of the Applicant, the BPPC considered an appeal of the denied removal. (**Report – Richie Bamlet, Urban Forest Manager**)

**Recommendation:** The Urban Forest Manager requested that BPPC make a determination to a) Uphold the denial of the tree removal or b) Grant approval to remove the tree with any conditions deemed appropriate.

Commissioner Willis recused himself from this item.

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Bob Bracewell addressed the Commission.  
Robin McCollum addressed the Commission.

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Motion was made by Vice-Chair Thomas Petty to uphold the denial of the removal. A substitute motion was made by Chair Glatz to stay the Commission's decision on this matter for six months to evaluate the effectiveness of mitigation procedures. Commissioner Thomas-Petty accepted the substitute motion and withdrew her original motion. Shadley seconded Chair Glatz' substitute motion.

The motion carried as follows:

AYES: Vice-Chair Thomas Petty, Commissioner Wolfe, Chair Glatz, Commissioner Shadley

NOES: Commissioner Alexander

RECUSED: Commissioner Willis

ABSENT: None

#### **5. REGULAR AGENDA**

##### **5.1. UPDATE REGARDING CSU, CHICO'S NEW BEHAVIOR AND SOCIAL SCIENCES BUILDING AND NEED FOR AN OPEN SPACE EASEMENT ON A PORTION OF CHILDREN'S PLAYGROUND**

The BPPC received an update from Staff on the University's plans to demolish their existing Physical Sciences Building that is located adjacent to Children's Playground and to build a new Behavior and Social Sciences Building. Due to State Fire regulations, an open space easement over a portion of the western side of Children's Playground is required for the project, which was approved by the City Council on 10/19/22. (**Report – Linda Herman, Park & Natural Resource Manager**)

**Recommendation:** The Urban Forest Manager was seeking direction from the Commission on the University's request to remove four trees as part of the project.

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Ryan Caldwell addressed the Commission.  
Robin McCollum addressed the Commission.

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A motion was made by Chair Glatz to continue with the Council approved easement and to approve the removal of the four trees, if necessary. Commissioner Willis seconded.

The motion carried as follows:

AYES: Commissioner Alexander, Vice-Chair Thomas Petty, Commissioner Wolfe, Chair Glatz, Commissioner Shadley and Commissioner Willis

NOES: None

ABSENT: None

**5.2. UPDATE ON A PROPOSAL TO RESTORE NATIVE FISH PASSAGE ON BIG CHICO CREEK AT THE IRON CANYON FISH LADDER IN UPPER BIDWELL PARK**

The Bidwell Park & Playground Commission received an update on renewed interest in restoring the Iron Canyon Fish Ladder in Upper Bidwell Park to allow fish passage, such as spring run Chinook salmon, steelhead, and other native species, to access upstream holding, spawning, and rearing habitats on Big Chico Creek. (*Report – Linda Herman, Park & Natural Resource Manager*)

**Recommendation:** The Parks & Natural Resources Manager recommended that the BPPC consider supporting the new proposed Iron Canyon Fish Project and the pursuit of grant funding.

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Eli Goodsell addressed the Commission.  
Curtis Anderson addressed the Commission.

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Motion was made by Commissioner Willis to support the new proposed project. Commissioner Shadley seconded.

The motion carried as follows:

AYES: Commissioner Alexander, Vice-Chair Thomas Petty, Commissioner Wolfe, Chair Glatz, Commissioner Shadley and Commissioner Willis

NOES: None

ABSENT: None

**5.3. APPROVAL OF THE 2022 BPPC MEETING CALENDAR**

The Commission was requested to approve the proposed BPPC regular meeting dates for 2022.

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There were no comments from the public on this item.

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Motion was made by Chair Glatz to move the proposed November 21, 2022 meeting to the 28<sup>th</sup> and approve the rest of the meeting dates as presented. Commissioner Wolfe seconded.

The motion carried as follows:

AYES: Commissioner Alexander, Vice-Chair Thomas Petty, Commissioner Wolfe, Chair Glatz, Commissioner Shadley and Commissioner Willis

NOES: None

ABSENT: None

## **6. BUSINESS FROM THE FLOOR**

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Pamela Hospers addressed the Commission.

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## **7. REPORTS AND COMMUNICATIONS**

Items provided for the Commission's information and discussion. No action can be taken on any of the items unless the Commission agrees to include them to a subsequent posted agenda.

**7.1. Parks Division Report – Linda Herman, Park and Natural Resources Manager**

**7.2. Street Tree Division Report – Richie Bamlet, Urban Forest Manager**

## **8. COMMISSIONER REQUESTS**

Pursuant to AP&P 10-1, a majority vote of the Commission is needed in order to agendize these items for discussion at a future meeting. At this meeting, public comment may be taken only whether to agendize these items. If approved to be agendized, public comment regarding the items themselves will be taken at a future BPPC meeting.

**8.1.** By email dated 2/21/22, Commissioner Glatz requests to agendize discussion regarding allowing free permits to play acoustic music in the downtown City Plaza.

Motion was made by Commissioner Shadley to agendize this topic for a future meeting. Vice-Chair Thomas Petty seconded.

The motion carried as follows:

AYES: Commissioner Alexander, Vice-Chair Thomas Petty, Commissioner Wolfe, Chair Glatz, Commissioner Shadley and Commissioner Willis

NOES: None

ABSENT: None

**8.2.** By email dated 2/24/22, Commissioner Glatz requests to agendize whether to allow a mobile coffee shop to set up at Sycamore Pool in the mornings.

Motion was made by Commissioner Willis to agendize this topic for a future meeting. Commissioner Wolfe seconded.

The motion carried as follows:

AYES: Commissioner Alexander, Vice-Chair Thomas Petty, Commissioner Wolfe, Chair Glatz, Commissioner Shadley and Commissioner Willis

NOES: None

ABSENT: None

## **9. ADJOURNMENT**

Adjourned at 7:51 pm to the next regular BPPC meeting on March 28, 2022, at 6:00 p.m. to be held in the Chico City Council Chamber Building, located at 421 Main Street in Chico, California.

Date Approved: \_\_\_/\_\_\_/\_\_\_

Prepared by:

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Kathleen Collier, Administrative Assistant  
Distribution: BPPC

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Date





DATE: 3/23/22  
TO: Bidwell Park and Playground Commission  
FROM: Linda Herman, Parks and Natural Resource Manager  
SUBJECT: CONSIDERATION OF A REQUEST FROM THE CHICO EQUESTRIAN ASSOCIATION TO LIMIT PUBLIC VEHICLE ACCESS TO THE HORSE ARENA AREA.

## REPORT IN BRIEF:

The Bidwell Park & Playground Commission (BPPC) will consider a request from the Chico Equestrian Association (CEA) that the gate to the Horse Arena area be closed to non-member vehicles, except during the required public use periods.

**Recommendation:** Park & Natural Resource Manager recommends that the BPPC approve CEA's request.

## FISCAL IMPACT:

Limiting the public vehicle use of Horse Arena area will help reduce the costs to repair the damages from the increased vandalism. It will also help deter people from parking in CEA's leased area to avoid the upcoming proposed Upper Park parking fees.

## BACKGROUND:

The Chico Equestrian Association, a non-profit organization, leases the approximate 10-acre Horse Arena area for the purpose of operating an equestrian arena and event center for its members. In addition to the arena, the area contains, clubhouse, picnic area, a practice area and parking (please see attached map in Exhibit A). The lease provides CEA exclusive use of the facility in exchange for maintenance of the equestrian center.

The lease also requires that CEA allow public use of the horse arena and facilities for a minimum of 72 hours a week during times when not being used by CEA members. The current public use days for the arena are Tuesdays, Wednesdays, and Thursdays. However, the entrance gate to the entire Horse Arena area is opened every day from around 5:30 a.m. to 9 or 11 p.m., depending on the season.

## DISCUSSION:

With the increased use of Bidwell Park over the years, the Horse Arena area has experience increased vandalism and damages. Some of the damages include (please see pictures in Exhibit B):

- Increased trash and litter
- Vehicles doing "doughnuts" in the parking lot, damaging the gravel surface and other vegetation areas.
- Numerous break-ins into the Clubhouse and other facilities, resulting in extensive damages and theft.
- Overnight parking and trespassing.
- Off-road vehicle access to the Sycamore Diversion Channel levy and nearby trails.

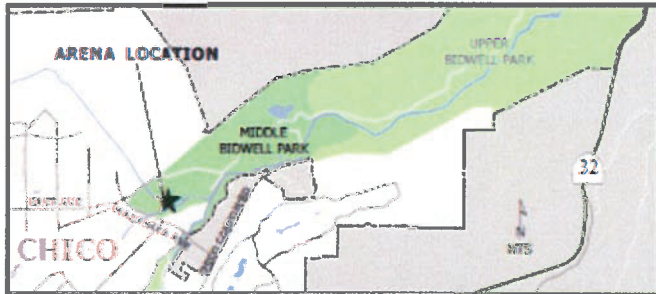
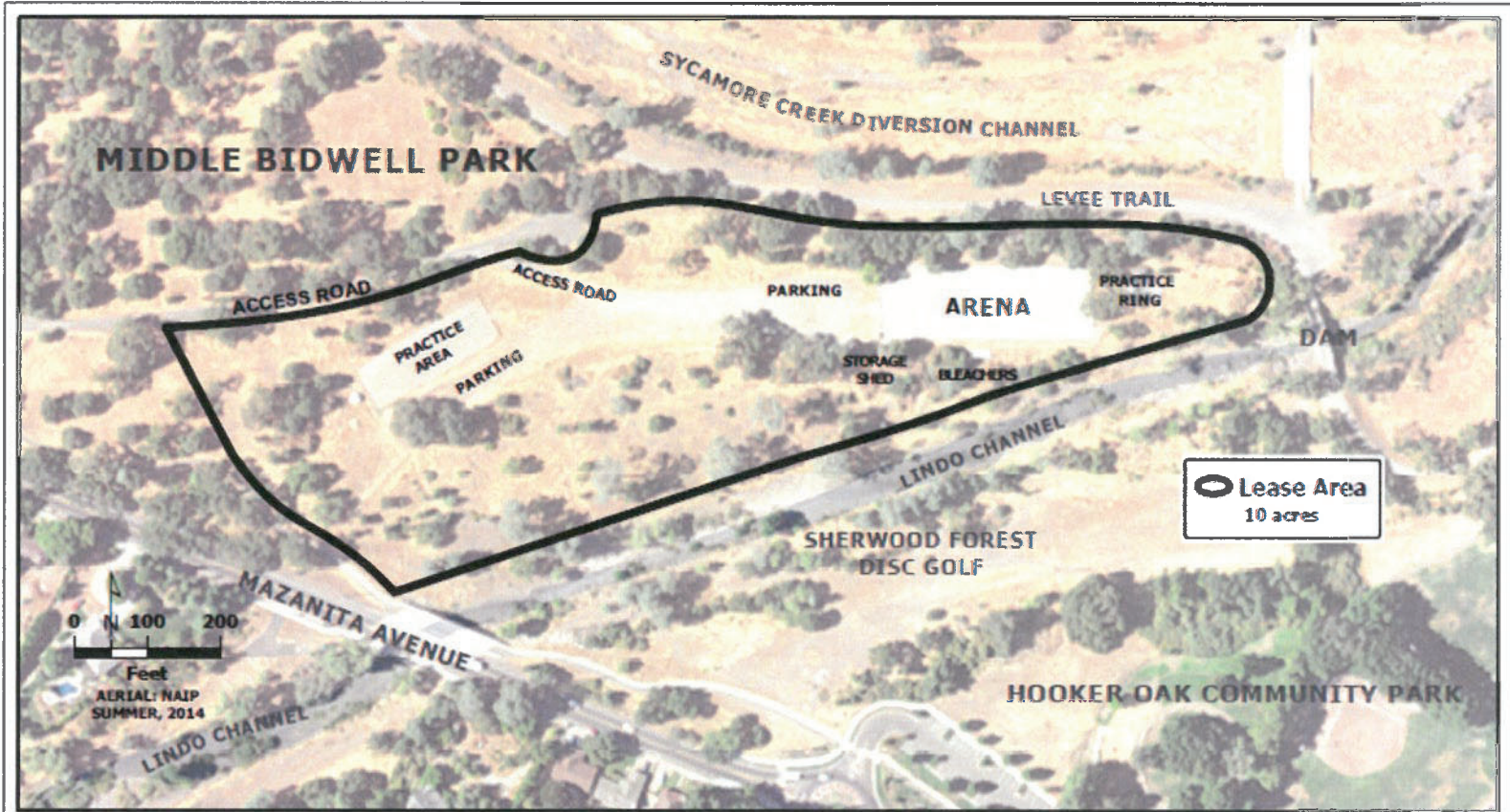
Due to the constant damage control and repair, CEA is requesting that the entrance gate to the Horse Arena remain closed to non-member vehicles, except during the designated public use days and times. Hikers and bikers will still have access to the arena and nearby trails.

If approved, it is recommended that in addition to a City lock that a Code lock also be issued to CEA so that they can provide the code to its members and to any invited nonmembers during special events etc.

## ATTACHMENTS:

Exhibit A: CEA Lease Map  
Exhibit B: Damage Pictures



EXHIBIT A - MAP OF PROPERTY



Exhibit

EXHIBIT "A"

Plat to Accompany Lease Agreement:  
Chico Equestrian Arena, Middle Bidwell Park  
(City of Chico/Chico Equestrian Association)

 (City)  (Lessee) Initials

## ITEM 5.1 EXHIBIT B



**Figure 1: Vandalism to memorial mounting block**



**Figure 2: Off Road Vehicle access to Levy/trails**



**Figure 3: Damage from vehicle "doughnuts"**



**Figure 4: Numerous break ins into Clubhouse**



DATE: 3/22/22

TO: Bidwell Park and Playground Commission

FROM: Linda Herman, Parks and Natural Resource Manager

SUBJECT: REVIEW AND CONSIDERATION OF CHICO MUNICIPAL CODE REGULATIONS REGARDING PARK RULES

## REPORT IN BRIEF:

At its 2/10/22 meeting, the Chico City Council approved Mayor Coolidge's request to direct the Bidwell Park and Playground Commission (BPPC) to review certain park rules and Chico Municipal Code (CMC) regulations. The Commission will begin its review of the Chico Municipal Code regulations regarding the pertinent topics for potential revisions:

**Recommendation:** Park & Natural Resource Manager recommends that the BPPC review the list of CMC Sections and provide direction to Staff or recommendations to the City Council.

**FISCAL IMPACT:** None at this time

## BACKGROUND:

Chico Municipal Code (CMC) Chapter 12.04 provides General Provisions to designate city parks, playgrounds and greenways, the naming of public parks, and states the control vested in the Commission. This section also previously included Section 12.04.050 to allow the City Council to designate of Drug Free Zones in City Parks but this section was repealed in 2013 by advice of legal counsel. that the law authorizing these designations had expired.

CMC Title 12R and the mirrored Chapter 12.18 entitled "Rules and Regulations of Bidwell Park and Other Parks and Playgrounds" provide a large list of 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.

CMC Chapter 9.38 provides for various noise restrictions at residential, commercial, and park properties within the city limits. The noise restrictions are attached as Exhibit A. However , it should be noted that Section 9.38.080 provides for an exemption from the noise requirements for special events that are of interest to and are open to the public.

## DISCUSSION:

At its meeting, the City Council requested that the Commission review the following specific CMC items:

- Park Closing Times
- Drug Free Zones
- Enhanced Signage
- Openly carried weapons (axes, knives, machetes etc.)
- Bicycle/Road Safety
- Noise
- Code of Conduct

For the Commission's discussion, copies of the CMC pertinent provisions for the above referenced topics, except noise, are attached as Exhibit B. Violations of all CMC sections are enforceable by an infraction or a misdemeanor depending on the Code sections.

In addition, the table below summarizes some recent BPPC discussions of these items and provides some additional information.

CMC Code Section	Topic	Notes/BPPC Actions
Previously Repealed Section 12.040.050	Drug Free Zones	The City Attorney confirmed Drug Free Zones are still allowed and the BPPC recommended Council approval to designate all City parks as Drug Free Zones.
12R.04.370	Closure Times of Parks	On 7/26/21 BPPC recommended City Council approval to change the park closing times from 11:00 p.m. to 10 p.m.
Article III of Title 12R.04 and Chapter 12R.32	Bicycle/Road Safety	The BPPC discussed bicycle and road safety in 2018 and most recently on 8/30/21. It was decided that a speed survey is needed to determine what safety rules or measures are needed. Staff contacted the City's Traffic Engineering Division and will update the BPPC of this discussion at the meeting.
12R.04.190 & Chapter 9.38	Noise	The BPPC has discussed noise restrictions on several occasions in 2018 and 2020. Each time the BPPC determined that the current CMC rules are sufficient and just need to be enforced. Amplified music has also been recently discussed during BPPC's review of some park reservation applications.
12R.04.195	Enhanced Signage	The BPPC previously approved larger "rules" signs that will be placed throughout the park (see Exhibit C). Installation was delayed due to limited staffing and the current encampment situation. In addition, the sign will need to be revised if the Council approves the change in closing times. The Commission also approved an Ad-Hoc Committee to develop a "mascot" to provide a more friendly way to convey the rules to the public.
12R.04.235	Openly carried weapons, specifically axes, knives machetes etc.,	Per the CMC, firearms or other projectile weapons are not allowed in City parks and greenways, but it does not address knives etc., However, current State laws allow "dirks and daggers" to be openly carried and in plain view. Dirks and daggers are a knife or other instrument with or without a handguard that is capable of and ready to use as a stabbing weapon.
12R.04.230	Code of Conduct	The BPPC discussed Chair Glatz's proposed Code of Conduct, which is attached as Exhibit D, in 2018 and again on 8/27/20, Motions to adopt this Code died for a lack of a second.

Staff is requesting that the Commission review the CMC sections regarding the above topics. The Commission may act on some of these items at this meeting or decide to discuss these topics over several meetings.

**ATTACHMENTS:**

- Exhibit A: CMC 9.38 Noise Restrictions
- Exhibit B: CMC 12R.04 Pertinent Regulations
- Exhibit C: New "Rules" Sign
- Exhibit D: Proposed Code of Conduct

## Chapter 9.38

### NOISE

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Section:

- 9.38.010 Declaration of policy.
- 9.38.015 Application and enforcement of chapter.
- 9.38.020 Definitions.
- 9.38.030 Residential property noise limits.
- 9.38.040 Commercial and industrial property noise limits.
- 9.38.050 Public property noise limits.
- 9.38.052 General noise regulations.
- 9.38.054 Violation - Residential property limits, public property limits, or general noise regulations.
- 9.38.056 Noise from vehicles and bicycles.
- 9.38.060 Categorical exemptions.
- 9.38.070 Exemptions authorized by permit - Immediate compliance impractical or unreasonable.
- 9.38.080 Exemptions authorized by permit - Special events on public property with noise produced by mechanical or amplifying equipment.
- 9.38.090 Appeal.
- 9.38.100 Enforcement.
- 9.38.130 Violations - Penalties.
- 9.38.140 Violations - Additional remedies - Injunction.

#### 9.38.010 Declaration of policy.

It is hereby declared to be the policy of the city that the peace, health, safety and welfare of the citizens of Chico require protection from excessive, unnecessary and unreasonable noises from any and all sources in the community. It is the intention of the city council to regulate and control the adverse effect of such noises on citizens under any conditions of use, especially those conditions of use which have the most severe impact upon the auditory senses of any person.

(Prior code §28.1 (Ord. 1106 (part)))

#### 9.38.015 Application and enforcement of chapter.

A. The provisions of this chapter shall apply to noises from any and all sources in the city except for noises originating from a city park or playground as defined in Chapter 12.04 of this code which shall

## ITEM 5.2 EXHIBIT A

be regulated in the manner provided for by the park rules and regulations adopted in Chapter 12R.04 of this code.

B. The provisions of this chapter may be enforced without receipt of a citizen complaint. This chapter allows for different methods of enforcement. The appropriate method of enforcement shall be determined by the enforcement officer.

(Ord. 1961; Ord. 2195, Ord. 2414, Ord. 2472 §2)

### **9.38.020 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. Bicycle. "Bicycle" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.

B. dB. "dB" means decibel as herein defined.

C. dBA. "dBA" means decibels measures on an A-weighted scale, as herein defined in the subsection entitled "Noise level."

D. Decibel. "Decibel" or "dB" means a unit measure of sound (noise) level relative to a standard reference sound on a logarithmic scale. The decibel level of a given sound is determined as twenty times the logarithm to the base 10 of the ratio of the pressure in micronewtons per square meter of the sound being measured to the standard reference sound pressure of 20 micronewtons per square meter (0.0002 microbar).

E. Emergency response activities. "Emergency response activities" means activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

F. Highway. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

G. Noise level. "Noise level" means the level of noise measured in decibels on the A-weighted scale with a sound level meter satisfying at least the applicable requirements for Type 1 or Type 2 sound-level-meters as defined in the most recent American National Standard Specifications. The meter shall be set for slow response speed, except that for impulse noises or rapidly varying sound levels, fast response speed may be used.

For outside measurements the microphone shall not be less than four feet above the ground, at least four and one-half feet distant from walls or similar large reflecting surfaces, and shall be protected from the effects of wind noises and other extraneous sounds by the use of screens, shields or other appropriate devices; for inside measurements, the microphone shall be at least three feet distant from any wall, and the average measurement of at least three microphone positions throughout the room shall be determined.

H. Noise, Unreasonable. "Unreasonable noise" means noise produced by human voice, machine, animal, or device, or any combination thereof, that is so loud, unnecessary, excessive, or unusual that it unreasonably disturbs the peace and quiet of any neighborhood, unreasonably impinges upon the quiet enjoyment of property, or unreasonably causes discomfort or annoyance to any reasonable person of normal sensitivity residing or working in the area.

I. Property Plane. "Property plane" means a vertical plane including the property line which determines the property boundaries in space.

J. Vehicle. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

## ITEM 5.2 EXHIBIT A

(Prior code §28.2 (Ord. 1106 (part); Ord. 2195, Ord. 2414)

### **9.38.030 Residential property noise limits.**

A. No person shall produce, suffer or allow to be produced by human voice, machine, animal, or device, or any combination of same, on residential property, a noise level at any point outside of the property plane that exceeds, at any point outside of the property plane, seventy (70) dBA between the hours of seven a.m. and nine p.m. or sixty (60) dBA between the hours of nine p.m. and seven a.m.

B. No person shall produce, suffer or allow to be produced by human voice, machine, animal, or devices or any combination of same, on multifamily residential property, a noise level more than sixty (60) dBA three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located .

(Prior code §28.3 (Ord. 1106 (part), Ord. 1707 §1); Ord. 2195)

### **9.38.040 Commercial and industrial property noise limits.**

No person shall produce, suffer or allow to be produced by human voice, machine, animal, or device, or any combination of same, on commercial or industrial property, a noise level at any point outside of the property plane that exceeds seventy (70) dBA.

(Prior code §28.4 (Ord. 1106 (part), Ord. 1707 §2); Ord. 2195)

### **9.38.050 Public property noise limits.**

Except as otherwise provided in this chapter, no person shall produce, suffer or allow to be produced on public property, by human voice, machine, animal, or device, or any combination of same, a noise level that exceeds sixty (60) dBA at a distance of 25 feet or more from the source.

(Prior code §28.5 (Ord. 1106 (part), Ord. 1499 §I, Ord. 1707 §3); Ord. 2195)

### **9.38.052 General noise regulations.**

A. This section contains an entirely separate and independent method of determining whether a violation of this chapter has occurred. No person shall willfully or negligently make, produce, suffer, or allow to be produced, at any time, any unreasonable noise. Enforcement of this section shall not require the use of a sound level meter.

B. A violation of this section shall be proven by reference to one or more of the following criteria:

1. The volume or loudness of the noise (measured by the distance away from the source at which the noise can be clearly heard);
2. The pitch or frequency of the noise;
3. Whether the nature of the noise is usual or unusual;
4. Whether the origin of the noise is natural (i.e., not caused or produced by a person or persons) or unnatural;
5. The tonal or rhythmic quality of the noise;
6. Whether the noise is recurrent, intermittent, or constant;
7. Whether the noise is from a commercial or noncommercial activity;



## ITEM 5.2 EXHIBIT A

8. If the noise is from a commercial activity, whether the particular use is permitted in the area, and whether the noise could be reasonably expected to derive from the use;
9. Whether the noise is a necessary attribute of a particular use (i.e., routine solid waste collection or a properly functioning mechanical device);
10. The proximity of the noise to residential sleeping facilities;
11. The proximity of the noise to offices or places of work;
12. The number of persons affected, or the density of inhabitation of the area;
13. The nature or zoning of the area within which the noise emanates or in which the impact of the noise occurs;
14. The amount and type of background noise, if any;
15. The time of the day or night the noise occurs (indicating the relationship of the noise to the normal activities that occur at a given time);
16. The day of the week; and
17. The duration of the noise.

(Ord. 2195)

### **9.38.054 Violation - Residential property limits, public property limits, or general noise regulations.**

A. When an enforcement officer responds to an initial citizen complaint of unreasonable noise and perceives activities or circumstances that violate section 9.38.030, 9.38.050 or 9.38.052, the officer shall give a verbal or written warning specifying those activities or circumstances to a resident of the property upon which the activities or circumstances exist or to any individual exercising or claiming control of the site or assuming responsibility for the activities or circumstances.

B. Notwithstanding the above, an enforcement officer is not required to issue a warning and may issue a citation for a violation of section 9.38.030, 9.38.050 or 9.38.052 under any of the following circumstances:

1. The enforcement officer has responded to two or more incidents of unreasonable noise regarding the same location, activities or circumstances; or
2. The noise occurs between the following hours:
  - a. 10:00 p.m. Sunday and 7:00 a.m. Monday;
  - b. 10:00 p.m. Monday and 7:00 a.m. Tuesday;
  - c. 10:00 p.m. Tuesday and 7:00 a.m. Wednesday;
  - d. 10:00 p.m. Wednesday and 7:00 a.m. Thursday;
  - e. 10:00 p.m. Thursday and 7:00 a.m. Friday; or
  - f. 12:01 a.m. and 7:00 a.m. on Saturday and Sunday.

C. Once a violation of any provision of this chapter has been verified by a police officer or other authorized person, the owner(s) of the property where the violation occurred may be subject to a violation of this chapter for allowing a subsequent violation of this chapter to occur on the property within 180 days after the date of the previous violation, provided the property owner has received

## ITEM 5.2 EXHIBIT A

written notification from the city of the previous violation and at least fourteen days have passed since the date the notification was mailed to the property owner(s).

D. A warning issued pursuant to paragraph A above shall be binding upon all existing residents of the property subject to the warning but shall not be binding upon future residents not residing on the property at the time the warning is issued.

E. If no other individual can be found to whom a citation can be issued for the second or continuing violation, a citation may be issued for the first violation to the individual to whom the warning was issued on the first response.

(Ord. 2195, Ord. 2298, Ord. 2331; Ord. 2434 §1, Ord. 2472 §3)

### **9.38.056 Noise from vehicles and bicycles.**

**Publisher's Note:**This Section has been **AMENDED** by new legislation (Ord. [2548](#), adopted 2-11-2020). The text of the amendment will be incorporated below when the ordinance is codified.

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A. No person shall use or operate any sound amplification system in or on a vehicle located within a public park, within a public parking lot, or on any other public property other than a highway within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such vehicle nor shall any person use or operate any such sound amplification system on or in a vehicle located on private property where the sound amplification system is audible to a person of normal hearing sensitivity more than twenty-five feet from the vehicle or beyond the property line of such private property, whichever is greater. Noise from a sound amplification system in or on a vehicle located on a public highway shall be regulated in the manner provided for by the California Vehicle Code.

B. No person shall use or operate any sound amplification system on or from a bicycle on any highway, within a public park, within a public parking lot, or on any other public property within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such bicycle.

C. Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall not be used when a vehicle is at rest, or when a situation endangering life, health, or property is not imminent.

D. Restriction of use or operation of any sound amplification system as prohibited within Section 9.38.056 B shall not apply to the downtown core bounded by 1st Street to the north, 5th Street to the south, Salem Street to the west and Wall Street to the east unless a complaint is first received of excessive noise resulting from any sound amplification system on a bicycle.

(Prior code §28.12 (Ord. 1106 (part), Ord. 1765 §2); Ord. 2195, Ord. 2414, Ord. 2548 §1)

### **9.38.060 Categorical exemptions.**

The following activities or sources of noise are exempt from the provisions of this chapter:

A. **Alarms and Warning Devices.** Any aural alarms or warning devices, including but not limited to fire alarms, burglar alarms and emergency vehicle sirens and air horns. However, if a standard or minimum noise level is prescribed for a particular type of aural alarm or warning device by the laws or regulations of the State of California, the noise emitted from such alarm or warning device shall not exceed such standard or minimum level by more than three (3) dBA.

B. **Construction and Alteration of Structures.**

1. Notwithstanding any other provision of this chapter, between the hours of ten a.m. and six p.m. on Sundays and holidays, and seven a.m. and nine p.m. on other days, construction, alteration or repair of structures shall be subject to one of the following limits:

## ITEM 5.2 EXHIBIT A

a. No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to twenty-five (25) feet from the equipment.

b. The noise level at any point outside of the property plane of the project shall not exceed eighty-six (86) dBA.

2. Notwithstanding any other provision of this chapter, including but not limited to subsection B.1 of this section, for new residential development projects, or construction, alteration or repairs taking place in commercial or industrial zones between June 15 - September 15, of each calendar year, work will be allowed between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays, and 6:00 a.m. and 9:00 p.m. on other days. Construction, alteration or repairs of structures shall be subject to one of the following limits:

a. No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to twenty-five (25) feet from the equipment.

b. The noise level at any point outside of the property plane of the project shall not exceed eighty-six (86) dBA.

C. Emergency Response Activities. Noise from emergency response activities.

D. Special Events at Which No Mechanical or Amplifying Equipment is Employed. Noise from special events conducted lawfully and without the use of sound of any kind that is mechanically produced or amplified or focused by any means.

E. Audio Equipment Used by Public Safety Officers. Noise from audio equipment used or operated by public safety officers in the performance of their duties.

(Prior code §28.6 (Ord. 1106 (part), Ord. 1456, Ord. 1499 §2, Ord. 1765 §4); Ord. 2195, Ord. 2472 §4)

### **9.38.070 Exemptions authorized by permit - Immediate compliance impractical or unreasonable.**

A. A conditional noise permit may be granted to temporarily exempt a particular source of noise from one or more provisions of this chapter if the applicant can show that, notwithstanding the application of all available noise abatement techniques, the immediate compliance by the applicant with one or more requirements of this chapter would be impractical or unreasonable. The term of a noise permit shall not exceed six months, provided that the term may be renewed upon a further showing of good cause and that any extension is conditioned upon a schedule of compliance with the requirements of this chapter, including the details of methods to effectuate that compliance.

B. Applications for a conditional noise permit shall be made to the department assigned by the city manager to process such permits upon a form provided therefor. Such application shall be processed in the following manner:

1. The city manager or the assigned department is empowered to deny any such application.

2. The city manager of the assigned department is empowered to approve an application subject to such conditions or limitations deemed advisable, taking into consideration the purpose and intent of this chapter, which approval shall be submitted to the city council at its next regular meeting. If the council does not reject the conditional approval by the city manager or the assigned department, then following the council meeting, the city manager or the assigned department will issue to the applicant the proposed conditional noise permit.

## ITEM 5.2 EXHIBIT A

C. This section shall apply to public agencies, including the city. However, the city manager or assigned department may issue a conditional noise permit to a public agency upon good cause shown and without referral to the city council if the proposed activity subject to the permit involves public health, safety, welfare or benefit.

(Prior code §28.7 (Ord. 1106 (part), Ord. 1499 §3); Ord. 2195)

### **9.38.080 Exemptions authorized by permit - Special events on public property with noise produced by mechanical or amplifying equipment.**

A. The public works director may issue a permit exempting from the requirements of this chapter any special event conducted on public property at which noise is produced by any mechanical or amplifying equipment which will, or is likely to, exceed the noise limits imposed by this chapter if the director determines that:

1. The event is of interest to a substantial number of persons residing in the city;
2. The event is open to all persons residing in the city, subject only to the payment of a reasonable fee, if any, by those persons attending the event; and
3. Compliance with this chapter would unreasonably interfere with the conduct of the event.

B. Applications for a permit under this section shall be filed with the director at least 14 days prior to the date the special event is to take place. Such application shall be in the form prescribed by the director and shall contain the name of the person or persons sponsoring the event, a description of the event, the date and times the event is scheduled to take place, and such other information as may be required by the director.

C. Following the filing of an application for a permit under this section, the director shall issue a permit granting such exemption if the director finds that such special event complies with all the requirements of this section. However, in approving and issuing such permit the director may impose reasonable conditions on the conduct of the special event, including limitations on the dates and times during which the event may take place, limitations on the level of noise produced at the event which shall not be more stringent than the limitations on noise produced on public property hereinbefore provided by this chapter, and a requirement that the permittee take reasonable measures as may be prescribed by the director to mitigate the adverse effect of the noise produced at the event.

(Prior code §28.8, Ord. 1106 (part), Ord. 1499 §4, Ord. 2054, Ord. 2136 §3, Ord. 2195, Ord. 2364 §99, Ord. 2439 §73)

### **9.38.090 Appeal.**

Any person aggrieved by the decision of any administrative officer empowered to administer the provisions of this chapter, except a decision to issue an administrative or criminal citation, may appeal the decision of any such officer to the city council in accordance with the provisions of Chapter 2.80 of this code.

(Prior code §28.9 (Ord. 1106 (part)), Ord. 2004 §9, Ord. 2195)

### **9.38.100 Enforcement.**

The city manager shall assign to an appropriate department or departments the duty of enforcing this chapter, and such departments are empowered to issue administrative or criminal citations for violations.

(Prior code §28.10 (Ord. 1106 (part)), Ord. 2195)

### **9.38.130 Violations - Penalties.**

## ITEM 5.2 EXHIBIT A

A. Any person violating, or causing or permitting a violation of, any of the provisions of this chapter is guilty of an infraction and shall be punished by a fine in the amount set forth by resolution of the city council pursuant to section 1.15.050 of this code. These minimum fines include the base fine and any and all fines, fees and assessments imposed by the Butte County Superior Court. A separate offense is committed for each and every hour or part of an hour during which any such violation is committed or caused or permitted to continue. Each offense is punishable separately from every other offense.

B. The administrative procedures for the imposition, enforcement, collection, and administrative review of civil fines for noise violations are established pursuant to Chapter 1.15 of this code.

C. A violation of this chapter shall be a misdemeanor and may be enforced by the filing of a criminal action by the city attorney if:

1. Within thirty (30) days from the issuance of a written citation, a second noise complaint is received from a citizen complainant;
2. A citizen complainant fills out and signs a statement form stating the manner in which the citizen was disturbed; and
3. The citizen complainant is willing to appear in court to testify if the charges are contested.

D. Subsection C shall not be applicable to a property owner when they do not reside or occupy the property where the noise violation has occurred and the property owner is entitled to receive rent or other valuable consideration for the use of the property, A property owner that meets the above conditions and continues to allow violations of this chapter shall be guilty of an infraction and may be subject to civil or administrative enforcement in accordance with Chapter 1.15 of this code. The city may defer or delay administrative action against any property owner who can demonstrate due diligence in preventing future noise violations, such as evicting those responsible for such violations.

(Prior code §28.13 (Ord. 1106 (part)), Ord. 2195) (Ord. 2434 §2, Ord. 2472 §5)

### **9.38.140 Violation - Additional remedies - Injunction.**

As an additional remedy, any violation of the provisions of this chapter is hereby declared to be a public nuisance and the city attorney is authorized to file an action to abate such nuisance in a court of appropriate jurisdiction in the manner provided by law.

(Prior code §28.14 (Ord. 1106 (part), Ord. 1707 §5))

## ITEM 5.2 EXHIBIT B

### **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))

## **ARTICLE III. RULES FOR BICYCLES**

### **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.

\*\*\*\*\*

### **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.04.220 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.04.370 Closure of parks, greenways and open spaces.**

A. Unless authorized by an approved permit, it is unlawful for any person to be present in any city of Chico or Chico Area Parks and Recreation District parks, greenways, or open spaces during the hours the parks, greenways, or open spaces are closed. Unless otherwise posted, closing hours shall be between the hours of 11:00 p.m. and 5:00 a.m.

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

1. Directly and actively proceeding to a destination outside of parks, greenways or open spaces.

2. A duly authorized city or Chico Area Park and Recreation District employee or persons participating in city activities or other activities for which the city or has provided written permission to utilize a park, greenway or open space beyond the closing time.

C. The city of Chico or Chico Area Park & Recreation District director may temporarily close its respective parks, greenways, or open spaces, or a portion of any park, greenway, or open space 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, greenway or open space, or portion of any park, greenway or open space, that has been temporarily closed by the director.

(Res. No. 95-06, Res No. 105-08) (Res. No. 31-13 §23; Res. No. 87-18 §3)

## **Chapter 12R.32**

### **VEHICLE USE IN PARKS AND PLAYGROUNDS**

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#### **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.**

**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 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.

(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.



## 5.2 EXHIBIT B

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)

# CITY OF CHICO

## PARK DIVISION

For the enjoyment of all visitors, please abide by the following rules:

**PARK AND GREENWAY HOURS: 5:00 A.M. - 11:00 P.M.**



Please properly dispose of trash.



No campfires or wood fires in BBQ's.



No excessive noise or loud music.



No glass containers or alcoholic beverages.



No smoking - including vapor products.



Dogs must be on a leash (except in designated areas and hours).



No drugs, illegal substances or drug paraphernalia.



No firearms or weapons.



No overnight camping or parking.

**WE APPRECIATE YOUR SUPPORT!**

This sign contains excerpts of Chico Municipal Code Regulations.  
For a complete list, please visit [www.chico.ca.us](http://www.chico.ca.us), or call 530-896-7800.



## ITEM 5.2 EXHIBIT D

### Last 90 Day Plan:

1. Bidwell Park (all areas) officially designated a “playground”
2. Noise Ordinance
3. Code of Conduct
4. New Signage
5. Phone/Text number throughout Park to report incidents
6. Enforcement

### Other Immediate: Needle Exchange

1. **Designate Official Playground** – while smoking is already illegal in the Park, people smoke anyway. By designating Bidwell Park a playground, it will enable Council to create local ordinances and support State ordinances with respect to marijuana use near schools, playgrounds, youth centers etc. Just a very public way to educate that you cannot smoke or possess Marijuana in the Park

Prop 64 – Activity not allowed - “possession of marijuana on the grounds of a school, day care center, or youth center while children are present”

2. **Noise Ordinance** – This should be easy. **No Amplified Music** in all City Parks and Waterways. This is done throughout the country, like LA County Beaches, Central Park, etc.

Music is a freedom of speech issue, so it is impossible to say no “vulgar language” that is so often found in the lyrics of some music, so other municipalities just create a rule of no amplified music

3. **Code of Conduct** - An example of possible Code language:

It is the mission of CITY OF CHICO, through the efforts of dedicated, well-trained employees to provide a safe and secure environment for its citizens and employees. The CITY OF CHICO has established a Code of Conduct to promote the safety and comfort of its citizens, to facilitate the proper use of city facilities and services, to protect City facilities and employees, and to ensure that City of Chico Public Areas are safe, secure and welcoming.

- No Camping
- No Solicitation or Panhandling
- No Amplified Music
- No Vulgar Language
- No Arguments & Loud Talking
- Conduct Oneself in a Civil Manner
- Drugs, Smoking and Alcohol Prohibited (marijuana and vaping included)
- No Weapons

## ITEM 5.2 EXHIBIT D

- No Glass Containers
  - Dogs on Leash (except during permitted times and areas)
4. **New Signage** - Desperately needed. Large Signs at all Auto entrances, and smaller signs at pedestrian entrances. Include major rules and Code of Conduct (on larger signs). Please refer to LA County Beaches signs as an example.
5. **Phone/Text number throughout Park to report incidents** – Smaller signs should be throughout Park, so Citizens can report suspicious activity immediately
6. **Enforcement** – Look at contract with Sheriff's Department or Private Security. Empower Rangers and all enforcement agencies (including private) to actually right tickets for smoking and noise violations. We do not need to target the homeless, but all in the Park need to be accountable and follow the rules.

**From:** [Old River Road](#)  
**To:** [Linda Herman](#)  
**Subject:** BPPC agenda request  
**Date:** Sunday, February 20, 2022 2:46:03 PM

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Hi Linda:

I would like to place the following on the Agenda:

I would like the Commission to discuss allowing the downtown city plaza stage to be free for people who would like to play **acoustic** music. Permit would be free, they can sign a liability waiver, etc. Of course, if City Plaza reserved, this would not be available.

This would accomplish two (2) goals that I can think of right now. One, it would create a nice activity for downtown where artists can set up and play. (tip jars allowed) and two, it would be an alternative to groups/individuals that set up in the Bidwell Park area and break the noise ordinances and disturb others peace.

This happens frequently in the Park. A recent example is Sunday, February 20, when an instructor had a drum class in the middle of Sycamore Field that could be heard all the way to the One Mile Swimming Area, let alone the residences south of the field.

Please confirm receipt.

Thank you,

Jeff

From: [Old River Road](#)  
To: [Linda Herman](#)  
Subject: another agenda item  
Date: Thursday, February 24, 2022 1:21:40 PM

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Hi Linda:

If no one else is requesting any additional agenda items, I would like to request allowing a "mobile coffee shop" to set up at the Sycamore Pool area in the mornings. Discussion would involve whether a fee is charged, a few tables would need to be supplied as part of deal, giving up a couple parking spaces for this, etc.

Something like the attached. Attractive, cute, a value-ad for the Park.

Please confirm receipt.

Thank you,

Jeff





DATE: 3/23/22  
TO: Bidwell Park and Playground Commission (BPPC)  
FROM: Linda Herman, Park and Natural Resources Manager  
SUBJECT: Parks Division Report

## NARRATIVE

### 1. Updates

- a. Caper Acres Shade and Resurfacing Project- The Nico Shade and Resurfacing project in Caper Acre is back on track after experiencing high groundwater levels and winter rains. The posts for the shade sails have been installed and the pour in place playground surfacing will be scheduled over the next week. We are hoping to have the project completed by CARD's Spring Jamboree event on April 16, 2022
- b. Graffiti – Bidwell Park and other City parks and greenway have seen a tremendous amount of graffiti on signs, benches, picnic tables, Highway 99 overpass, and other park amenities.
- c. Prescribed Burns – The Mechoopda Tribe of Chico Rancheria TEK group, CSU, Chico Professor Don Hankins, and the CSU, Chico Big Chico Creek Ecological Reserve fire strike team conducted a very successful cultural “micro-burn” of deer grass and other native plants in Verbena Fields. Chico Fire and the Park Division are also planning to conduct some additional prescribed burns in Middle and Upper Park this Spring.
- d. Upper Bidwell Park Road Project – Staff has been working on preparing the regulatory permits, the construction bid documents and scheduling the required biological surveys for the Upper Bidwell Park Road Project. Construction is anticipated to start in early June.

### 2. Maintenance Program

Staff provides on a need and time basis the cleaning and safety inspections of all recreation areas including grounds, playgrounds, picnic sites, roads, and paths, coupled with the weekend cleaning and re-supplying of all open park restrooms. Maintenance and repair of park fixtures, daily opening of gates, posting reservations and the removal of graffiti from all park infrastructure.

- a. Lower Park: Repainted most of the men's room the south side of One Mile Recreation Area due to graffiti. Replaced 7 one-way signs that were missing or vandalized. Imported 24 tons of crushers dust to the One Mile Oak Grove A & B reservation area to bring it back up to grade. Leafed lawns at Camellia, Kiwanis, One Mile, Caper Acres and Cedar Grove. Traced down and repaired a broken power line to the irrigation controller at 4th St. main entrance. Replaced a swing at One Mile. Had new ladders installed in Sycamore Pool. Removed the top portion of the damaged slide on the Bird Cage play equipment in Caper Acres so that it can be repaired.
- b. Middle Park: Leafed lawns and the Five Mile Recreation Area.
- c. Upper Park Removed tree from Annie B trail. Repaired break in fence on Wildwood Dr. Finished prepping and delivered all of the new proposed metal Upper Park swimming hole signs to be powder coated.
- d. Greenway Parks: Assisted the encampment cleanup crew with picking up trash at various locations.
- e. Upcoming projects: Fabricate and install lower brackets for the new ladder in Sycamore Pool. Install the remaining 9 tables damaged in the October storm at the One Mile reservation area. Complete the repair by the manufacturer to the upper portion of the slide on the Bird Cage in Caper Acres. Start flail mowing. Start checking and repairing irrigation for Spring turn on.

### 3. Ranger and Lifeguard Programs

- a. Ranger Program– Senior Sworn Ranger Dylan Bradford and non-sworn Ranger Brett Gladson continue to patrol Bidwell Park and city greenways while sworn Ranger candidate Joel Holmes continues his academy training. The recruitment for a third sworn ranger is in process.

### 4. Volunteer and Donor Program

- a. Cats in the Community – On March 31, for Cesar Chavez Day, the Parks Division will host students from CSU, Chico, that are participating in the Cats in the Community Day of Service event. The participants will give back to the community in a collective effort to cleanup parks and greenways, downtown, campus neighborhoods, and community gardens.
- b. Little Chico Creek Elementary tree planting – On March 10<sup>th</sup>, Parks staff assisted approximately 25 5<sup>th</sup> grade students and their teacher in planting 2 Sycamore trees donated by the Street Trees Division beside Little Chico Creek. The tree planting was a component of the class project for the Cal Water H2O challenge to help protect and restore local waterways.
- c. Work Training Center – Volunteers and staff for from the Work Training Center at Nexus have started weekly visits on Mondays to Caper Acres to help remove weeds. The volunteers are developmentally disabled adults that are high functioning, verbal, and ambulatory. They are having a wonderful time helping in the park.
- d. Donations – Donations that were received by the Parks Division included the continued monthly \$250 donation from Peter Washington.
- e. Upcoming Volunteer Opportunities –
  - i. 2<sup>nd</sup> Annual Chico Spring Clean – The City of Chico is proud to announce that the Chico Spring Clean will be held on **Saturday, April 30<sup>th</sup> from 9:00 a.m. to 12:00 p.m.** This annual community cleanup event is in its second year and was inspired by the Chico City Council. Volunteers may sign up for designated community sections, such as areas of Bidwell Park or downtown Chico, or they may clean up in their own neighborhood.  
  
For additional information and to sign up for the event, please visit The Chico Spring Clean webpage at <https://chico.ca.us/chico-spring-clean-day> by April 22, 2022. Volunteers will receive a free t-shirt while supplies last and are invited to enjoy a BBQ lunch at Hooker Oak Park at the conclusion of the event.
  - ii. Volunteer Calendar – To find out about upcoming volunteer events please [CLICK HERE](#) or visit <https://www.chico.ca.us/post/volunteer-calendar>



## MONTHLY SUMMARY TABLES

**Table 1. Monthly Volunteer Hours**

Parks, Trees and Greenways -PALS- (Partners, Ambassadors, Leaders & Stewards) Volunteer Activities, Feb. 22							
Date	Location	Partner/Agency	# of Volunteers	Hrs. Worked	# of Vols Xs Hrs. = Total Hrs.	Task	Leader
Various	Chico Parks and Greenways	PALS	105	N/A	963	Park Ambassadors	Shane Romain
2/4/2022	Comanche Creek	FOCCG	4	4	16	General Cleanup	Liz Stewart
2/4/2022	Verbena Fields	TEK	8	3	24	Veg. Mgmt.	Cathryn Carkhuff
2/6/2022	B trail	Velo Trailworks	17	3	51	Trail Maint.	Mike Matiassek
2/8/2022	Guardian Trail	Velo Trailworks	2	4	8	Trail Maint.	Thad Walker
2/11/2022	Comanche Creek	FOCCG	5	4	20	General Cleanup	Liz Stewart
2/11/2022	Verbena Fields	TEK	16	3	48	Veg. Mgmt.	Cathryn Carkhuff
2/13/2022	Lower Park	PALS Ivy League	4	3	12	Veg. Mgmt.	Kevin Seeger
2/18/2022	Verbena Fields	TEK	21	3	63	Veg. Mgmt.	Cathryn Carkhuff
2/19/2022	Comanche Creek	FOCCG	5	4	20	General Cleanup	Liz Stewart
2/20/2022	Guardian Trail	Velo Trailworks	4	4	16	Trail Maint.	Thad Walker
2/25/2022	Comanche Creek	FOCCG	3	5	15	General Cleanup	Liz Stewart
2/18/2022	Verbena Fields	TEK	26	3	78	Veg. Mgmt.	Cathryn Carkhuff
2/20/2022	Guardian Trail	Velo Trailworks	6	4	24	Trail Maint.	Steven Clipperton
2/28/2022	Caper Acres	Work Training Ctr.	7	3	21	Veg. Mgmt.	Shane Romain
				<b>TOTAL HRS.</b>	<b>1379</b>		

**Table 2. Monthly Parks and Greenways Cleanup totals**

Parks and Greenways Cleanups, Feb 2022									
Date	Location	Coop. Org.	# of Staff	# Workers/ Vols.	Total People	Hours Worked	People Xs Hours Total	Total Debris (cubic yards)	Total Debris (lbs)
2/2/2022	Depot Park		2		2	1.5	3	3	
2/2/2022	Annie's Glen		2		2	1.5	3	5	
2/2/2022	Middle Park		2		2	3	6	3	
2/9/2022	Council Chambers		3		3	2	6	7	990 lbs
2/11/2021	Raley Blvd		2		2	3	6	10	
2/9-2/11/22	5 Mile		2		2	8	16	10	
2/16/2022	Bike path E Lassen Panama		6		6	3	18	15	
2/16/2022	Windchime		4		4	2	8	10	
2/18/2022	Raley Blvd		2		2	2	4	3	
2/18/2022	Annie's Glen		2		2	2	4	3	
2/23/2022	Annie's Glen		2		2	2	4	3	
							<b>TOTAL HRS</b>	<b>TOTAL DEBRIS YARDS</b>	<b>TOTAL LBS</b>
							<b>78</b>	<b>72</b>	<b>0</b>

**Table 3. Monthly Public Permits**

<b>March</b>				
<b>Date</b>	<b>Location</b>	<b>Organization</b>	<b>Event</b>	<b>Participant #</b>
03/05/22	One Mile	Fleet Feet	Bidwell Classic	1,001
03/26/22	One Mile	Kristina Chesterman Memorial Foundation	5K/10K Run/Walk	100
<b>Totals</b>				<b>1,101</b>
<b>April</b>				
<b>Date</b>	<b>Location</b>	<b>Organization</b>	<b>Event</b>	<b>Participant #</b>
04/09/22	One Mile	Bridging the Gap4Water	Walk4Water	500
04/17/22	Upper Park - Easter Cross	Life Church	Annual Sunrise Service	100
04/23/22	One Mile	Women's Resource Clinic	Walk for Life	199
04/23/22	City Plaza	Butte Environmental Council	Community Parade and Festival	250
04/30/22	One Mile	Enloe Foundation	Heart & Sole: Run for Wellness	750
<b>Totals</b>				<b>1,799</b>

**Table 4. Monthly Private Permits**

<b>Type</b>	<b># Permits</b>	<b># Participants</b>
Private	2	55
Caper Acres	13	239
<b>Totals</b>		<b>294</b>

# PHOTOGRAPHS



**Figure 1: Little Chico Creek Elementary (LCC) Students**



**Figure 2: LCC students tree planting**



**Figure 3: Cracked slide top on the ground**



**Figure 4: Nico Project Shade Sail Posts**



**Figure 4: Crusher's dust before**



**Figure 5: Crusher's dust during**



**Figure 6: Crusher's dust after**



**Figure 8: Work Training Center Volunteers**



**Figure 9: Graffiti on Hwy 99 overpass in Lower Bidwell**



**Figure 10: Verbena Field Cultural Burn**



DATE: 03/28/22  
TO: Bidwell Park and Playground Commission (BPPC)  
FROM: Richie Bamlet, Urban Forest Manager  
SUBJECT: Tree Division Report

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## NARRATIVE

### 1. Updates

- a. Canopy analysis – As part of the Urban Forest Master Plan development process, the total canopy cover of Chico in the built-out areas has been assessed at 36%. By comparison, City of Sacramento has 19.1%
- b. Maintenance Aide – Mit Massa started an hourly position with Tree Division. Mit will water recently planted trees in areas of the city where there is no irrigation.
- c. Service requests - In February 37 calls for tree service were received. Ten were related to hanging or fallen limbs.

### 2. Planning/Monitoring

- a. Damage Reports One damage report was sent to Risk management in February.

### 3. Planning and Building Development

- a. Landscape development comments included plant specimen minimum sizes, landscape installation standards and species choices to avoid selecting tree types that are over-represented in the Chico landscape.

### 4. Miscellaneous

- a. Urban Forest Revitalization Project: Shade trees- Public Works continues to accept citizen requests for new shade trees ahead of the next community tree planting event April 9, 2022. Residents wishing to receive a new shade tree should contact Butte Environmental Council at [urbanforest@becnet.org](mailto:urbanforest@becnet.org) or call (530) 891 6424
- b. From Seed to Shade - Chico's Next Generation Urban Forest: - City of Chico is in negotiation with CalFire on contractual items for the grant award of \$604,681. This is an exciting new project that will provide 500 shade trees in the public right-of way and 500 residential trees including 300 backyard fruit trees. Several partnerships are being developed including Enloe Medical Foundation as well as various non-profit and contractual partners. Fair Street Nursery will administer the Backyard Fruit Tree program.
- c. Tree Preservation during utility maintenance operations: - City of Chico along with representatives from Chico Tree Advocates were able to successfully renegotiate a Scope of Work developed by PG&E adjacent to the Enloe medical campus. The original scope included the removal of a mature Camphor tree as part of a gas line maintenance project. The Scope was modified to enable the tree to be retained.

**5. Maintenance**

- a. Mulch – New mulch is being added to recently planted trees in the right-of-way as part of the maintenance requirement of the current CalFire grant. Mulch plays an important role in hot Mediterranean climates such as Chico. The mulch helps to suppress weeds and creates an insulation layer that prevents supplemental water from evaporating before tree roots can access it. The 3% low rate of tree mortality is testament to the success of this effort.
- b. Structural pruning - Tree Division was able to do structural pruning on young to medium age trees. These trees are small enough to not require extensive work using chainsaws from elevated bucket trucks. This is important work that pays dividends by reducing the future maintenance burden on city owned trees. Trees respond by growing with improved structure and are less likely to need extensive and more time-consuming maintenance in the future. See Figure 1 for before and after comparison.






**6. Outreach, Training and Education**

- a. Neighborhood outreach – Butte Environmental Council sent out 500 mailers to residential properties to raise awareness of the community free tree campaign. Properties were selected based on survey results from the Citywide tree inventory completed in 2020. Properties with at least one vacant planting site in or adjacent to the public right-of-way were contacted. Response to mailer campaigns is typically low. This campaign resulted in a 1% sign-up response.
- b. Backyard Fruit Tree Program – As part of a test run to develop program logistics, City of Chico celebrated California Arbor week with the promotion of a free fruit tree giveaway. Fair Street Nursery hosted the event. 30 fruit trees including peach, apple, plum and cherry were given away to Chico residents. The program was very well received.
- c. Mulch giveaway – Tree Division is currently organizing a large delivery of chip mulch to be delivered to the CSU University farm. The mulch will be used for weed suppression.
- d. SurveyMonkey – The UFMP survey is still open for public comments. The link to the survey is:  
<https://www.surveymonkey.com/r/ChicoBosquesUrbanos> Spanish version.  
<https://www.surveymonkey.com/r/ChicoUFMP> English version  
 To date, 306 surveys have been completed.

**7. Street Tree Supervisor Report**

- a. The Street Tree Supervisor's monthly summary data tables for February are included below:

**Table 1: February Staff hours**

Category	Staff Hours	% of Total	% Change from Last Month	Trend
<b>Tree Crew Hours</b>				
1. Safety	189	30.8%	150.6%	
2. Tree Work	293	47.8%	75.9%	
3. Special Projects	43.5	7.1%	37.0%	
4. Admin Time/Other	88	14.3%	214.6%	
<b>Monthly Totals</b>	<b>613.5</b>	<b>100.0%</b>	<b>91.6%</b>	

**Table 2: February Staff productivity**

Item	Values	% Change from Last Month	Trend
<b>5. Productivity</b>			
<b>Calls</b>			
Call Outs	36	46.2%	▣▣
Service Requests: Submitted	0	-	
Service Requests: Completed	37	78.7%	▣▣
Sub Total	0	-	
<b>Trees</b>			
Planted: Trees	1	-	▣
Pruned	192	146.6%	▣▣
Removed: Trees (smaller)	0	-	
Removed: Stumps	0	-	
Removed: Trees	2	8.7%	▣-
Sub Total	195	126.6%	▣▣
<b>Tree Permits (#)</b>			
Submitted	9	225.0%	▣▣
Approved	5	500.0%	-▣
Denied	2	-	▣
Total	16	320.0%	-▣
<b>6. Contracts</b>			
Expenditures (\$)	\$ 85,265	-	▣
<b>Trees (#)</b>			
Planted	0	-	
Pruned	0	-	
Removed: Trees (smaller)	0	-	
Removed: Stumps	0	-	
Removed: Trees	0	-	
Routine Maintenance	0	-	
Total	0	-	

**8. Upcoming Issues:**

- a. A program of landscape rehabilitation work is being scheduled for the central median on Cal Park Drive. Work will include removal of dead and dying trees as well as new irrigation, trees and plants. Tree removal work is anticipated to start April 18, 2022. Following tree removal and stump grinding, irrigation repair will begin with an objective to get the median ready for installation of replacement landscape.
- b. City of Chico and Butte Environmental Council are preparing for the Spring community tree planting event April 9<sup>th</sup>. Volunteers can sign up at [becnet.org/urbanforest](http://becnet.org/urbanforest). The last date to sign up is March 28. So far over 60 trees have been reserved by residents in locations throughout Chico.
- c. The first draft of the Urban Forest Master Plan is scheduled to be completed in April. The draft will be circulated to BPPC and made available to the public for comments and feedback. A presentation to BPPC by Dudek is tentatively scheduled for the May meeting.

## PHOTOGRAPHS



**Figure 1: Before and after photo of maple tree. Structural pruning for long-term community benefits.**



**Figure 2: Tree Division staff with new 24" box Holly oak tree and expanded planter. Flume street.**