



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

Regular Meeting Agenda  
April 25, 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 3/28/22.

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

**4. NOTICED PUBLIC HEARINGS NONE**

**5. REGULAR AGENDA**

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

At its 3/28/22 meeting, the Bidwell Park & Playground Commission reviewed the Chico Municipal Code regulations regarding bicycle and traffic safety in Bidwell Park. The Commission will continue its review of the CMC codes regarding noise, signage, and open carried weapons. (**Report – Linda Herman, Park & Natural Resources Manager**)

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

**5.2. CONSIDERATION OF A PERMIT OPTION FOR COFFEE VENDORS AT SYCAMORE POOL AREA IN LOWER BIDWELL PARK.**

At its 3/28/22 meeting, the Bidwell Park & Playground Commission (BPPC) considered Chair Glatz's request that coffee vendors be allowed in the Sycamore Pool area in Lower Bidwell Park. The Commission approved the concept and directed staff to proceed with obtaining bids for the vending service. The Commission will consider another option of issuing vend, peddle, hawk permits for this purpose instead of a competitive bid process. (**Report – Linda Herman, Park & Natural Resources Manager**)

**Recommendation:** Park & Natural Resources Manager recommends that the BPPC consider using the vend, peddle, hawk permit process for the coffee vending, or provide other direction to Staff

### **5.3. REPORT ON THE AMERICAN RESCUE PLAN ACT FUNDING**

At its 3/28/22 meeting, Commissioner Alexander requested a list of any park and greenway related projects that may have received American Rescue Plan Act (ARPA) funds. The Commission is being provided a fund summary of the revenues and expenses for these funds. **(Report – Linda Herman, Park & Natural Resources Manager)**

**Recommendation:** None, this is an informational item only.

### **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 **May 23, 2022** at 6:00 P.M. in the Council Chamber of the Chico Municipal Center building located at 421 Main Street, Chico, California. ***Please note that this meeting is not on the last Monday of the month due to Memorial Day holiday.***



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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  
MARCH 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:**

Linda Herman (Park and Natural Resource Manager)  
Kathleen Collier (Administrative Assistant)

**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.

Motion was made by Commissioner Willis 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 – 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) considered 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 recommended that the BPPC approve CEA's request.

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Deni Whiting answered questions posed by the Commission.

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A motion was made by Chair Glatz to approve CEA's request. 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

## **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 began 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 recommended that the BPPC review the list of CMC Sections and provide direction to Staff or recommendations to the City Council.

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There were no comments from the public on this item.

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Motion was made by Commissioner Willis to hold off on a speed limit change in the park until a traffic survey could be completed. Commissioner Willis subsequently withdrew his motion.

Motion was made by Commissioner Wolfe for the City to conduct a traffic survey, including e-bikes, of Lower Bidwell Park. 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

Motion was made by Vice Chair Thomas Petty to reduce the speed limit in Lower Bidwell Park to 15 mph. Chair Glatz seconded.

The motion carried as follows:

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

NOES: Commissioner Shadley and Commissioner Willis.

ABSENT: None

Motion was made by Chair Glatz to include Upper Bidwell Park in the traffic survey. Commissioner Shadley seconded.

The motion carried as follows:

AYES: Commissioner Shadley, Commissioner Alexander, Commissioner Wolfe, and Chair Glatz.

NOES: Vice Chair Thomas Petty and Commissioner Willis.

ABSENT: None

**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)***

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There were no comments from the public on this item.

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Commission requested research/outreach with the Downtown Chico Business Association (DCBA) regarding daily events at City Plaza.

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Commissioner Wolfe left the meeting.

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**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)***

Motion made by Commissioner Shadley to go out to bid for a coffee shop or cart in One Mile (separate from the existing concession agreement). Commissioner Willis seconded.

Motion carried as follows:

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

NOES: None

ABSENT: Commissioner Wolfe

**6. BUSINESS FROM THE FLOOR**

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Tim Edwards 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**

Motion made by Commissioner Alexander for Staff to provide a list of any Park and Greenway items on which ARPA funds have been spent. Commissioner Willis seconded.

Motion carried as follows:

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

NOES: None

ABSENT: Commissioner Wolfe

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

**8. ADJOURNMENT**

Adjourned at 7:26 pm to the next regular BPPC meeting on April 25, 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:

\_\_\_\_\_  
Kathleen Collier, Administrative Assistant  
Distribution: BPPC

\_\_\_\_\_  
Date



## BPPC Staff Report

Meeting Date: 4/25/22

DATE: 4/21/22  
TO: Bidwell Park and Playground Commission  
FROM: Linda Herman, Park and Natural Resources Manager  
SUBJECT: REVIEW AND CONSIDERATION OF CHICO MUNICIPAL CODE REGULATIONS REGARDING PARK RULES

### REPORT IN BRIEF:

At its 3/28/22 meeting, the Bidwell Park & Playground Commission reviewed the Chico Municipal Code regulations regarding bicycle and traffic safety in Bidwell Park. The Commission will continue its review of the CMC codes regarding noise, signage, and open carried weapons.

**Recommendation:** Park & Natural Resources Manager recommends that the BPPC review the remaining 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

On 3/38/22, the Commission noted that the Commission has already made recommendations on the park closing times and the Drug Free Zones. So, the Commission focused their discussion on bicycle and road safety in Bidwell Park and made the following recommendations:

1. That the City conduct a traffic analysis of Lower Bidwell Park and to include reviewing e-bikes.
2. To reduce the speed limit in Lower Bidwell Park to 15 mph.
3. To include Upper Bidwell Park in the traffic analysis.

The BPPC continued discussion of the following remaining CMC topics to their April meeting:

CMC Code Section	Topic	Notes/BPPC Actions
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.

For the Commission's discussion, copies of the CMC pertinent provisions for the above referenced topics are attached as Exhibits A and B. More information regarding openly carried knives, etc. is attached as Exhibit C. Currently violations of CMC sections are enforceable by an infraction or a misdemeanor depending on the Code section.

Staff is requesting that the BPPC review the list of above CMC Sections and provide direction to Staff or recommendations to the City Council.

**ATTACHMENTS:**

- Exhibit A: CMC 9.38 Noise Restrictions
- Exhibit B: CMC 12R.04 Pertinent Regulations
- Exhibit C: CA Open carry Knife Regulations



## 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 5.1 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 5.1 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 5.1 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 5.1 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 5.1 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 5.1 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 5.1 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 5.1 - EXHIBIT B

### **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)

## EXHIBIT C – CALIFORNIA LAW REGARDING CARRYING KNIVES

California knife laws break down into 3 categories of devices. These are:

1. knives that may be worn **openly but not concealed**,
2. knives that can be carried **both openly and concealed**, and
3. knives that are **always illegal to carry**.

The first category pertains to “[dirks and daggers](#)” that can be used as stabbing weapons. A “[dirk](#)” or “[dagger](#)” is:

- any **knife** or other instrument with or without a handguard,
- that is capable of **ready use** as a stabbing weapon, and
- may inflict [great bodily injury](#) or death.

Examples of these knives include:

- daggers,
- stilettos,
- chef’s knives,
- ice picks,
- fixed blade knives,
- bowie knives,
- knitting needles, and
- scissors.

In California you can carry **folding knives** (other than switchblades) concealed on their person and freely in the open as long as the knives are in the folded position. And it does not matter how long the blade is. Folding knives include pocketknives, Swiss army knives, box cutters, and other “utility” knives. People open folding knives by putting pressure on the blade, and there is resistance in opening the blade.

California knife laws say that it is always illegal to possess, sell, manufacture, and import the following types of knives:

- ballistic knives, per Penal Code 21110 PC,
- belt-buckle knives, per Penal Code 20410 PC,
- a lipstick case knife, per [Penal Code 20610 PC](#),
- cane swords/cane knives, per [Penal Code 20510 PC](#),
- shobi-zues, per [Penal Code 20710 PC](#),
- an air gauge knife, per [Penal Code 20310 PC](#),
- writing pen knives, per [Penal Code 20910 PC](#),
- switchblades, a spring-blade knife, spring-loaded knives, and a gravity knife, per California Penal Code 21510 PC (with a blade two inches or longer), and
- undetectable knives (which are made from materials that cannot be detected by metal detectors), per Penal Code 20810 PC.<sup>8</sup>

In addition to the above rules, State laws **prohibit** people from carrying some knives into:

1. public buildings, per [Penal Code 171b PC](#),
2. schools, per [Penal Code 626.10 PC](#), and
3. certain federal property.

Further, California law makes it a crime for a person to:

1. “**brandish**” a knife, per [Penal Code 417 PC](#), and
2. use a knife in committing an **assault**, per [Penal Code 245a1](#).

The possession, sale, manufacture, or import of any other prohibited knife is a **wobbler**, meaning it can be charged as a misdemeanor or a felony.

**Misdemeanor offenses** are punishable by:

- up to one year in county jail, and/or
- a fine of up to \$1,000.

**Felony offenses** are punishable by:

- 16 months to three years in county jail, and/or
- a maximum fine of \$10,000.



DATE: 4/22/22  
TO: Bidwell Park and Playground Commission  
FROM: Linda Herman, Park and Natural Resources Manager  
SUBJECT: CONSIDERATION OF A PERMIT OPTION FOR COFFEE VENDORS AT SYCAMORE POOL AREA IN LOWER BIDWELL PARK

## REPORT IN BRIEF:

At its 3/28/22 meeting, the Bidwell Park & Playground Commission (BPPC) considered Chair Glatz's request that coffee vendors be allowed in the Sycamore Pool area in Lower Bidwell Park. The Commission approved the concept and directed staff to proceed with obtaining bids for the vending service. The Commission will consider another option of issuing vend, peddle, hawk permits for this purpose instead of a competitive bid process.

**Recommendation:** Park & Natural Resources Manager recommends that the BPPC consider using the vend, peddle, hawk permit process for the coffee vending, or provide other direction to Staff.

**FISCAL IMPACT:** None at this time

## BACKGROUND:

Chico Municipal Code Section 14.60 provides for the issuance of permits to allow the sale of food, beverages and cut flowers only on City sidewalks and streets (See Exhibit A). The City's Engineering Division currently administers these permits, which is called a vend, peddle, hawk permit program. The Code also provides for a permit to be issued in Bidwell Park if approved by the BPPC. The requirements to obtain a vending permit for City streets and sidewalks include:

1. Submittal of a permit application (see attached Exhibit B)
2. Obtaining comprehensive general liability insurance listing the City as an additional insured.
3. Obtaining a health permit from the Butte County Department of Environmental Health
4. Obtaining a City of Chico Business License
5. Payment of an initial permit fee, which is currently \$196.50 upon submittal of the application.
6. The permit is for valid for one year and can be renewed by paying an annual renewal fee, which is currently \$144.50.
7. Once a permit is obtained, the vendor can vend between the hours of 7:00 a.m. and 9:00 p.m. on most and sidewalks and streets, and between 6:30 a.m. and 2:30 a.m. in the downtown area.

## DISCUSSION:

Staff is proposing that the BPPC consider the vend, peddle, hawk permit process to solicit potential coffee vendors for the Sycamore Pool area rather than solicit bids, with the following suggestions:

1. That the vending hours be from 6:30 or 7 am to 10 or 11 am to not compete with the One Mile concessionaire hours.
2. That only one vendor or permit be allowed at any given time, with the possibility of rotating vendors either every year or maybe every 6 months if several applications are submitted.

## ATTACHMENTS:

- Exhibit A: CMC14.60
- Exhibit B. Vend, Peddle, Hawk Application

ITEM 5.2 EXHIBIT A  
Chapter 14.60

**USE OF CITY STREETS AND SIDEWALKS FOR SALES OF FOOD, CUT FLOWERS,  
BEVERAGES,**

**OR MERCHANDISE AND/OR RENTALS OF EQUIPMENT OR OTHER THINGS**

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Section:

- 14.60.010 Purpose.
- 14.60.015 Director.
- 14.60.020 Administration by director.
- 14.60.025 Administrative review of determination or action of director by city manager.
- 14.60.030 Appeal from decision of city manager to city council.
- 14.60.040 Definition of central business district.
- 14.60.050 Prohibition on sales or rentals from city streets and sidewalks without permit or franchise.
- 14.60.060 Exceptions to prohibition on sales or rentals from city streets and sidewalks without permit or franchise.
- 14.60.070 Permits authorizing sales of food, cut flowers, and beverages from city streets, sidewalks and parking lots.
- 14.60.080 Applications for permits.
- 14.60.090 Action on applications for permits - Approval of application and issuance of permit.
- 14.60.100 Action on applications for permits - Denial of application.
- 14.60.110 General conditions of permits - Comprehensive liability insurance.
- 14.60.115 General conditions of permits - Hours of operation.
- 14.60.120 General conditions of permits - Operations restrictions.
- 14.60.130 Special conditions of permits.
- 14.60.140 Term of permits.
- 14.60.150 Revocation or suspension of permits.
- 14.60.160 City council franchises authorizing sales and rentals from city streets, sidewalks and other city property.
- 14.60.170 Applications for city council franchises.
- 14.60.180 Transmittal of applications for city council franchises to city council for hearing and action.
- 14.60.190 Notice of hearing on city council franchises.
- 14.60.200 City council hearing and action on application for city council franchises.
- 14.60.210 General conditions of city council franchises - Comprehensive liability insurance.
- 14.60.220 General conditions of city council franchises - Places, times and other conditions of operation.
- 14.60.230 General conditions of city council franchises - Right of franchisees to grant licenses to other persons.
- 14.60.240 Special conditions of city council franchises.
- 14.60.250 Effect of city council franchises on sales by permittees.
- 14.60.260 Revocation of city council franchises.
- 14.60.270 Compliance by permittees or franchisees with other city laws and regulations.
- 14.60.280 Violations.

## ITEM 5.2 EXHIBIT A

### **14.60.010 Purpose.**

This chapter is adopted pursuant to the municipal affairs provisions of the city charter for the purpose of regulating the sale of food, cut flowers, beverages, or merchandise and/or the renting of equipment or other things on and from a city street, sidewalk or other city property.

(Ord. 1925 §2 (part), Ord. 2287)

### **14.60.015 Director.**

The term “director,” as used in this chapter, means the director of the public works department.

(Ord. 2364 §209, Ord. 2439 §101)

### **14.60.020 Administration by director.**

The director shall have primary responsibility for the administration of the provisions of this chapter. In carrying out such responsibilities the duties of the director shall include, but not be limited to, acting on all applications for a permit authorizing sales of food, cut flowers, or beverages on and from a city street or sidewalk, revocation of a permit where the permittee is selling food, cut flowers, or beverages on and from a city street or sidewalk contrary to the terms and conditions of such permit or is otherwise in violation of any state or city law or regulation applicable thereto.

(Ord. 1925 §2 (part), Ord. 2012 §4 (part), Ord. 2136 §3, Ord. 2287, Ord. 2364 §210)

### **14.60.025 Administrative review of determination or action of director by city manager.**

A. Right to Administrative Review. Any person aggrieved by a determination made or action taken by the director pursuant to this chapter may apply for administrative review of such determination or action.

B. Applications for Administrative Review. Applications for such administrative review shall be in writing and shall be filed in the office of the city manager no later than 15 days following the date such determination or action was made or taken, or where written notice of such determination or action is required to be served, the date such notice is served. However, the city manager may extend the time for filing an application for good cause shown. Each application shall identify the determination made or action taken for which review is sought, state the reasons why the applicant believes that such determination or action does not comply with the provisions of this chapter, and set forth the relief requested from such determination or action.

C. Decision on Application for Administrative Review. When an application for administrative review is filed under this section, the city manager shall consider the application and render a decision affirming, reversing or modifying the determination or action of the director. Prior to rendering a decision, the city manager may, with sole discretion, convene an informal hearing for the purpose of reviewing evidence or hearing arguments bearing on such decision. Notice of the date, time, and place of such hearing shall be given to the director and the person who filed the application for administrative review within a reasonable time prior to such hearing. After rendering a decision, the city manager shall promptly inform the director of the decision and shall cause a notice of the decision to be served on the person who filed the application for administrative review.

D. Stay of Determination Made or Action Taken by Director Pending Administrative Review. Any determination made or action taken by the director in accordance with this chapter, except for an order to stop work issued by the director or the commencement or prosecution of work by the director to remove or remedy a condition in a public right-of-way or public service easement which threatens the safety of life or property, shall be stayed pending a decision of the city manager on an application for administrative review of such determination or action.

(Ord. 2141 §2, Ord. 2268, Ord. 2364 §211)

### **14.60.030 Appeal from decision of city manager to city council.**

Any person aggrieved by any decision rendered by the city manager pursuant to this chapter may appeal to the city council pursuant to Chapter 2.80 of this code.

(Ord. 2141 §2)

### **14.60.040 Definition of central business district.**

The term “central business district,” as used in this chapter, shall mean that portion of the city located between Big Chico Creek on the north, Little Chico Creek on the south, the centerline of Flume Street on the east and the centerline of Normal Street on the west.

(Ord. 1925 §2 (part))

### **14.60.050 Prohibition on sales or rentals from city streets and sidewalks without permit or franchise.**

Except as provided in this chapter, it is unlawful for any person to sell any food, cut flowers, beverages, or merchandise and/or to rent equipment or other things on and from any city street, sidewalk or other city property without a permit or franchise issued or adopted in the manner hereinafter provided by this chapter.

## ITEM 5.2 EXHIBIT A

(Ord. 1925 §2 (part), Ord. 2287)

### **14.60.060 Exceptions to prohibition on sales or rentals from city streets and sidewalks without permit or franchise.**

Notwithstanding the provisions of this chapter to the contrary, a permit or franchise shall not be required for the sale of food, cut flowers, beverages, or merchandise and/or the renting of equipment or other things from a city street, sidewalk, or other city property under the following circumstances:

A. Sales of food, cut flowers, beverages, or merchandise and/or rentals of equipment or other things within the boundaries of a city park or playground which is under the jurisdiction of the Bidwell Park and Playground commission and which requires a permit issued by the Bidwell Park and Playground commission in the manner provided for by the park rules adopted by or pursuant to Title 12 of this code;

B. Sales of food, cut flowers, beverages, or merchandise and/or rentals of equipment or other things within the boundaries of the airport or industrial park property which is under the jurisdiction of the airport commission and which requires a permit issued by the airport commission in the manner provided for by the airport rules and regulations adopted pursuant to Title 11 of this code;

C. Sales of any food, cut flowers, beverages, or merchandise and/or rentals of equipment or other things on and from city property when authorized by a lease or other agreement which transfers the right to occupancy and possession of such property to a third party;

D. Sales of food, cut flowers, beverages, or merchandise and/or the rentals of equipment or other things when undertaken by a city employee acting in the course and scope of the city employee's employment;

E. Sales of merchandise, such as t-shirts or buttons, which bear a political, religious, philosophical or ideological message when such sale is conducted in connection with and inextricably combined with the distribution of literature, the verbal articulation of a point of view or the conduct of some other activity intended to gain support for a particular cause or idea; and

F. Sales of food, cut flowers, or beverages pursuant to a license granted under Chapter 14.70 authorizing the operation of an outdoor café.

(Ord. 1925 §2 (part), Ord. 2050 §2, Ord. 2258 §1, Ord. 2268, Ord. 2287, Ord. 2409 §3)

### **14.60.070 Permits authorizing sales of food, cut flowers, and beverages from city streets, sidewalks and parking lots.**

The director may, by a permit issued in the manner hereinafter provided by this chapter, authorize the sale of food, cut flowers, and beverages on and from all city streets and/or that portion of the city sidewalks and parking lots within the central business district; except as follows:

A. A permit issued by the director shall not authorize the sale of food, cut flowers, and beverages on and from a city street, sidewalk or parking lot within 300 feet of the exterior boundaries of any private or public school, save and except the campus of the California State University, Chico;

B. A permit issued by the director shall not authorize the sale of food, cut flowers, and beverages on and from a city street, sidewalk or parking lot within 200 feet of a city park or playground other than a park or playground within the central business district; and

C. A permit issued by the director shall not authorize the sale of food, cut flowers, and beverages from a place and during the times subject to an exclusive franchise granted by ordinance adopted by the city council in the manner hereinafter provided by this chapter except to the extent expressly authorized by such franchise.

D. A permit issued by the director shall not authorize the sale of food, cut flowers, and beverages from a place and/or under conditions as to constitute a health and safety risk or impediment to the travel of pedestrians, bicyclists, public safety vehicles, and other motorists.

(Ord. 1925 §2 (part), Ord. 1989, Ord. 2012 §4 (part), Ord. 2032 §1, Ord. 2136 §3, Ord. 2287, Ord. 2364 §212, Ord. 2480 §1)

### **14.60.080 Applications for permits.**

Applications for a permit authorizing the sale of food, cut flowers, or beverages on and from a city street, sidewalk or parking lot shall be filed in the office of the director, shall be in a form and contain the information prescribed by the director and shall be accompanied by a permit fee in an amount established by resolution of the city council based on the estimated cost of processing the permit application and otherwise administering the provisions of this chapter.

(Ord. 1925 §2 (part), Ord. 2012 §4 (part), Ord. 2032 §2, Ord. 2136 §3, Ord. 2287, Ord. 2364 §213)

### **14.60.090 Action on applications for permits - Approval of application and issuance of permit.**

Where the director determines that a completed application has been filed for a permit which authorizes the sale of food, cut flowers, or beverages on and from a city street, sidewalk or parking lot and there are no grounds for denying such permit, the director shall approve the application and issue the permit subject to all of the general and special conditions hereinafter provided for by this chapter at such time as the applicant has provided the comprehensive liability insurance and otherwise

## ITEM 5.2 EXHIBIT A

complied with all other special conditions required by this chapter as conditions precedent to the issuance of such permit.

(Ord. 1925 §2 (part), Ord. 2012 §4 (part), Ord. 2032 §3, Ord. 2136 §3, Ord. 2287, Ord. 2364 §214)

### **14.60.100 Action on applications for permits - Denial of application.**

A. Grounds for Denial. The director shall deny an application for a permit authorizing the sale of food, cut flowers, and beverages on and from a city street, sidewalk or parking lot if and only if the director determines that the equipment to be used by the applicant to store, convey, prepare and serve such food, cut flowers, and beverages is unsafe and would present a danger to the general public using the city streets, sidewalks or parking lots, or would unreasonably block or obstruct the city streets, sidewalks or parking lots.

B. The director may also deny an application for a permit authorizing the sale of food, cut flowers, and beverages on and from a city street, sidewalk or parking lot if the permittee has been served notice of repeated violations of any permit restrictions, operating in a manner constituting a health and safety risk, or operating in a manner as to impede the travel of pedestrians, bicyclists, public safety vehicles or other motorists.

C. Notice of Denial. Where the director determines to deny an application for a permit authorizing the sale of food, cut flowers, and beverages on and from a city street, sidewalk or parking lot, the director shall promptly cause a notice of such determination to be served on the applicant. In such notice the director shall state the reasons for the determination not to approve the application and shall set forth the right of the applicant to appeal such determination to the city council in the manner provided for by Title 2 of this code.

(Ord. 1925 §2 (part), Ord. 2004 §17, Ord. 2012 §4 (part), Ord. 2032 §4, Ord. 2136 §3, Ord. 2287, Ord. 2364 §215, Ord. 2480 §2)

### **14.60.110 General conditions of permits - Comprehensive liability insurance.**

As a condition precedent to the issuance of a permit authorizing the sale of food, cut flowers, and beverages on and from a city street, sidewalk or parking lot, the permittee shall obtain, provide proof of and, at all times following issuance of a permit, maintain in full force and effect, automobile liability, commercial general liability, or other insurance policies with the limits, deductibles, and conditions as required by the city's administrative services director.

(Ord. 1925 §2 (part), Ord. 1932, Ord. 2012 §4 (part), Ord. 2032 §5, Ord. 2136 §3, Ord. 2287, Ord. 2364 §216, Ord. 2480 §3)

### **14.60.115 General conditions of permits - Hours of operation.**

As a condition of the issuance of a permit authorizing the sale of food, cut flowers, or beverages on or from a city street, sidewalk or parking lot, the permittee shall conduct and carry out such sales only during the following times:

A. Sales and/or dispensing of food, cut flowers, or beverages shall be made from city streets and sidewalks within the central business district only between the hours of 6:00 a.m. and 2:30 a.m. of the following day;

B. Sales and/or dispensing of food, cut flowers, or beverages shall be made from public parking lots within the central business district only between the hours of 10:00 p.m. and 2:30 a.m.; and

C. Sales and/or dispensing of food, cut flowers, or beverages from city streets and sidewalks outside of the boundaries of the central business district shall be made only between 7:00 a.m. and 9:00 p.m.

(Ord. 2032 §6, Ord. 2136 §3, Ord. 2287, Ord. 2364 §217)

### **14.60.120 General conditions of permits - Operations restrictions.**

As a further condition on the issuance of a permit authorizing the sale of food, cut flowers, and beverages on and from a city street, sidewalk or parking lot, the permittee shall conduct and carry out such sales only during the following times and in the following manner:

A. Signs advertising the food, cut flowers, and beverages to be sold shall be securely affixed to the vehicle or other equipment used to store, convey, prepare and serve the food, cut flowers, and beverages and shall conform to any size requirements provided for in Title 19 of this code.

B. Noise produced by any audio equipment or other device used to attract attention to the place where the food, cut flowers, and beverages is being sold shall not exceed the noise limits prescribed by state laws and regulations or Title 9 of this code.

C. Equipment used to store, convey, prepare and serve the food, cut flowers, and beverages to be sold shall be maintained and operated in a safe and sanitary manner and in a manner which does not unreasonably obstruct or interfere with the use of a city street, sidewalk or parking lot.

D. The person authorized to sell food, cut flowers, and beverages pursuant to such permit shall not operate in such matter where operations result in the impediment of travel for pedestrians, bicyclists, public safety vehicles, and other motorists.

E. Between the hours of 6:00 a.m. to 2:30 a.m. of the following day, sales of food or beverages shall not occur within 20 feet of any entrance to or exit from premises for which a license has been issued pursuant to Division 9 of the Business and

## ITEM 5.2 EXHIBIT A

Professions Code authorizing the sale or distribution of alcoholic beverages.

F. The person authorized to sell food, cut flowers, and beverages pursuant to such permit shall be responsible for maintaining that portion of any street, sidewalk or parking lot within 50 feet of the place at which such person is engaged in such sales free of any litter or refuse attributable to the sale of food, cut flowers, or beverages.

G. Sales of food, cut flowers, and beverages in a parking lot at the times authorized by this chapter shall only be made from a vehicle lawfully parked in such parking lot.

(Ord. 1925 §2 (part), Ord. 2032 §7, Ord. 2104 §1, Ord. 2136 §3, Ord. 2287, Ord. 2364 §218, Ord. 2480 §4)

### **14.60.130 Special conditions of permits.**

When acting on a permit authorizing the sale of food, cut flowers, and beverages on and from a city street, sidewalk or parking lot, the director may condition issuance of such permit on compliance with any special requirements which the director determines are necessary to ensure that the equipment used to store, convey, prepare, sell, or serve the food, cut flowers, and beverages is maintained and operated in a safe and sanitary manner and in a manner that does not unreasonably obstruct or interfere with the use of a city street, sidewalk or parking lot. The director may also condition issuance of such permit on compliance with any special requirements which the director determines are necessary to ensure that the operation of such equipment used to store, convey, prepare, sell, or serve the food, cut flowers, and beverages does not contribute to activity which constitutes a health and safety risk, or impedes the travel of any pedestrian, bicyclists, public safety vehicle or other motorist.

(Ord. 1925 §2 (part), Ord. 2012 §4 (part), Ord. 2032 §8, Ord. 2136 §3, Ord. 2287, Ord. 2364 §219, Ord. 2480 §5)

### **14.60.140 Term of permits.**

The initial term of a permit authorizing the sale of food, cut flowers, or beverages on and from a city street, sidewalk, or parking lot shall be for a period of not more than one year, commencing on the date such permit is issued and terminating one year from the date the permit is issued. At the end of the initial term, the permit may be renewed by the permittee for successive one-year terms by payment of a permit renewal fee on or before the date such permit expires in an amount established by resolution of the city council based on the cost of processing permit renewals and otherwise administering the provisions of this chapter.

(Ord. 1925 §2 (part), Ord. 2011 §1, Ord. 2012 §4 (part), Ord. 2032 §9, Ord. 2136 §3, Ord. 2287, Ord. 2364 §220)

### **14.60.150 Revocation or suspension of permits.**

A. Grounds for Revocation or Suspension. The director may revoke or suspend a permit authorizing the sale of food, cut flowers, and beverages on and from a city street, sidewalk or parking lot if the director has found that: (i) the permittee is selling food, cut flowers, and beverages on and from a city street, sidewalk or parking lot contrary to the terms and conditions of such permit or is in violation of any other state or city law or regulation applicable thereto; (ii) the permittee has been served with a notice by the director advising the permittee of the violation and requiring correction thereof within a reasonable time as set forth therein; and (iii) the permittee has not corrected the violation within the time set forth in such notice. However, the director may revoke or suspend a permit without first serving the permittee with notice of the violation in the manner provided herein in any case in which the permittee has been served with two other notices of violation by the director within the preceding 12-month period.

B. Notice of Revocation or Suspension. Where the director determines to revoke or suspend a permit authorizing the sale of food, cut flowers, and beverages on and from a city street, sidewalk or parking lot, the director shall cause a notice of the revocation or suspension to be served on the permittee. In such notice the director shall state the reasons for the determination to revoke or suspend the permit and shall set forth the right of the person to whom the permit was issued to appeal such determination to the city council in the manner provided for by Title 2 of this code.

(Ord. 1925 §2 (part), Ord. 2004 §18, Ord. 2012 §4 (part), Ord. 2032 §10, Ord. 2136 §3, Ord. 2287, Ord. 2364 §221, Ord. 2480 §6)

### **14.60.160 City council franchises authorizing sales and rentals from city streets, sidewalks and other city property.**

The city council may, by ordinance adopted in the manner hereinafter provided by this chapter, approve a franchise which grants to a nonprofit corporation providing a service of general benefit to the Chico community, the exclusive right to use a portion of the city's streets, sidewalks or other city property for the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things.

(Ord. 1925 §2 (part), Ord. 2287)

### **14.60.170 Applications for city council franchises.**

A. Form and Content of Applications. Applications for a franchise granting an exclusive right to use a portion of the city streets, sidewalks or other city property for the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things shall be filed in the office of the director, shall be in a form prescribed by the director and shall contain the following information:

1. The name, address and principal officers of the nonprofit organization applying for the permit;



## ITEM 5.2 EXHIBIT A

2. A description of all of the services provided to the Chico community by the nonprofit organization applying for the permit;

3. A description of the food, cut flowers, beverages, or merchandise and/or equipment or other things which the nonprofit organization purposes to sell or rent on and from city streets, sidewalks or other city property;

4. A description of that portion of the city streets, sidewalks or other city property upon which the nonprofit organization seeks to engage in the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things, as well as a statement of the time, days of the week or dates on which such sales or rentals would take place; and

5. Such other information which may be required by the director.

B. Application Fees. Applications for a franchise granting an exclusive right to use a portion of the city streets, sidewalks or other city property for the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things shall also be accompanied by a fee in an amount established by resolution of the city council based on the estimated cost of processing the application and otherwise administering the provisions of this chapter.

(Ord. 1925 §2 (part), Ord. 2012 §4 (part), Ord. 2136 §3, Ord. 2287, Ord. 2364 §222)

### **14.60.180 Transmittal of applications for city council franchises to city council for hearing and action.**

Following the filing of a completed application for a franchise granting an exclusive right to use a portion of the city streets, sidewalks or other city property for the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things, the director shall promptly prepare a proposed ordinance granting the franchise and shall forward the ordinance, together with a report of the director which sets forth the recommendations of the director thereon to the city clerk who shall schedule the application and ordinance for both an introductory reading before the city council and for a public hearing at which the city council can consider adoption of the ordinance, at the earliest dates practicable. Such proposed ordinance shall be in a form approved by the city attorney and shall briefly describe the nature of the goods to be sold or rented pursuant to the franchise, shall identify the city streets, sidewalks or other city property subject to the franchise, shall set forth the times, days of the week and/or dates that the franchise is to be in effect as well as the proposed term of the franchise, and shall include any special conditions of the franchise which the director is recommending to the city council.

(Ord. 1925 §2 (part), Ord. 2012 §4 (part), Ord. 2136 §3, Ord. 2287, Ord. 2364 §223)

### **14.60.190 Notice of hearing on city council franchises.**

At least 10 days prior to the scheduled date of the public hearing on a proposed franchise granting an exclusive right to use a portion of the city streets, sidewalks or other city property for the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things, the director shall cause notice of the time and place of such hearing to be published once in a newspaper of general circulation within the city and shall cause written notice of the hearing to be served on each person having been issued a permit authorizing the sale of food, cut flowers, or beverages on and from a city street or sidewalk. In addition, where the proposed franchise will authorize the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things from a city street, sidewalk or other city property within the central business district, the director shall cause a written notice of the hearing on the proposed franchise to be served on the Downtown Chico Business Association and/or such other organization which represents merchants within the central business district.

(Ord. 1925 §2 (part), Ord. 2012 §4 (part), Ord. 2136 §3, Ord. 2287, Ord. 2364 §224)

### **14.60.200 City council hearing and action on application for city council franchises.**

At the time and place set for hearing on an application for a franchise granting an exclusive right to use a portion of the city streets, sidewalks or other city property for the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things, the city council shall consider the application, the proposed ordinance granting the franchise, the report and recommendations of the director thereon and any other matter bearing on the franchise, including any objections thereto. At the conclusion of the public hearing the city council may, at its discretion, approve the application and adopt the ordinance granting the franchise if the council finds that the applicant is a nonprofit organization providing a service of general benefit to the Chico community, and that the franchise would serve the public interest. Upon approving the application, the city council may also modify the proposed ordinance granting the franchise providing the council causes the modified ordinance to be re-introduced in the manner required by the city Charter prior to adoption.

(Ord. 1925 §2 (part), Ord. 2012 §4 (part), Ord. 2136 §3, Ord. 2287, Ord. 2364 §225)

### **14.60.210 General conditions of city council franchises - Comprehensive liability insurance.**

Upon approval of a franchise granting the exclusive right to use a portion of the city streets, sidewalks or other city property for the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things, the franchisee shall obtain and provide to the city a comprehensive general liability insurance policy from an insurance company licensed to do business in the state of California having a financial rating in Best's Insurance Guide of at least "B," which provides insurance coverage for all liabilities including death, personal injury or property damage arising out of or in any way related to the sale of the food, cut flowers, beverages, or merchandise and or rental of equipment or other things authorized pursuant to such franchise in the amount of at least \$1,000,000.00 combined single limits. Such insurance shall be in a form satisfactory to city's risk manager, shall include an endorsement naming the city's officers, employees and agents as

## ITEM 5.2 EXHIBIT A

additional insureds under the coverage afforded, shall be primary and noncontributing with respect to any other insurance available to the city, shall contain a severability of interest (cross-liability) clause, and shall require the insurer to provide to the city at least 30 days prior notice of cancellation. Proof of such insurance, also in a form satisfactory to city's risk manager, shall be filed with the director prior to the date the franchisee exercises its rights under the franchise.

(Ord. 1925 §2 (part), Ord. 2012 §4 (part), Ord. 2136 §3, 2287, Ord. 2364 §226)

### **14.60.220 General conditions of city council franchises - Places, times and other conditions of operation.**

Upon approval of a franchise granting an exclusive right to use a portion of the city streets, sidewalks or other city property for the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things, the franchisee shall conduct and carry out such sales and rentals only from the following places, during the following times and in the following manner:

- A. Sales of the food, cut flowers, beverages, or merchandise and/or rentals of equipment or other things authorized by the franchise shall take place only from the city streets, sidewalks or other city property subject to the franchise and only during the times and on the days of the week or dates authorized by the franchise.
- B. Signs advertising the food, cut flowers, beverages, or merchandise to be sold and/or the equipment or other things to be rented shall be securely affixed to any vehicle or other equipment used in the sale of such food, cut flowers, beverages, or merchandise or in the rental of such equipment or other things, and shall conform to any size requirements provided for in Title 19 of this code.
- C. Noise produced by any audio equipment or other device used to attract attention to the place where the food, cut flowers, beverages, or merchandise is being sold or where the equipment or other thing is being rented shall not exceed the noise limits prescribed in Title 9 of this code.
- D. Equipment used in the sale of such food, cut flowers, beverages, or merchandise or in the rental of equipment or other things shall be maintained and operated in a safe and sanitary manner and in a manner that does not unreasonably obstruct or interfere with the use of any other city street, sidewalk or other city property, except in those cases when the franchisee has been issued some other permit or entitlement authorizing such obstruction or interference.
- E. Between the hours of 6 a.m. and 2 a.m. of the following day, sales of food or beverages shall not occur within 20 feet of any premises for which a license has been issued pursuant to Division 9 of the Business and Professions Code authorizing the sale or distribution of alcoholic beverages.

F. The person authorized to sell food, cut flowers, or beverages pursuant to such permit shall be responsible for maintaining that portion of any street, sidewalk or parking lot within 50 feet of the place at which such person is engaged in such sales free of any litter or refuse attributable to the person's sale of food, cut flowers, or beverages.

(Ord. 1925 §2 (part), Ord. 2104 §2, Ord. 2287)

### **14.60.230 General conditions of city council franchises - Right of franchisees to grant licenses to other persons.**

Unless otherwise provided in a franchise granting an exclusive right to use a portion of the city streets, sidewalks or other city property for the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things, such franchise shall confer upon the franchisee the additional right to grant licenses to other persons authorizing such persons to engage in the sale or rental of the goods described in the franchise on and from that portion of the city streets, sidewalks or other city property subject to the franchise at such times and on such days of the week or dates the franchise is in effect. Such licenses may be granted by the franchisee subject to the condition that the licensee pay to the franchisee a portion of the revenues received by the licensee from the sales or rentals authorized by the license. However, if any franchisee elects to grant such licenses, franchisee shall make the licenses available to all persons on a fair and equitable basis and without regard to race, color, creed, sex or national origin.

(Ord. 1925 §2 (part), Ord. 2287)

### **14.60.240 Special conditions of city council franchises.**

When approving a franchise granting an exclusive right to use a portion of the city streets, sidewalks or other city property for the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things the city council may condition exercise of the rights granted by such franchise on any special requirements which the council determines are necessary to ensure that the franchise is carried out in a manner which benefits the general public and/or that the equipment used in such sales or rentals is maintained and operated in a safe and sanitary manner.

(Ord. 1925 §2 (part), Ord. 2287)

### **14.60.250 Effect of city council franchises on sales by permittees.**

Following approval of a franchise granting an exclusive right to use a portion of the city streets, sidewalks or other city property for the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things, the director shall serve each person having been issued a permit to engage in the sale of food, cut flowers, and beverages on and from city streets or sidewalks with a notice advising such permittee of the franchise and of the terms and conditions thereof. Thereafter, no person having been issued a permit shall engage in the sale of food, cut flowers, or beverages on and from any city street or sidewalk subject to the franchise at those times and on those days of the week or dates when the

## ITEM 5.2 EXHIBIT A

franchise is in effect unless such sales are conducted pursuant to a license issued by the franchisee in the manner authorized by this chapter.

(Ord. 1925 §2 (part), Ord. 2012 §4 (part), Ord. 2136 §3, Ord. 2287, Ord. 2364 §227)

### **14.60.260 Revocation of city council franchises.**

The city council may revoke any franchise granting the exclusive right to use a portion of the city streets, sidewalks or other city property for the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things if the city council, after considering the matter at a public hearing, notice of which is served on the franchisee, finds that the franchisee and/or any licensee of franchisee has repeatedly engaged in the sale of food, cut flowers, beverages, or merchandise and/or engaged in the rental of equipment or other thing on and from a city street, sidewalk or other city property in violation of the terms and conditions of the franchise or in violation of any other state or city law or regulation applicable thereto.

(Ord. 1925 §2 (part), Ord. 2287)

### **14.60.270 Compliance by permittees or franchisees with other city laws and regulations.**

Issuance of a permit or approval of a franchise authorizing the sale of food, cut flowers, beverages, or merchandise and/or the rental of equipment or other things on and from a city street, sidewalk or other city property in the manner provided by this chapter shall not relieve the person or organization engaged in such sales or rentals from complying with the provisions of Chapter 3.32 of this code, which prohibits persons from transacting and carrying on any business in the city without procuring the license and paying the business license tax provided for therein; from complying with provisions of Chapter 5.38 of this code which prohibits persons from operating or maintaining a food facility within the city without a food facility permit issued by the health officer pursuant to that chapter, and/or from complying with any other state or city law or regulation applicable thereto.

(Ord. 1925 §2 (part), Ord. 2287)

### **14.60.280 Violations.**

Any violations of the provisions of this chapter, including any violations of the terms and conditions of a permit or franchise issued or approved in the manner provided by this chapter, shall be an infraction punishable by a fine in the amount provided for by Section 1505 of the City Charter.

(Ord. 1925 §2 (part), Ord. 2151 §8)

**CITY OF CHICO**  
**APPLICATION AND PERMIT TO VEND, PEDDLE OR HAWK FOOD**  
**(Pursuant to Chapter 14.60 of the Chico Municipal Code)**

**INSTRUCTIONS:** Submit this application to the **City of Chico Public Works Department-Engineering Division**, 411 Main Street, Chico, CA 95928, for further processing, after completion of Sections I and II (both sections entirely filled out and signed by the appropriate persons). Attach additional sheets if you need more room for your answers.

**SECTION I - APPLICANT INFORMATION**

**APPLICANT:** Complete only this Section at this time. Type or print using ink. After dating and signing (Section I - Item 14), submit this form to the Butte County Environmental Health, located at 202 Mira Loma Drive, Oroville, CA 95966 for approval (Section II). Their telephone number is (530) 891-2727.

<b>1. Full Name (Last, First, Middle Initial):</b>	<b>3. Have you ever been known by another name?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, list other name(s):
<b>2. Permit Fee: \$</b>	<b>5. Date:</b>
<b>4. Name of Firm (if other than your name):</b>	<b>6. Type of Product Sold:</b>
<b>7. Present Residence Address (street/city):</b>	<b>8. Present Business Address:</b>
<b>9. Telephone Residence/Business:</b>  /	<b>10. California Driver's License No:</b>
<b>11. Vehicle License No(s):</b>	<b>12. Email Address:</b>
<b>13. List Prior Residence(s) for Past Two Years - If additional space is required, attach an additional sheet:</b>	
<u>FROM</u>	<u>TO</u>
<u>STREET ADDRESS</u>	<u>CITY</u>
<u>STATE</u>	<u>ZIP</u>

**14. I CERTIFY THAT:**

1. The hours of operation for my enterprise will be limited to between 6:00 a.m. and 2:30 a.m. of each day while operating within the Central Business District and between 7:00 a.m. and 9:00 p.m. while operating outside of the Central Business District, and I will comply with the noise regulations of Chapter 9.38 of the Chico Municipal Code.
2. I have a current City of Chico Business License. No. \_\_\_\_\_ (Attach copy of license or receipt)
3. I have acquired insurance as specified in Municipal Code Section 14.60.110. (Attach certificate - must be approved by the Risk Manager.)
4. I understand and acknowledge that the City Council may impose such other conditions and requirements as, in its sole discretion, may deem reasonably necessary in the public interest and welfare. I also understand that any permit which may be granted will be subject to revocation by the City Council, after due notice to the parties concerned, in the event of any breach by me of any of the conditions under which it was granted.
5. For liability coverage purposes, it is my intent and the City of Chico's intent (hereinafter referred to as the "Parties"), that this permit is a written contract between the Parties. Pursuant to the insurance policy related to this permit/written contract, and consistent with the Certificate of Liability Insurance and Additional Insured Endorsements, the Parties hereby attach and incorporate by this reference, the Certificate of Liability Insurance and Additional Insured Endorsements, which are further expressly made a material part of the said permit/written contract between the Parties.

**I FURTHER CERTIFY THAT** if this permit is granted, I will comply with any and all conditions which may be part of the Permit and to comply with all provisions of the Chico Municipal Code which are applicable to my operation, as well as to the requirements of any other pertinent provisions affecting my operation which are set forth within the laws of the City of Chico, the County of Butte and/or the State of California.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of Applicant

**SECTION II - DEPARTMENT OF ENVIRONMENTAL HEALTH APPROVAL**

This application has been reviewed by the Butte County Department of Environmental Health which recommends:

- Approval of the Application in as much as the proposed food handling operation meets all applicable State and County laws and regulations. The appropriate Health permit has been issued.
- Denial of the Application for the reasons set forth in Section IV of this form.

\_\_\_\_\_ Date

\_\_\_\_\_ Authorized Signature

**SECTION III - PUBLIC WORKS DEPARTMENT ACTION**

PERMIT:       APPROVED       DENIED      -      For the reasons set forth in Section IV below.

PERMIT EXPIRES: \_\_\_\_\_

\_\_\_\_\_ Date

\_\_\_\_\_ Public Works Director

**SECTION IV - COMMENTS**

This permit is issued with the understanding that the following types of events have precedence over this permit: Parade Permits, Street Closure Permits, and Franchises issued by the City of Chico. These events may conflict with your operation. If you want to participate in the activities authorized under the above listed events, you will need authorization from the permit holder.

1. On occasion, the City Council may approve a franchise to a nonprofit corporation which grants the franchisee exclusive right to use a portion of City property for the sale of food, beverages and merchandise. (CMC Chapter 14.60, Section 14.60.160) On such occasions, the City will notify Vend/Peddle/Hawk permit holders of the franchise terms and conditions and advise them their **permits are not valid** on such portion of City property at such times; they must be authorized by the franchisee in order to participate in the franchised event. (CMC Chapter 14.60, Section 14.60.250)
2. Between the hours of 6:00 a.m. and 2:30 a.m. of the following day, sales of food or beverages shall not occur within 20 feet of any premises for which a license has been issued pursuant to Division 9 of the Business and Professions Code authorizing the sale or distribution of alcoholic beverages.
3. The person authorized to sell food or beverages pursuant to such permit shall be responsible for maintaining that portion of any street, sidewalk or parking lot within 50 feet of the place at which such person is engaged in such sales free of any litter or refuse attributable to the sale of food or beverages.
4. The person authorized to sell food and beverages pursuant to such permit shall be responsible for maintaining a five-foot right-of-way, clear of obstructions.
5. The person authorized to sell food, cut flowers, and beverages pursuant to such permit shall not operate in such matter where operations result in the impediment of travel for pedestrians, bicyclists, public safety vehicles, and other motorists.
6. All waste discharges are to be done at a facility approved by the City of Chico Industrial Waste Pretreatment Program (CIPP). If requested, the permittee must provide to CIPP staff the name and address of where the wastewater is discharged.

ITEM 5.3

City of Chico  
2022-23 Annual Budget  
Fund Summary  
AMERICAN RESCUE PLAN FUND

FUND 008 AMERICAN RESCUE PLAN	FY19-20	FY20-21	FY2021-22		FY2022-23	
	Actual	Actual	Council Adopted	Modified Adopted	Dept Request	City Mgr Recomm
<b>Revenues</b>						
41199 Other Federal Payments	0	14,514	10,856,805	12,582,944	11,059,150	11,059,150
44101 Interest on Investments	0	11,746	0	0	11,746	11,746
Total Revenues	0	26,260	10,856,805	12,582,944	11,070,896	11,070,896
<b>Expenditures</b>						
<b>Operating Expenditures</b>						
Total Operating Expenditures	0	0	0	0	0	0
<b>Capital Expenditures</b>						
50504 American Rescue Plan 2021	0	0	10,619,878	7,127,812	0	11,059,150
50509 CDD Software & Communications	0	0	0	120,000	0	0
50510 Computer Aided System (CAD)	0	0	0	1,200,000	0	0
50511 BMX Race Track	0	0	0	600,000	0	0
50512 Fiber Utility Project	0	0	0	4,800,000	0	0
50513 IS Software & Replacement	0	0	0	200,000	0	0
50514 Financial Software	0	0	0	15,000	0	0
50515 Fire Station Improvements	0	0	0	495,929	0	0
50517 NeoGov Software	0	0	0	40,372	0	0
50519 Tourism	0	0	0	250,000	0	0
50520 Parklet Development	0	0	0	300,000	0	0
50521 Citywide Building Enhancement	0	0	0	200,000	0	0
50522 PG&E SST Phase 2	0	0	0	2,600,000	0	0
50523 Digital Video Plan Checking	0	0	0	100,000	0	0
50524 Homeless Resting Site	0	14,514	0	785,486	0	0
50525 Park & Greenway Restoration	0	0	0	250,000	0	0
50526 ARPA-Chamber of Commerce	0	0	0	75,000	0	0
50527 ARPA-DCBA	0	0	0	25,000	0	0
50528 ARPA-Small Business Support	0	0	0	1,000,000	0	0
50534 Bike Fence	0	0	0	350,000	0	0
50535 Youth Grant Wellbeing Program	0	0	0	150,000	0	0
50536 Intergovernmental Project	0	0	0	900,000	0	0
Total Capital Expenditures	0	14,514	10,619,878	21,584,599	0	11,059,150
Total Expenditures	0	14,514	10,619,878	21,584,599	0	11,059,150
<b>Other Financing Sources/Uses</b>						
From:						
To:						
9853 Parking Revenue	0	0	(236,927)	(291,843)	0	0
Total Other Sources/Uses	0	0	(236,927)	(291,843)	0	0
<b>Excess (Deficiency) of Revenues And Other Sources</b>						
Non-Cash / Other Adjustments	0	11,746	0	(9,293,498)	11,070,896	11,746
<b>Cash Balance, July 1</b>	0	0	0	11,746	(9,281,751)	0
<b>Cash Balance, June 30</b>	0	11,746	0	(9,281,751)	1,789,144	11,746

Fund Name: Fund 008 - American Recue Plan Act of 2021  
 Authority:  
 Use: Restricted  
 Authorized Capital Uses: Major programs, buildings and facilities, major equipment  
 Authorized Other Uses: Operating, debt service  
 Description: American Rescue Plan Act of 2021



DATE: 4/21/22  
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 Nico Shade & Resurface Project – Construction of the new shade sails and the resurfacing of the Nico sea serpent play area in Caper Acres is complete! A reopening ceremony was held on Friday April 22, 2022. The project was made possible with funds from the City's and the Chico Area Recreation & Park District's California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access Act of 2018 Proposition 68 Per Capita grant funds, and from over \$65,000 in donations from our generous community. Thank you all!
- b. Upper Park Road Sediment Reduction Project – Staff is finalizing the regulatory permits with the State Water Resources Control Board and the U.S. Army Corps of Engineers. The construction bid documents are also being finalized with the potential bid process to begin in the next week or so. Construction is tentatively scheduled to start in June, 2022. The work is anticipated to take 4-5 months.
- c. Goats – The City's contractor Capra Environmental will be bringing the goats back toward the end of May to graze various locations within Bidwell Park and other City properties.

### 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. Also, maintenance and repair of park fixtures, daily opening of gates, posting reservations and the removal of graffiti from all park infrastructure.

- a. Lower Park: Inspected and repaired all irrigation in the park to prepare for spring, including replacing one controller, repairing several broken lines, replacing many heads and retrofit the last of the old impact heads to modern rotary heads. Installed the 9-missing tables at the Oak Grove area of One Mile, officially completing that project. Reinstalled the top portion of the slide in Caper Acres that was removed for repair. Started mowing the lawns in the park.
- b. Middle Park: Started and completed the first round of flail mowing. Resealed the bridge abutments at Manzanita foot bridge and Five Mile.
- c. Upper Park: Replaced quite a bit of split rail in Lot E. Repaired bollards throughout the park. Removed two trees next to Rod and Gun Club, one that had fallen and another that was dead.
- d. Green way Parks: Cleaned up debris from Windchime park
- e. Upcoming projects: Completion of the Nico shade sails and play surface. Start the process of installing the swimming hole signs in Upper Park. Start gearing up for Sycamore pool prep for the season. Installing a few new water bottle fill-station drinking fountains in the park

### 3. Volunteer and Donor Program

- a. Cats in the Community – On March 31, for Cesar Chavez Day, over 50 participants from CSU, Chico and the California Conservation Corps spent a total of 117 hours in the 1 Mile area removing weeds and invasive vegetation. Participants are looking forward to future community day of service events.
- b. Daisy Girl Scout Troop 70042 – Troop leaders and Daisy scouts spent a total of 16 hours removing weeds from the front entrance area of Caper Acres. The girls had a lot of fun and hope to return soon.
- c. Donations – Donations that were received by the Parks Division included the continued monthly \$250 donation from Peter Washington and \$300 in Caper Acres brick purchases.
- d. 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, March 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	984	Park Ambassadors	Shane Romain
3/4/2022	Comanche Creek	FOCCG	4	4	16	General Cleanup	Liz Stewart
3/6/2022	Live Oak trail	Velo Trailworks	11	4	44	Trail Maint.	Mike Matiasek
3/8/2022	Caper Acres	Daisy Scouts	8	1	8	Veg. Mgmt.	Annelle Reed
3/11/2022	Comanche Creek	FOCCG	5	4	20	General Cleanup	Liz Stewart
3/12/2022	Lower Park	PALS Ivy League	7	3	21	Veg. Mgmt.	Linda Calbreath
3/18/2022	Comanche Creek	FOCCG	4	4	16	General Cleanup	Liz Stewart
3/22/2022	Caper Acres	Daisy Scouts	8	1	8	Veg. Mgmt.	Annelle Reed
3/25/2022	Comanche Creek	FOCCG	4	4	16	General Cleanup	Liz Stewart
3/31/2022	1 Mile	CCC	12	4	48	Veg. Mgmt.	Shane Romain
3/31/2022	1 Mile	CSUC	39	3	117	Veg. Mgmt.	Shane Romain
				<b>TOTAL HRS.</b>	<b>1298</b>		



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

Parks and Greenways Cleanups, March 2022										
Date	Location	Coop. Org.	# of Staff	# Workers/ Vols.	Total People	Hours Worked	People Xs Hours Total	Total Debris (cubic yards)	Total Debris (lbs)	Total Debris (tons)
Various	Lindo Channel Lawnwood and Fern		2		2	19	38	21		
3/18/2021	Windchime		3		3	2	6	10	2,480	1
							<b>TOTAL HRS</b>	<b>TOTAL DEBRIS YARDS</b>	<b>TOTAL LBS</b>	
							44	31	2480	1

**Table 3. Monthly Public Permits**

May				
Date	Location	Organization	Event	Participant #
05/07/22	One Mile	Enloe	Growing Healthy Children Walk/Run	500
	City Plaza	DCBA	Thursday Night Market / Friday Night Concerts	
<b>Totals</b>				<b>500</b>

**Table 4. Monthly Private Permits**

March		
Type	# Permits	# Participants
Private	3	225
Caper Acres	19	427
<b>Totals</b>		<b>652</b>

## PHOTOGRAPHS



**Figure 1 Daisy Scout weeding Caper Acres**



**Figure 2 Daisy Scouts bags full of weeds**



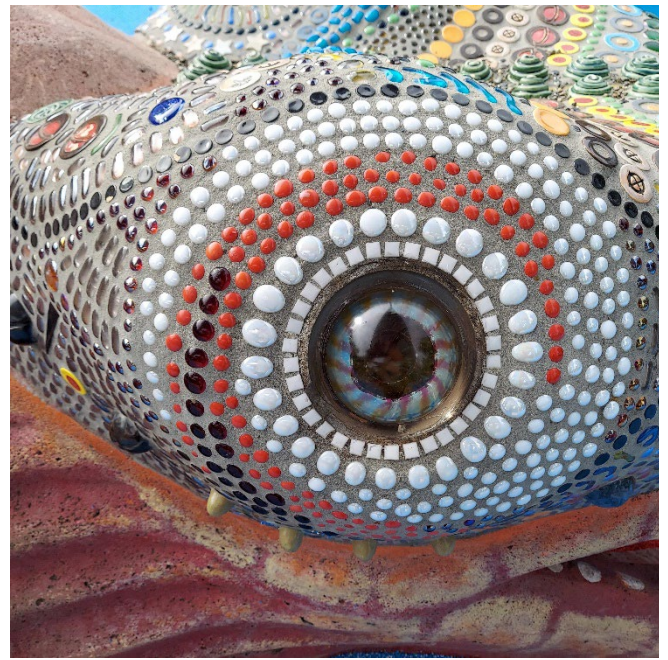
**Figure 3 CSU Chico Cats in the Community**



**Figure 4 CCC removing invasive vegetation**



**Figure 5 Nico Shades Sails**



**Figure 6 New sea serpent eyes donated by Satava**



**Figure 7: New ADA play surface**



**Figure 8 Water-bottle fill drinking fountains**



DATE: 04/25/22  
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. Spring Community Tree Planting – April 9th Community Tree planting event hosted 40 volunteers in multiple locations across the city.
- b. Grant contract – City received the full contract for signing from CalFire for the project “From Seed to Shade- Chico's Next Generation Urban Forest”. Program budget \$811,741 including match funding.
- c. Service requests – In March 59 calls for service were received, up from 37 In February. 17 were related to hanging or fallen limbs.

### 2. Planning/Monitoring

- a. Damage Reports No damage reports were sent to Risk management in March.

### 3. Planning and Building Development

- a. Landscape development comments included correct interpretation of CMC 16.66 mitigation requirements, correct parking lot shade requirements and species choices.

### 4. Miscellaneous

- a. Urban Forest Revitalization Project: Shade trees – In Collaboration with Butte Environmental Council, Public Works hosted a community tree planting event April 9, 2022. Over forty volunteers signed up to plant 25 trees in various locations across the city. Tree species ranged from large stature trees such as Valley oak to backyard fruit trees such as apple and citrus. Residents wishing to receive a new shade tree can still contact Butte Environmental Council at [urbanforest@becnet.org](mailto:urbanforest@becnet.org) or call (530) 891 6424. Alternatively contact Public Works at [chicotrees@chicoca.gov](mailto:chicotrees@chicoca.gov) or call 530 896 7800.
- b. From Seed to Shade- Chico's Next Generation Urban Forest – 3-year grant project 8GA21446. City received the final contract for signing from CalFire 4/22/22. Once the contract is signed, the City can start scheduling tree planting projects and start the hiring process of grant funded staff.

### 5. Maintenance

- a. New Tree Maintenance – The recent April showers have allowed staff to reduce the focus on tree watering and to turn attention to other maintenance tasks. New mulch continues to be 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 evaporation of ground moisture before tree roots can access it. The 3% low rate of tree mortality is testament to the success of this effort.

- b. Bike Trail Maintenance – With assistance from other Public Works Divisions, Tree Division completed bike trail maintenance to significantly open up trails for the enhanced safety and comfort of trail users. Some sections of trails were overgrown and heavily shaded. After tree care maintenance, trails now offer a variety of dappled shade and sunny sections with no sections requiring bike users to have to duck or dismount. Public Works encourages bike trail users to report bike path maintenance needs to 530 896 7800 or email [parkinfo@chicoca.gov](mailto:parkinfo@chicoca.gov)
- c. Rod and Gun Club Tree Maintenance – Tree Division assisted parks staff removing fallen and damaged trees at the Rod and Gun Club in upper Bidwell Park. See Figures 3 and 4.






**6. Outreach, Training and Education**

- a. Tree Division Training – Following renegotiations of SEIU MOU contracts, eligible Public Works staff can now receive 2.5% certification pay for obtaining ISA Tree Risk Assessor Qualification (TRAQ). Public Works O&M has started discussions with the West Coast chapter of ISA to become an established TRAQ training and testing center. This will provide greater access to this important tree care qualification in the North State.
- b. Mulch supply to CSU – Tree Division continues deliveries of chip mulch to CSU University farm. The mulch will be used for weed suppression.
- c. 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

**7. Street Tree Supervisor Report**

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

**Table 1: March Staff hours**

Category	Staff Hours	% Of Total	% Change from Last Month	Trend
<u>Tree Crew Hours</u>				
1. Safety	93	11.1%	49.2%	
2. Tree Work	642.5	76.5%	219.3%	
3. Special Projects	30	3.6%	69.0%	
4. Admin Time/Other	74	8.8%	84.1%	
<b>Monthly Totals</b>	<b>839.5</b>	<b>100.0%</b>	<b>136.8%</b>	

**Table 2: March Staff productivity**

Item	Values	% Change from Last Month	Trend
<b>5. Productivity</b>			
<b>Calls</b>			
Call Outs	47	130.6%	▣▣▣
Service Requests: Submitted	0	-	
Service Requests: Completed	53	143.2%	▣▣▣
Sub Total	0	-	
<b>Trees</b>			
Planted: Trees	0	0.0%	▣
Pruned	916	477.1%	▣▣▣
Removed: Trees (smaller)	0	-	
Removed: Stumps	0	-	
Removed: Trees	6	300.0%	▣▣▣
Sub Total	922	472.8%	▣▣▣
<b>Tree Permits (#)</b>			
Submitted	3	33.3%	▣▣▣
Approved	2	40.0%	▣▣▣
Denied	0	0.0%	▣
Total	5	31.3%	▣▣▣
<b>6. Contracts</b>			
Expenditures (\$)	\$ 4,900	-	▣

**8. Upcoming Issues:**

- a. The third Urban Forest Master Plan (UFMP) working group meeting is scheduled for 4/26/22. During this meeting, participants will work through the Vibrant Cities Lab Community Assessment and Goalsetting tool. This exercise will help develop a “gap score analysis” that can be used to develop the implementation plan for the city’s urban forestry program.
- b. From Seed to Shade- Chico's Next Generation Urban Forest project. Upcoming programs and contracts with non-profits and other partners will now be compiled to start the implementation of this exciting project. 1000 trees serving many functions for Chico residents will be planted over the next three years in diverse locations across the city. Total program budget \$811,741 consisting of \$ 604,681 grant funding and \$207,059 match funding.

# PHOTOGRAPHS



**Figure 1:** CSU students Community Tree planting April 9<sup>th</sup>

**Figure 2:** Community members tree planting volunteering April 9<sup>th</sup>





**Figure 3 and 4.:** Rod and Gun Club Tree Maintenance. Fallen tree was cleared and the path was reopened







**Figure 5 and 6: Before and After photos of bike trail tree maintenance. Tree Division staff.**

