



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

Regular Meeting Agenda  
August 8, 2017, 6 p.m.

Municipal Center - 421 Main Street, Conference Room 1

**\*\*Please note meeting day was changed to a Tuesday for this meeting\*\***

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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 during normal business hours or online at <http://www.chico.ca.us/>.*

1. **CALL TO ORDER**

2. **REGULAR AGENDA**

2.1. **REVIEW OF CHICO MUNICIPAL CODE (CMC) CHAPTERS RELATED TO PARK RESERVATIONS AND FEES.**

At its 6/26/17 meeting, the BPPC referred the review of Chico Municipal Code Chapters 12R.08 and 12R.10 to the Committee for potential revisions to the provisions regarding park reservations and fees.

**Recommendation:** Staff recommends that the Committee review and provide input on Staff's proposed revisions, and/or provide other revisions to Chico Municipal Code (CMC) Chapters 12R.08 and 12R.10 regarding park permits and reservations.

3. **BUSINESS FROM THE FLOOR**

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

4. **ADJOURNMENT**

Unless otherwise noticed, adjourn to the next regular meeting on September 13, 2017 at 6:00 p.m. in Conference Room 1, Chico Municipal Center Building located at 421 Main Street, Chico, California,



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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 (3) working days prior to the meeting.



DATE: 8/4/17  
TO: Policy Advisory Committee (PAC) of the Bidwell Park and Playground Commission (BPPC)  
FROM: Linda Herman, Interim Parks & Natural Resource Manager  
SUBJECT: REVIEW OF CHICO MUNICIPAL CODE (CMC) CHAPTERS RELATED TO PARK RESERVATIONS AND FEES.

**RECOMMENDATION:**

*Staff recommends that the Committee review and provide input on Staff's proposed revisions, and/or provide other revisions to Chico Municipal Code (CMC) Chapters 12R.08 and 12R.10 regarding park permits and reservations.*

**BACKGROUND:**

Chico Municipal Code CMC Chapters 12R.08 authorizes and establishes and regulated public events in City parks and playgrounds. CMC 12R.10 authorizes and establishes a procedure for reserving facilities for private events. In addition, City of Chico Fee Schedule 80.020 – “Park Division Fees” authorizes the collection of permit, reservation, and other park use fees for these public and private events. Copies of CMC 12R.08 and 12R.10 is attached as Attachment “A”.

On 01/17/13, the Policy Advisory Committee (PAC) reviewed the Park Division Fee schedule and changes proposed by Staff, but did not specifically address CMC revisions. The group made several recommendations on conducting more investigation into some of the fee amounts and adding language to cover costs that are incurred for staff, equipment, and materials for cleanup after an event. The Staff report from the 1/17/13 meeting is attached as Attachment “B”.

The Bidwell Park and Playground Commission (BPPC) reviewed the PAC recommendations at its 4/29/13 meeting and requested additional information from Staff regarding the following:

1. Public versus Private Events
  - a. That the definition of a “Public Event be more clearly defined than how it is currently defined in CMC 12R.08.030.
  - b. Distinguish the difference between Public and Private Events fees.
  - c. Whether the impact of a large private event to the Park and to staff is the same as that of a large public event.
  
2. Public Events: Nonprofits vs For-profit entities
  - a. Whether other cities applied different fee schedules for holding a public event based on whether the applicant is a non-profit or a for-profit entity.

Due to staff reductions and other work priorities, fee revisions were not taken back to the BPPC for final decision, but were added as a priority on the Commission’s Work Plan.

**DISCUSSION:**

At its 6/26/17 meeting, the BPPC approved revisiting the review of CMC Sections 12R.08 and 12R.10 and forwarded this review to the Policy Advisory Committee. Staff also reviewed the provisions and is recommending that the Committee discuss and consider the following:

Potential CMC Revisions:

1. Combining CMC 12.08 and 12.10 into one CMC Chapter that addresses both public and private events. This will reduce some of the repetition, redundancy, and potential conflicts. It will also make it easier for the public to find everything they need to know in one place.

2. Establishing a difference between a park “reservation”, versus a park “event”: For instance a “reservation” could be the use of a group picnic site for either a public or private event with less than 100 or maybe 200 people. While an “event” would include a private or public event with more than 200 people, or a special activity such as walk/run or wedding. This would help facilitate the ability to make a “reservation” online in the future, while an “event” would still require a permit process.
3. Raising the insurance requirements from groups of 100 people to 200 people, whether public or private.
4. Designating Children’s Playground, Picnic Site 37 (Redwood Grove), and maybe the section of Five Mile near the restrooms as exclusive use/reservable areas. This would allow regular and routine reservations in these areas to be approved by Staff. Any nonroutine or unusual items would still be reviewed by the BPPC.
5. Further defining permit requirements, if any, for “free-speech” events.
6. Increasing the event duration for Director approval of permits from 10 hours to 15 hours (i.e. 6 am to 9 pm, dependent upon park gate hours, but also allows for early setup for races/pubic events).
7. Revising and refining the permit submittal and refund deadlines.

Potential CMC Revisions related to Fees:

1. Establishing reservation “blocks”, such as 5 or 6 hours. Currently one reservation fee is charged an event for any length.
2. Establishing a Special Use Permit and possible fee, that would be used for research projects, docent led walks and bike rides, or activities provided by other agencies. The permit would likely consist of a non-refundable application fee and maybe other fees if staff assistance or park amenities are required.
3. Whether to charge a fee for Caper Acres Birthday Rings
4. Establishing a more defined permit process and fee requirements for filming in the City parks and greenways

There are many items to be discussed related to the Parks Division Fee Schedule- 80.020, but Staff is recommending that these items be discussed at a future PAC meeting after discussion of the above CMC proposed changes.

**Fiscal Impact:** None at this time. Fiscal impacts will be identified as part of the Fee Schedule discussions.

**Attachments:**

Attachment “A”: CMC Chapters 12R.08 and 12R.10

Attachment “B”: 1/17/13 PAC Meeting Staff Report

**Distribution:** BPPC

ATTACHMENT "A"

Print

Chico, CA Code of Ordinances

**Chapter 12R.08**  
**PERMITS AUTHORIZING PUBLIC EVENTS CONDUCTED IN**  
**CITY PARKS AND PLAYGROUNDS**

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**Section:**

- 12R.08.010 Purpose.**
- 12R.08.020 Findings.**
- 12R.08.030 Definitions.**
- 12R.08.040 Designation of park and playground areas as intensive use areas.**
- 12R.08.050 Permit requirements.**
- 12R.08.060 Exceptions to permit requirements.**
- 12R.08.070 Park director permits authorizing public events conducted in city parks and playgrounds.**
- 12R.08.080 Applications for a director permit - Place and time of filing.**
- 12R.08.090 Applications for a director permit - Form and content.**
- 12R.08.100 Applications for a director permit - Application fee.**
- 12R.08.110 Applications for a director permit - Review by chief of police.**
- 12R.08.120 Action on applications for a director permit - Time for taking action.**
- 12R.08.130 Action on applications for a director permit - Approval and issuance of permit.**
- 12R.08.140 Action on applications for a director permit - Permit alternatives.**
- 12R.08.150 Action on applications for a director permit - Denial of permit.**
- 12R.08.160 Park commission permits authorizing public events conducted in city parks and playgrounds.**
- 12R.08.170 Applications for a park commission permit - Place and time of filing.**

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- 12R.08.180 Applications for a park commission permit - Form and content.**
- 12R.08.190 Applications for a park commission permit - Application fee.**
- 12R.08.200 Applications for a park commission permit - Review by chief of police, fire chief or director of public works.**
- 12R.08.210 Action on applications for a park commission permit - Time for taking action.**
- 12R.08.220 Action on applications for a park commission permit - Approval or denial of permit.**
- 12R.08.230 General permit conditions - Indemnification agreement.**
- 12R.08.240 General permit conditions - Liability insurance.**
- 12R.08.250 General permit conditions - Basic park use fees.**
- 12R.08.260 General permit conditions - Additional park use fees.**
- 12R.08.263 General permit conditions - Bidwell Bowl.**
- 12R.08.270 Special conditions of permits.**
- 12R.08.280 Revocation of permits.**
- 12R.08.290 Emergency suspension of a public event.**
- 12R.08.300 Interference with public events.**
- 12R.08.310 Compliance by permittee with other city laws and regulations.**

**12R.08.010 Purpose.**

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

(Res. No. 153 92-93 §3 (part))

**12R.08.020 Findings.**

The Bidwell Park and Playground commission finds as follows:

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

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

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

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

E. That in regulating public events in which persons participating in or viewing the event are charged a fee or solicited for a donation or which include the sale of food, beverages or merchandise and/or the rental of equipment or other things, the **director** should be vested with authority to issue a ministerial permit for such public event only in those cases in which the event is conducted by a nonprofit organization providing a service of benefit to the Chico

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community, and that the Bidwell Park and Playground commission should retain sole authority to issue a discretionary permit authorizing the event in those cases in which the event is not conducted by a nonprofit organization providing a service of benefit to the Chico community.

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

### **12R.08.030 Definitions.**

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

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

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

(Res. No. 153 92-93 §3 (part))

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

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

1. The following portions of Bidwell Park as delineated in Exhibits “C, F, and J” attached to Chapter 12R.04 of this Title:
  - a. The One-Mile Recreation Area,
  - b. The Campfire Council Ring area,
  - c. The Cedar Grove area,
  - d. The Five-Mile Recreation Area.
2. The following roads or portions of roads within Bidwell Park:
  - a. Petersen Memorial Drive.

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- b. South Park Drive from 4th Street east to Centennial Avenue.
- c. Upper Park Road from Wildwood Avenue east to end of the road.

3. The following additional parks and playgrounds as delineated in Exhibits "A, D, and E" attached to Chapter 12R.04 of this Title:

- a. Children's Playground,
- b. City Plaza,
- c. Depot Park,
- d. Bidwell Bowl Amphitheater.

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

1. The city park or playground or portion of such park or playground has been dedicated as open space to remain in its natural state, or has been dedicated to a passive recreational use requiring peace, quiet and tranquillity, and, by reason thereof, the regular use of such park or playground or portion thereof for public events would normally be incompatible with such dedicated use; or

2. The city park or playground or portion of such park or playground has been dedicated to an active recreational use, but the regular use of such park or playground or any portion thereof for certain public events would substantially interfere with such active recreational use and/or threaten the safety of those persons engaged in such use.

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

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

### **12R.08.050 Permit requirements.**

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

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

### **12R.08.060 Exceptions to permit requirements.**

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



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

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

(Res. No. 153 92-93 §3 (part))

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

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

(Res. No. 153 92-93 §3 (part))

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

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

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

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commission, and to further appeal the decision of the commission thereon to the city council shall be deemed waived if there is insufficient time for such appeals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Where the director determines that a completed application has been filed for a director permit authorizing a public event in a city park or playground in the manner required by this chapter, that there is no reason for proposing approval of a permit authorizing such event on alternative dates and times and/or at alternative locations in the manner hereinafter provided by this chapter, and that there are no grounds for denying such permit as hereinafter provided for by this chapter, the director shall approve the permit subject to all of the general conditions hereinafter required by this chapter, plus any special conditions authorized by this chapter and determined by the director to be necessary in order to protect the health and safety of those persons participating in the event as well as members of the general public using city park or playground facilities in and around the site of the event but not participating in the event, and/or in order to prevent damage to park or playground property in and around the site of the event. Upon approving an application for a director permit authorizing a public event in a city park or playground, the director shall promptly cause a notice of such action to be served on the permit applicant and, where appropriate, shall provide a copy of such notice to the chief of police. Thereafter, the director shall issue a permit authorizing the public event to the person or organization designated as the permittee in the application at such time as the permittee has executed the indemnification agreement, provided the liability insurance and paid the park use fees required as a general condition of such permit, and has also fulfilled all special conditions of the permit which must be complied with prior to issuance of the permit.

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

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

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

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

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

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

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

1. The person applying for the permit has failed to provide additional information requested by the director pursuant to subsection M of Section 12R.08.090, or has otherwise failed to complete the application;

2. The information contained in the application, including any additional information requested by the director in the manner provided for by subsection M of Section 12R.08.090, is found to be false in any material respect;

3. The application is filed for a public event at a location, date and time which would cause such event to conflict or interfere with another public event which was authorized or will be authorized by a permit issued pursuant to an application filed prior in time, or will conflict or interfere with the exclusive use of city park and playground facilities reserved by a person or group of persons in the manner provided for by Chapter 12R.10 of this title where the application for such reservation was also filed prior in time;

4. The nature and size of the public event will require a diversion of city police officers to monitor the public event which is so great in number as to cause police protection in the rest of the city to be seriously jeopardized; provided, however, that nothing herein authorizes the denial of a permit because of the need to protect persons conducting the event from the actions of others if reasonable permit conditions can be imposed to allow for adequate protection of persons conducting the event given the number of city police officers available to monitor the event;

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

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

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

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

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

The Bidwell Park and Playground commission may issue any permit required by this chapter whenever the permit authorizes a public event which is conducted in a city park or playground or

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

(Res. No. 153 92-93 §3 (part))

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

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

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

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

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

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

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

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

B. Where the application is for a public event in a city park or playground or portion of such park or playground not designated as an intensive use area, the application shall contain a statement of the reasons why such event cannot be conducted in an intensive use area of a city

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park or playground, except in those cases in which the event consists of a bicycle or foot race in Bidwell Park which will utilize park roads.

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

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

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

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

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

(Res. No. 153 92-93 §3 (part))

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

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

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

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

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

(Res. No. 153 92-93 §3 (part))

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

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

(Res. No. 153 92-93 §3 (part))

**12R.08.230 General permit conditions - Indemnification agreement.**

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



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

**12R.08.240 General permit conditions - Liability insurance.**

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

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

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

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

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

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

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

B. Waiver of Fees by the director for Free Speech Events. The basic park use fees required by this section shall be waived by the director for any permit authorizing a public event in a city park or playground or portion of a city park or playground designated as an intensive use area which does not exceed ten hours in length where the dominant purpose of such event is the exercise of free speech rights, and the permittee establishes that the permittee does not have the

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financial resources to pay such basic park use fee by filing with the director financial statements demonstrating such inability to pay, together with a declaration, executed by or on behalf of the permittee under penalty of perjury, attesting to such inability to pay.

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

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

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

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

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

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

#### **12R.08.263 General permit conditions - Bidwell Bowl.**

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

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

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1. Monday through Thursday during the months of September through and including May: 5:00 p.m. - 8:00 p.m.
2. Monday through Thursday during the months of June through and including August: 8:00 a.m. - 8:00 p.m.
3. Fridays during the months of September through and including May: 5:00 p.m. - 10:00 p.m.
4. Fridays during the months of June through and including August: 8:00 a.m. - 10:00p.m.
5. Saturdays: 9:00 a.m. - 10:00 p.m.
6. Sundays: 9:00 a.m. - 9:00 p.m.

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

1. Amplified music shall be permitted during the event if and only if it is played during the event for a cumulative period of time not exceeding more than 20 minutes in length.
2. Events utilizing amplified sound shall be limited to one per weekend and a total of three other times during the week.
3. Monday through Friday, amplified sound shall be permitted only between 5:00 p.m. and 9:00 p.m.
4. Saturday and Sunday, amplified sound shall be permitted only between 10:00 a.m. and 9:00 p.m.
5. All speakers shall be directed in a southerly direction towards the audience.

(Res. No. 95 96-97 §4)

#### **12R.08.270 Special conditions of permits.**

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

- A. Accommodations for the parking of vehicles used by those persons attending or participating in the public event;
- B. Accommodations for pedestrian traffic in and around the site of the event;
- C. Inspections and approval by city personnel of structures and equipment to be used in the event to ensure that such structures have been safely constructed and that such equipment can be safely operated;

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- D. Provision of electrical power to be utilized during the event;
- E. Provision of signage and barricades as may be necessary in order to avoid conflicts between persons participating in the event and other persons using park facilities in and around the site of the event or which may be necessary to protect park or playground landscaping or natural vegetation in and around site of the event;
- F. Provisions of monitors and security personnel as may be necessary to safely carry out the public event;
- G. Access to the site of the event through park gates at times when such gates are normally closed in order to prepare for such event or to clean up and remove equipment and structures at the conclusion of the event;
- H. Overnight camping by persons engaged in preparing for the event or providing overnight security for equipment and structures utilized in such event;
- I. Provision and operation of first aid stations and/or sanitary facilities, including handicapped-accessible sanitary facilities;
- J. Provision and use of garbage containers, and the cleanup and restoration of the site of the event at the conclusion of such event;
- K. Use of sound amplification equipment during the course of the event; and
- L. Provision of a notice of permit conditions to event participants.

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

### **12R.08.280 Revocation of permits.**

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

B. Notice of Revocation. Where the director determines to revoke a director permit or park commission permit authorizing a public event in a city park or playground, the director shall promptly cause written notice of such action to be served on the permittee and shall provide copies of such notice to the park commission and to the city attorney, as well as to the chief of police and/or fire chief where the chief of police or fire chief are charged with monitoring such event and/or otherwise providing city services in connection with the conduct of the event.

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

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

### **12R.08.290 Emergency suspension of a public event.**

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

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

### **12R.08.300 Interference with public events.**

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

(Res. No. 153 92-93 §3 (part))

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

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

(Res. No. 153 92-93 §3 (part))

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Chico, CA Code of Ordinances

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

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**Section:**

**12R.10.010 Purpose.**

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**12R.10.010 Purpose.**

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

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

### **12R.10.020 Findings.**

The Bidwell Park and Playground commission finds as follows:

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

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

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

(Res. No. 153 92-93 §4 (part))

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

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

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

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### 6. The Campfire Council Ring Area.

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

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

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

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

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

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

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

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

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

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

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

Upon receipt of an application for the reservation of city park and playground facilities which are located within that portion of a city park or playground designated as an exclusive use area and which requests the exclusive use of such facilities for a period of time not exceeding ten



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hours in length, the director shall approve the application and make the reservation unless the director finds that the city park and playground facilities sought to be reserved have already been reserved pursuant to another application filed prior in time, that the reservation of such facilities will conflict with a public event conducted under a permit issued in the manner provided for by Chapter 12R.08 of this title where the application for such event was also filed prior in time, or where the reservation of such facilities will conflict with construction or maintenance of work previously scheduled to take place in or around the facility sought to be reserved.

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

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

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

(Res. No. 153 92-93 §4 (part))

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

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

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

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

Upon the filing of an application for the reservation of city park and playground facilities which are located within any portion of a city park or playground not designated as an exclusive use area and/or which requests the exclusive use of a reserved area for a period of time exceeding ten hours in length, the Bidwell Park and Playground commission shall consider the application at its first regular or adjourned regular meeting after the tenth day following the filing of the application. Thereafter, the Bidwell Park and Playground commission may approve the

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application and authorize the reservation if the commission determines that exclusive use of the park and playground facilities sought by the applicant at the place, on the date and at the time set forth in the application is in the public interest and will not unreasonably interfere with the general public's use and enjoyment of the city's parks and playgrounds.

(Res. No. 153 92-93 §4 (part))

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

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

**12R.10.100 Park reservation fees.**

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

(Res. No. 153 92-93 §4 (part))

**12R.10.110 Liability insurance.**

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

Such insurance shall be in a form approved by the city's risk manager, shall name the city and the city's officers, employees and agents as additional insureds under the coverage afforded, shall be primary with respect to any other insurance available to city and shall include a severability of interest (cross-liability) clause. In the case of an application for reservation of city park and playground facilities located within a portion of a city park or playground designated as an exclusive use area and which requests exclusive use of such facilities for a period of time not exceeding ten hours in length, such insurance shall be in an amount of at least \$1,000,000.00 combined single limit. However, in the case of an application for the reservation of city park and playground facilities which are not located in that portion of a city park or playground designated as an exclusive use area and/or which requests exclusive use of such facilities for a period of

### ATTACHMENT "A"

time exceeding ten hours in length, such insurance shall be in an amount related to the city's likely exposure to risks arising out of the exclusive use of such facilities as determined by the Bidwell Park and Playground commission based on the recommendations of the city's risk manager, but in no event shall such insurance be in an amount less than \$1,000,000.00.

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

(Res. No. 153 92-93 §4 (part))

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

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

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

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

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

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



## PAC Staff Report

Meeting Date 1/17/13

DATE: 12/10/12  
 TO: Policy Advisory Committee (PAC) of the Bidwell Park and Playground Commission (BPPC)  
 FROM: Linda Herman, General Services Administrative Manager & Jessica Erdahl, Sr. Park Ranger  
 SUBJECT: Recommendation of Revisions to the Park Division Fees – Fee Schedule 80.020.

### Recommendation

*Committee recommends that the Commission approve and forward to the City Council staff's proposed revisions to the Park Division Fees - Fee Schedule 80.020.*

### Background

City of Chico Fee Schedule 80.020 – Park Division Fees contains park reservation permit fees and other fees related to the use of Bidwell Park and other City parks. The Schedule also includes fees to donate a park bench and to plant City trees. Except for some minor adjustments each year based on increases in employee wages or the Consumer Price Index (CPI), it has been several years since these fees have been analyzed and revised to reflect actual costs involved in the administration, preparation, coordination, monitoring, and clean up after the reservation.

In addition, the City will be implementing a more convenient online reservation system after the first of the year, and it has become apparent that the City's current reservation fees and permit process need to be clarified and simplified. As Chico's population and the popularity of the park increases for races and other public events, there is a also need to have distinct separate levels of fees between private events and public events due the amount of time and coordination that is needed for public events, not to mention their inherent impact on City park facilities.

### Discussion

As part of this process, staff reviewed fees collected by other agencies such as the Chico Area Park and Recreation (CARD), the cities of Redding, Yuba City, Sacramento and several other agencies. Staff also consulted administrative, ranger, and park maintenance staff as part of this review. The proposed fee schedule revisions are attached both in annotated form (Exhibit "A") and in a clean formatted form (Exhibit "B"). The proposed revisions and the rationale for these revisions are summarized as follows:

#### **I. General Formatting and Language Clarifications**

The current version has two separate fee sections, one for private events, and one for public events and is quite repetitive. The revisions involve moving sections of the fee schedule to group fees for both events under specific categories, such as application fee, park reservation fee, deposits etc. with fees for both types of events listed below each category.

- A. Changed the term "basic park fees" to "park reservation fees" or "additional park reservation fees" to make the terminology consistent throughout the document.
- B. Added a provision that large public events provide additional trash and recycling service and portable restrooms.
- C. Current policy is if an applicant cancels an event, the applicant is entitled to receive a full refund for the reservation fee and other additional park use fees (the application fee is nonrefundable). Because of the time and effort involved in preparing for a reservation, staff is proposing establishing a new policy for applicant-initiated cancellations. Staff is proposing that if the applicant cancels a public event within 5 days of the event, that only 50% of the fees be refunded, and that if a private event is canceled within 2 days of the event that the fees not be returned. However, reservation and additional park use fees will be refunded in full for cancellations within these time frames due to inclement weather or for other reasons not initiated by the applicant
- D. Removed the following fees from the Fee Schedule:

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1. Wildwood Park Ballfield Fees because this facility has been transferred to CARD.
  2. Tree Planting Fees (to be moved to Fee Schedule 80.030)
  3. Memorial Bench Fees (this will be handled under a separate fee schedule upon the finalization of the donation policy)
- E. Renamed the Fee Schedule from "Park Division Fees" to "Park Reservation Fees."
- F. Staff wanted to receive feedback on the concept of adding a "Special Use Fee" and an additional fee for larger events to support staff (i.e. ranger, event coordinator, park attendant, or administrative staff) to aid with the event. We anticipate these may be part of future fee revisions.
1. In the past, the Parks Division would employ an hourly park attendant to support events in the Park and City Plaza. The staff member would conduct pre-event calls and coordination (or even pre-event site visits), support set-up (including access to closed areas of the park), assist with breaking down the event, and completing an event evaluation. This position has not been hired since 2010 as part of budget cuts. However, many of these functions are now completed by rangers, which takes them away from patrol or alternatively, if calls come in, they are unable to support the event.
  2. The Special Use Fee would capture City costs associated with non-routine events. The application would likely consist of a non-refundable application fee and fees determined by a staff time analysis (for example, additional preparation of an area, monitoring after an event, ranger or attendant support). Some of the additional fees may become a flat rate (for example, we have a good idea as to the costs associated with weddings at Picnic Site 37).
  3. Current code outlines different fees associated with public and private events. In many respects the distinction between public and private events is arbitrary, as a large private event will have the same impacts on a facility as a similarly sized public one. Staff would like to explore a simpler fee structure (and code) that would have fees tied to event size.

### **II. Revisions to the Park Reservation Fees**

- A. One of the main revisions being proposed is to change the private reservation fees. The changes include:
1. Changing from a reservation fee based on per person to a flat fee per facility. The proposed reservation fee for use of most park facilities is \$25, except for Bidwell Bowl Amphitheater which is \$50. Staff determined these rates after reviewing the numbers of participants, types of events, fees paid for private events in previous years, and the maximum seating capacity and amenities offered at each location.
  2. Limiting reservations to 5-hour blocks of time: from 1) 9:00 am to 2:00 pm or from 2) 2:00 pm to 7:00 pm. Currently, a private or public event under 100 people can reserve an entire facility for 10 hours for \$10.50. Private event applicants that opt for using a facility for a longer period of time, must pay for and reserve the facility for the additional block of time.
- B. For public event reservations, the changes include:
1. The fee category for public events that do not charge participants has been deleted so that there is no difference in fees for public events that charge and do not charge participants. The reason for this change is that City staff costs and the impacts on the facilities is the same regardless of whether the applicant charges a participant fee or not.
  2. Fees will still be based on the number of participants using the current pricing of \$0.40/person; however, the schedule contains fewer fee categories, reducing the number of categories from 13 to 4. This will make it easier for both the public and staff to determine fees due.

### **III. Revisions to the Additional Park Use Fees**

- A. Provides for the collection of a \$100 damage deposit for all public and private events that exceed 100 people. This deposit is refundable if no damages are sustained as a result of the event
- B. Adds a flat fee of \$29.00 for use of 100 amp electrical service at those facilities that have this service. Currently, this fee applies only for City Plaza, and this service is available at Cedar Grove and other locations.

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- C. Updates the fees based on actual costs for the use of additional City Staff or equipment that is not part of the normal park reservation process. An example of this is if the permittee requires early entry into the park, then an hourly fee for the Park Ranger to open the gates and meet with the permittee would be charged.

### **Fiscal Impact**

Staff's intent with these revisions was to simplify the fee schedule, equitably adjust the fees to try to capture a larger portion of the actual costs associated with reservations, and to minimize large changes to the fees from current park permit charges. However, with the change to a flat reservation fee per facility and limiting reservations to 5-hour time blocks for private events, and changes to the public event reservation fees, there will likely be increased revenues received. These additional revenues will help defer staff and maintenance costs associated with park reservations.

### **Attachments:**

Exhibit "A": Annotated Copy of the Fee Schedule Revisions

Exhibit "B": Unannotated Copy of Fee Schedule

**Distribution:** BPPC