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ORDINANCE NO. 2587

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO,
CALIFORNIA, AMENDING CHAPTERS 12.18 AND 12R.04
ADDING TO THE CHICO MUNICIPAL CODE SECTIONS 12.18.065
AND 12R.04.060, TITLED “ALCOHOLIC BEVERAGES – CITY
PLAZA”**

WHEREAS, the City of Chico (“City”) maintains a system of parks, including the City Plaza which is composed of the property in the City of Chico west of Main Street, east of Broadway Street, north of 5th Street and south of 4th Street; and

WHEREAS, currently, Chapters 12.18 and 12R.04 of the Chico Municipal Code (CMC) generally prohibits the manufacture, sale, gifting, possession, and consumption of alcoholic beverages in City parks; and

WHEREAS, pursuant to CMC Chapter 12R.10, public events held in a City park must be approved by a Park Use Permit Application; and

WHEREAS, the proposed amendments to Chapters 12.18 and Chapter 12R.04 seek to permit certain public events held in the City Plaza to include the sale, possession and consumption of alcohol, subject to terms and conditions set forth in the Code and an updated Park Use Permit Application; and

WHEREAS, the Chico City Council desires to amend Chapters 12.18 and 12R.04 to add Sections 12.18.065 and 12R.04.060 to the Chico Municipal Code, entitled “Alcoholic beverages – City Plaza” (the “Ordinance”), to permit certain sales, possession and consumption of alcoholic beverages on City Plaza property.

NOW, THEREFORE, BE IT ORDAINED the Council of the City of Chico does hereby adopt the following Ordinance amending Chapters 12.18 and 12R.04 of the Chico Municipal Code as follows:

SECTION 1. City Code Amendment.

Section 12.418.065 is added to Chapter 12.18 of Article 1, of the Chico Municipal Code to state the following:

12.18.065 Alcoholic beverages – City Plaza.

- A. Notwithstanding sections 12.18.030 and 12.18.050 above, any person may sell alcoholic beverages at the City Plaza during a public event as authorized by and pursuant to the valid issuance of a City of Chico Park Use Permit and a license issued by the California Department of Alcoholic Beverage Control, and any person over the age of 21 years may possess or consume alcoholic beverages at the City Plaza during such event, as permitted by this Section 12.18.065.

1 B. Application for a City of Chico Park Use Permit as provided in CMC 12R.10 authorizing
2 the sale, possession, and consumption of alcoholic beverages in City Plaza shall be filed
3 with the director at least thirty (30) calendar days prior to the date the public event is to
4 take place. Application shall be in the form prescribed by the director and shall contain all
5 information required by the director. Permits authorized by this Subsection B must be
6 approved by the director or designee, the Chief of Police or designee, and the City Manager
7 or designee.

8 C. Following the filing of an application for a permit under this section, the director shall
9 issue a permit granting an exemption from Sections 12.18.030 and 12.18.050 if the director
10 finds that the public event complies with all requirements otherwise set forth in this chapter
11 as well as any reasonable requirements and conditions imposed by the director within or
12 in addition to the permit application, including inclusion of a site plan, security plan, and
13 proof of appropriate insurance.

14 SECTION 2. City Code Amendment.

15 Section 12R.04.060 is added to Chapter 12R.04 of Article II of the Chico Municipal Code to state the
16 following:

17 12R.04.060 Alcoholic beverages – City Plaza.

18 A. Notwithstanding sections 12R.04.030 and 12R.04.050 above, any person may sell
19 alcoholic beverages at the City Plaza during a public event as authorized by and pursuant
20 to the valid issuance of a City of Chico Park Use Permit and a license issued by the
21 California Department of Alcoholic Beverage Control, and any person over the age of 21
22 years may possess or consume alcoholic beverages at the City Plaza during such event, as
23 permitted by this Section 12R.04.060.

24 B. Application for a City of Chico Park Use Permit authorizing the sale, possession, and
25 consumption of alcoholic beverages in City Plaza shall be filed with the director at least
26 thirty (30) calendar days prior to the date the event is to take place. Application shall be in
27 the form prescribed by the director and shall contain all information required by the
28 director. Permits authorized by this Subsection B must be approved by the director or
designee, the Chief of Police or designee, and the City Manager or designee.

C. Following the filing of an application for a permit under this section, the director shall
issue a permit granting an exemption from Sections 12R.04.030 and 12R.04.050 if the
director finds that the event complies with all requirements otherwise set forth in this
chapter as well as any reasonable requirements and conditions imposed by the director
within or in addition to the permit application, including inclusion of a site plan, security
plan, and proof of appropriate insurance.

SECTION 3. CEQA. The City Council, on the basis of the whole record and exercising independent
judgment, finds that this Ordinance is exempt from the provision of the California Environmental
Quality Act pursuant to CEQA Guidelines Section 16061(b)(3) because it can be seen with certainty
that there is no possibility that the Ordinance may have a significant effect on the environment.

1 SECTION 4. Severability. If any section, subsection, line, sentence, clause, phrase, or word of this
2 Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a
3 decision of any court of competent jurisdiction, such decision shall not affect the validity of the
4 remaining portions of this Ordinance. The City Council of the City of Chico hereby declares that it
would have passed this Ordinance, and each and every individual section, subsection, line, sentence,
clause, phrase, or word without regard to any such decision.

5 SECTION 5. Effective Date. The Ordinance shall be effective 30 days after adoption by the City
6 Council.

7 SECTION 6. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance
8 and shall cause the same to be published or posted in the manner required by law.

9 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its duly
10 noticed meeting held on May 2, 2023, by the following vote:

11
12 AYES: Bennett, Morgan, Tandon, van Overbeek, Winslow, Reynolds, Coolidge

13 NOES: None

14 ABSENT: None

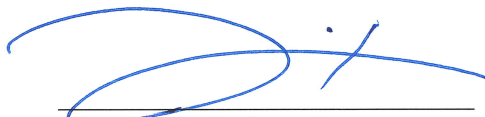
15 ABSTAINED: None

16 DISQUALIFIED: None

17 **ATTEST:**

18 
19 Deborah R. Presson, City Clerk

20 **APPROVED AS TO FORM:**

21 
22 Vincent C. Ewing, City Attorney*

23 *Pursuant to The Charter of the City of Chico,
24 Section 906(E)
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