

1 ORDINANCE NO. 2606

2 **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING**
3 **CHAPTERS 12.04, 12.18, AND 12R.04 OF THE CHICO MUNICIPAL CODE RELATED**
4 **TO CLOSING HOURS AND DRUG FREE ZONES FOR CITY PARKS,**
5 **PLAYGROUNDS AND GREENWAYS**

6 **WHEREAS**, pursuant to Section 12.16.010 of the Chico Municipal Code (“CMC”), the
7 Bidwell Park and Playground Commission (“BPPC”) has authority to establish regulatory rules
8 governing the City of Chico (“City”) parks and playgrounds, which such rules become effective
9 upon approval by the City Council; and

10 **WHEREAS**, CMC Chapters 12.04 and 12.18, and 12R.04 pertain to rules in City parks,
11 playgrounds, and greenways; and

12 **WHEREAS**, the BPPC reviewed these CMC Chapters and recommended changing the
13 closing hours and designating Drug Free Zones in City parks, playgrounds, and greenways; and

14 **WHEREAS**, at its meeting on November 1, 2022, the City Council approved the BPPC’s
15 recommendations regarding the proposed revisions to CMC Chapters 12.04, 12.18 and 12R.04
16 and directed City Staff to bring back an ordinance approving these revisions; and

17 **WHEREAS**, it was recently discovered that an ordinance confirming Council’s previous
18 actions was inadvertently not presented to the Council for adoption into the CMC; and

19 **NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of Chico that:

20 **SECTION 1. AMENDMENT OF CODE.** Chico Municipal Code Sections 12.18.450
21 and 12R.04.370 entitled “Closure of parks, greenways, and open spaces” is hereby amended to
22 read as follows:

23 **“12R.04.370 Closure of parks, greenways and open spaces.**

- 24 A. Unless authorized by an approved permit, it is unlawful for any person to be
present in any city of Chico parks, greenways, or open spaces during the hours the

1 parks, greenways, or open spaces are closed. Unless otherwise posted, closing
2 hours shall be between the hours of 10:00 p.m. and 5:00 a.m. for all City parks,
3 greenways and open spaces, except City Plaza and Upper Bidwell Park where
4 closing hours are from 11:00 p.m. to 5:00 a.m.

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

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

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

12 C. The city of Chico or Chico Area Park & Recreation District director may
13 temporarily close its respective parks, greenways, or open spaces, or a portion of any
14 park, greenway, or open space whenever the director determines that such closure is
15 necessary for the protection of public safety or public property. It is unlawful for any
16 person to be present in any park, greenway or open space, or portion of any park,
17 greenway or open space, that has been temporarily closed by the director.”

18 **SECTION 2. AMENDMENT OF CODE.** A new CMC Section 12.04.050 entitled
19 “Drug free Zones” is hereby added to Chapter 12.04.to read as follows:

20 “12.04.050 Drug free zones.

21 All city parks and playgrounds are hereby declared to be Drug Free Zones pursuant to
22 California Health and Safety Code Sections 11353 and 11353.1 which set forth
23 enhanced penalties for specified offenses involving the possession or sale of controlled
24 substances which occur upon the grounds of city parks and playgrounds.”

1 **SECTION 3. AMENDMENT OF CODE.** CMC Chapter 12.17 entitled “Humboldt
2 Neighborhood Park” is hereby repealed in its entirety because in 2010 this skate park was
3 deeded to the Chico Area Recreation and Park District (CARD), which have their own park
4 rules and restrictions.

5 **SECTION 4. AMENDMENT OF CODE.** CMC Sections 12R.04.275 and 12.18.360
6 entitled “Ball Field Lighting Curfew – Wildwood Park” are hereby repealed as this park was
7 deeded to CARD in 2023.

8 **SECTION 5. CEQA.** The City Council, on the basis of the whole record and exercising
9 independent judgment, finds that this Ordinance is exempt from the provision of the California
10 Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) because it can be
11 seen with certainty that there is no possibility that the Ordinance may have a significant effect on
12 the environment.

13 **SECTION 6. Severability.** If any section, subsection, line, sentence, clause, phrase, or
14 word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or
15 as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the
16 validity of the remaining portions of this Ordinance. The City Council of the City of Chico
17 hereby declares that it would have passed this Ordinance, and each and every individual section,
18 subsection, line, sentence, clause, phrase, or word without regard to any such decision.

19 **SECTION 7. Effective Date.** The Ordinance shall be effective 30 days after adoption by
20 the City Council.

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

23 **THE FOREGOING ORDINANCE WAS ADOPTED** by the Council of the City of
24 Chico at its meeting held on **November 5, 2024,** by the following vote:

1 AYES: Bennett, Morgan, Tandon, van Overbeek, Winslow, Reynolds, Coolidge

2 NOES: None

3 ABSENT: None

4 ABSTAINED: None

5 DISQUALIFIED: None

6 ATTEST:

APPROVED AS TO FORM

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Deborah R. Presson
City Clerk

9 
10 John W. Lam (Oct 17, 2024 11:31 PDT)

John W. Lam
City Attorney*

11 *Approved pursuant to The Charter of the City
12 of Chico § 906(E)
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