

ORDINANCE NO. 1412

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA
AMENDING THE ARCATA MUNICIPAL CODE RELATING TO
THE USE OF PUBLIC PROPERTY**

**TITLE X—PUBLIC PROPERTY
CHAPTER 1—PARKS AND GROUNDS**

The City Council of the City of Arcata does ordain as follows:

Section 1: Title X—Public Property, Chapter 1—Parks and Grounds, Sections 10000, 10004, 10006 and 10011 of the Arcata Municipal Code are hereby amended by replacement with the following:

SEC. 10000. City parks, buildings and grounds.

All parks, buildings and grounds owned by City of Arcata shall be subject to the provisions of this Chapter.

SEC. 10004. Overnight use prohibited.

There shall be no camping on or in City parks, buildings and grounds, nor overnight use of City parks, buildings and grounds unless specifically authorized by the City Manager or her/his designee. “Camping” is defined as the use of public parks, buildings or grounds for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping, or doing any digging, or earth breaking, or carrying on cooking activities. The above listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

SEC. 10006. Regulation of use of public parks, buildings and grounds.

- A. No individual or group may use City parks, buildings or grounds without first obtaining a permit from the City Manager or her/his designee for activities or events which include any of the following:
1. Non-spontaneous large group activities consisting of 50 or more persons;
 2. The charging of an admission or entrance fee;
 3. The use of City facilities not ordinarily available for public use;

4. Regularly occurring organized team or league use of City sports fields or courts;
 5. The sale of merchandise, food or beverages;
 6. The setting up of booths, stages, vending carts or stands, kiosks, bleachers or similar structures;
 7. The barricading of any City street or other street use that would impede the normal flow of traffic;
 8. Amplified music or sound;
 9. The need for access to City electricity; or
 10. The need for garbage collection specific to the activity or event.
- B. Public parks are closed between sunset and sunrise, except the Plaza, which is closed between 2:00 a.m. and 6:00 a.m. The City Manager or her/his designee may authorize specific activities in designated areas during these closed hours. Any unauthorized use of public parks or the Plaza during closed hours is unlawful.
- C. If an individual or group receives a permit to use City parks, grounds or buildings, it shall be unlawful to conduct any activity in violation of said permit provisions.
- D. No individual or group of individuals may use City parks, grounds/facilities or buildings contrary to posted signs or markings.
- E. Applications for permits to use City parks, grounds and buildings as required in this Chapter, are available at Arcata City Hall, and shall be processed pursuant to those regulations established in accordance with Section 10011 of the Municipal Code.

SEC. 10011. Duty of the City Manager to administer parks, buildings and grounds.

- A. The City Manager or her/his delegated representative shall be responsible for establishing reasonable fees, rules, regulations and policies pertaining to the use of public parks, buildings and grounds. Such fees, rules, regulations, and policies shall be promulgated by resolution of the City Council and shall be duly noticed and published so as to inform the public.
- B. To the extent permitted by law, the City Manager may deny an application for a permit to use a City park, building or ground if the applicant or person on whose behalf the application for a permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of a prior permit issued on behalf of the applicant. The City Manager may also deny an application for a permit to use a City park, building or ground for any of the following reasons:

1. The application for a permit (including any required attachments and submissions) is not fully completed or executed;
2. The applicant has not tendered the required application fee with the application or has not tendered the required special activity event fees, insurance certificate when required or deposit within the times prescribed by the City Manager;
3. The application for a permit contains a material falsehood or misrepresentation;
4. The applicant is legally incompetent to contract or to sue and be sued;
5. The applicant or the person on whose behalf the application for a permit was made has on prior occasions damaged City property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City;
6. A fully executed prior application for a permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park, building or ground, or part thereof;
7. The use or activity intended by the application would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place;
8. The proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park, building or ground, or part thereof designated pursuant to this Title or City Council regulation adopted in accordance with this Title;
9. The use or activity intended by the applicant would present a danger to the health or safety of the applicant, or other users of the park, building or ground, or City employees or the public;
10. The applicant has not complied or cannot comply with applicable licensure or permit requirements, ordinances or regulations of the City, Arcata Fire Protection District, County and State concerning the sale or offering for sale of any goods or services, recycling and waste diversion and erection of temporary structures; or
11. The use or activity intended by the applicant is prohibited by local, state or federal law or regulation.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 4: This ordinance will take effect thirty (30) days after the date of its adoption.

Date: March 21, 2012

ATTEST:

APPROVED:

/s/ Randal J. Mendosa
City Clerk, City of Arcata

/s/ Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1412**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California on the 21st day of March, 2012, by the following vote:

AYES: WINKLER, ORNELAS, STILLMAN, WHEETLEY

NOES: BRINTON

ABSENT: NONE

ABSTENTIONS: NONE

/s/ Randal J. Mendosa
City Clerk, City of Arcata