

## ORDINANCE NO. 2249

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL AMENDING CHAPTER 13.04 OF THE CAMPBELL MUNICIPAL CODE REGARDING PARK REGULATIONS

THE CITY COUNCIL OF THE CITY OF CAMPBELL DOES HEREBY ORDAIN AS  
FOLLOWS:

SECTION 1. Section 13.04.160 of the Campbell Municipal Code is hereby amended to read as follows with strikethroughs (~~strikethroughs~~) indicating deleted text, and underlying (underlining) indicating added text:

#### **13.04.160 – Alcoholic beverages**

(a) Except as otherwise provided in this section, no alcoholic beverages are allowed in any park in the city of Campbell.

(b) Notwithstanding any contrary provisions of this code, beer and wine may be consumed within at the following times and parks, any park in the city of Campbell with, provided a permit is first obtained from the recreation and community services department pursuant to the terms of this section as detailed in the Picnic Reservation Policy approved by the City Council.

(1) John D. Morgan Park during regular open hours at reservable Group Picnic areas designated by the Director of Recreation and Community Services; and

(2) Edith Morley Park during regular open hours at reservable Group Picnic areas designated by the Director of Recreation and Community Services.

(c) The recreation and community services department shall issue a permit for the consumption of beer and wine if the department finds that all of the following criteria will be satisfied:

(1) The beer and wine will be under the control and supervision of a responsible adult;

(2) Adequate precautions are in place to prevent consumption of the beer and wine by minors;

(3) The applicant has made adequate provision for cleanup of any debris or refuse associated with the service or consumption of the beer and wine;

(4) The number of persons consuming the beer and wine will not exceed the capacity of the park reservable picnic area;

(5) The consumption of beer and wine will not unreasonably interfere with surrounding residences, businesses or other park users;

(6) The applicant has paid all applicable administrative fees as established by resolution of the city council.

(d) The failure to comply with the criteria for approval of a beer and wine permit, or to comply with any conditions on the exercise of the permit shall be punishable as a misdemeanor.

(e) Notwithstanding any contrary provisions of this code, beer and wine may be consumed at City sponsored events under the supervision of the recreation and community services department.

SECTION 2. Section 13.04.163 of the Campbell Municipal Code is hereby amended to read as follows with strikethroughs (strikethroughs) indicating deleted text, and underlying (underlining) indicating added text:

**13.04.163 – Neighborhood park special use policies Non-reservable picnic areas at parks other than John D. Morgan Park and Campbell Park.**

~~(a). Jack Fischer Park is a neighborhood park. There are no Non-reservable or "first-come, first-serve" picnic areas at Jack Fischer Park, Campbell Community Center, Edith Morley Park, and Stojanovich Family Park are subject to the following rules:~~

~~(b) The following rules apply to Jack Fischer Park~~

~~(a) No barbecues or outdoor cooking;~~

~~(b) No portable tables, canopies, tents or outside furniture (single lawn chairs and small shade umbrellas are permitted);~~

~~(c) No roping off areas to reserve for private use (no cones, tape, flags, etc.);~~

~~(d) No amplified music or loudspeakers;~~

~~(e) No inflatable jumpers, bounce-about or other small devices;~~

~~(f) No portable generators; and~~

~~(g) No alcohol.~~

SECTION 3. Section 13.04.164 is hereby added to Chapter 13.04 of the Campbell Municipal Code to read as follows:

**13.04.164 – Non-Reservable picnic areas at John D. Morgan Park and Campbell Park.**

Non-reservable or "first-come, first-serve" picnic areas at John D. Morgan Park and Campbell Park are subject to the following rules:

1) No portable tables, canopies, tents, tarps or outside furniture (single lawn chairs and small shade umbrellas are permitted);

(2) No roping off areas to reserve for private use (no cones, tape, flags, etc.);

(3) No amplified music or loudspeakers;

(4) No inflatable jumpers, bounce-about or other small devices;

(5) No portable generators;

(6) No alcohol; and

(7) All barbecuing must be conducted on barbecue grills installed by the City next to the picnic tables; no additional barbecues can be brought into these areas.

SECTION 4. Section 13.04.165 is hereby added to Chapter 13.04 of the Campbell Municipal Code to read as follows:

13.04.165 – Group Picnic Reservations.

(a) The Director of Recreation and Community Services may designate certain areas of John D. Morgan Park and Edith Morely Park that can be reserved for Group Picnics.

(b) Group Picnic areas at John D. Morgan Park and Edith Morley Park must be reserved through a permit issued by the recreation and community services department as detailed in the Picnic Reservation Policy adopted by the City Council.

(c) The following rules apply to picnics conducted in the reserved Group Picnic areas:

- 1) There shall be no additional barbecues, tables, chairs or other equipment that the Director of Recreation and Community Services, or his/her designee determines would be disruptive to the normal and customary use of the park;
- 2) No amplified music or loudspeakers;
- 3) One canopy (no larger than 10' x 10') is permitted per picnic site;
- 4) On-site caterers must be approved by the Recreation and Community Services Director or designee;
- 5) Bounce houses occupying no more than twenty feet by twenty feet (20' x 20') in area are allowed with a Group Picnic reservation from only companies who have insurance on file with the City; and
- 6) Beer and wine are allowed only with a completed Group Picnic reservation in the designated Group Picnic area pursuant to the criteria in section 13.04.160.

SECTION 5. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, 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.

SECTION 6. This ordinance shall become effective thirty (30) days following its passage, and shall be published one time within fifteen (15) days upon passage and adoption in the Campbell Express, a newspaper of general circulation in the City of Campbell, County of Santa Clara.

PASSED AND ADOPTED this 18<sup>th</sup> day July, 2019 by the following roll call vote:

AYES: COUNCILMEMBERS: Resnikoff, Bybee, Gibbons, Landry, Waterman  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None

ATTEST:

  
Wendy Wood, City Clerk

APPROVED:

  
Richard M. Waterman, Mayor