

**CITY OF SAN MATEO
ORDINANCE NO. 2013-4**

**AMENDING SECTIONS 13.05.030, HOURS—EXCEPTIONS,” 13.10.010, “SPECIAL
EVENTS,” AND 13.10.030, “PERMITS—REQUIREMENTS,” OF TITLE 13, “PARKS AND
RECREATION,” OF THE SAN MATEO MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY ORDAINS
that:

Section 1. Subsection (b) of Section 13.05.030, “Hours-Exceptions,” of Chapter 13.05, “General Provisions,” of the San Mateo Municipal Code is amended to read:

(b) Recreation Programs/Private Permits/Special Event Permits: Persons may be allowed in park facilities after ten p.m. if they are involved in a recreation program authorized by the Park and Recreation Department or have obtained a private facility permit or special event permit for the period of time that the program is scheduled or the period of time authorized by permit.

Section 2. Section 13.10.010, “Special Events,” of Chapter 13.10, “Park Permits,” of the San Mateo Municipal Code is amended to read:

13.10.010 SPECIAL EVENTS. The City shall provide for the permitted use of park properties and facilities for Special Events in accordance with Chapter 17.34.

Section 3. Section 13.10.030, “Special Events,” of Chapter 13.10, “Park Permits,” of the San Mateo Municipal Code is amended to read:

13.10.030 PERMITS—REQUIREMENTS.

(a) The following regulations apply to the issuance of park permits:

(1) No Park Properties or Facilities will be reserved for more than one year in advance of the time of use except by approval of the City Manager or Director of Parks and Recreation or his or her designated representative.

(2) City of San Mateo residents will receive first priority for permits at the time of application. Once a permit is issued, the permittee will not lose his or her permit due to resident priority. Park permits will be processed in the order of receipt of a completed application form.

(3) Events, programs, classes, lessons, tournaments sponsored by the Parks and Recreation Department and persons holding a valid Parks and Recreation Department permit have priority for use of Park Properties and Facilities.

(4) Any damages to Park Properties and Facilities caused by any person attending a permit group activity shall be charged to and paid by the permit group.

(5) Unless any one of the following is shown to exist, the Community Service Manager or designated representative shall issue the permit upon the criteria set forth in this chapter: (1) The City has no Park Property or Facility available which will accommodate the activity or which use would not leave at least one-quarter (25%) of the Park Property or Facility physical space or time available for the use of the general public; (2) The Park Property or Facility requested has already been permitted to another group or person or is needed for programs sponsored by the Parks and Recreation Department; (3)The applicant refuses to agree or does not have the authority to comply in writing with all the conditions described herein of the permit; (4) The applicant has not tendered the required application fee or user fee with the application or the insurance certificate or security deposit prior to permit issuance; (5) The applicant cannot provide sufficient permit monitors at the rate of one monitor for every 50 participants.; (6) The applicant has been found utilizing Park Properties or Facilities scheduled by the

Department without a valid use permit on two or more occasions over the previous six-month period of time; (7) The applicant is in violation of City ordinances or permit conditions; (9) The applicant provided incomplete or incorrect information in the application; (10) The event would present an unreasonable danger to the health and safety of the applicant, or to other users of the Park Property or Facility or to the public or presents an unreasonable threat of damage to Park Property or is unlawful or Obscene.

(6) The Director may require a permittee to provide public liability and property damage insurance with indemnification provisions as may be appropriate to protect the Park Properties and Facilities and the public using such Park Properties and Facilities.

(7) No person shall fail to produce and exhibit a permit he or she claims to have upon request of any department employee or any peace officer who desires to inspect the permit for the purpose of enforcing compliance with any regulations of this chapter. The Director may revoke any permit issued for failure to comply with the requirements of this Section 13.10.030.

(8) Within 14 days of receipt of a completed application form, the City shall make a decision on a permit application and shall immediately communicate by telephone and in writing that decision to the applicant. Any person may appeal a permit decision by filing with the City Clerk an appeal in writing to the Director of Parks and Recreation within seven days of notification of the permit decision. The decision of the Director of Parks and Recreation shall be made within 24 hours of the appeal and shall be the final administrative decision of the City, appealable to the Superior Court under the provisions of Section 1094.5 of the [Code of Civil Procedure](#), except that expedited proceedings may be had under the provisions of Section 1094.8 for permits regarding expressive conduct, at the discretion of the appellant. (b) For special event permits, the provisions of Chapter 17.34 apply.

Section 4. SEVERABILITY. In the event any section, clause or provision of this Ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared to be invalid or unconstitutional.

Section 5. ENVIRONMENTAL REVIEW. Pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(34) the subject action is not a project under CEQA because it can be seen with certainty it will not have a significant effect on the environment because the city is merely approving amendments to the municipal code related to park permits.

Section 6. PUBLICATION. This Ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

The foregoing ordinance was introduced on February 19, 2013, and adopted by the City Council of the City of San Mateo, State of California on the 4th day of March, 2013, by the following vote:

AYES: COUNCIL MEMBERS GROTTÉ, MATTHEWS, ROSS AND LIM
NOES: NONE
ABSENT: FRESCHET

ATTEST:

(SEAL) /s/ PATRICE M. OLDS
Patrice M. Olds, City Clerk

/s/ DAVID LIM
David Lim, Mayor