



## Item No. 13 Town of Atherton

### **CITY COUNCIL STAFF REPORT – PUBLIC HEARING**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER

**FROM:** STEVEN D. MCCULLEY, CHIEF OF POLICE

**DATE:** OCTOBER 17, 2018

**SUBJECT:** ADOPTION OF UPDATED ORDINANCE NO. 12.24, AN  
ORDINANCE OF THE TOWN OF ATHERTON RELATED TO  
HOLBROOK PALMER (HP) PARK

#### **RECOMMENDATION**

Adoption of updated Ordinance No. 12.24, an Ordinance of the Town of Atherton related to Holbrook Palmer Park.

#### **BACKGROUND**

Chapter 12.24 of the Atherton Municipal Code provides regulations for Holbrook-Palmer Park. These regulations cover permitted uses, general hours, noise, and restrictions. After recent review of the Code section, staff determined that there are a few areas that need updating to bring them in line with current use and activity at the Park. These areas include regulations on the use of alcohol, referencing animal governed under Chapter 6.04 of the Code, noise, unmanned aircraft, and general Code applicability.

#### **ANALYSIS**

Chapter 12.24 of the Code relating to the Park is essentially a list of Park Rules. These issues are addressed with basic signage in the Park and/or other sections of the Municipal Code. However, the attached ordinance incorporates language into Chapter 12.24 for consistency.

The possession or consumption of alcohol in the Park is not allowed at any time, except as specifically allowed by Special Event Permit and/or a Facility Rental Agreement. Renters are required to specify whether there will be alcohol served and the Town can regulate the event based on information provided by requiring additional insurance, if desired. Town events, such as the Concerts in the Park, obtain Special Event Permits that cover the presence of alcohol by attendees.

Animals in the Park are subject to all of the provisions of Chapter 6.04 of the Code. This includes the requirement that dogs be on leash and under control at all times.

With respect to noise, the current ordinance provided the use of amplified sound in any outdoor area. Because outdoor amplified sound is allowed under a Town permit or rental agreement, this caveat was added to the language.

The ordinance was updated to reflect the recent regulations governing Unmanned Aircraft Systems (drones).

Lastly, a catchall provision was added that use of the Park is subject to all applicable regulations codified elsewhere in the Code.

### **POLICY FOCUS**

The purpose of the Town's ordinance is to create and manage regulations for use of HP Park. The updated language establishes regulations which are consistent with the Town's operating principle of promoting safety and livability for the community.

### **FISCAL IMPACT**

It is anticipated that Police Officers and/or the Code Enforcement Officer will respond to complaints of violations of the ordinance. Since these regulations already exist and are enforced, there is no additional staff time or resources involved. In order to educate park users and visitors about the updated ordinance, staff will provide information on the Town's website and publish in the next Athertonian newsletter.

### **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

### **COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item \_\_\_ has or  X  has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- Civic Center Advisory Committee (meets as needed)
- Environmental Programs Committee (meets every other month)
- Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)
- Tree Committee (meets each month)

Holbrook Palmer Park Ordinance  
October 17, 2018

**ATTACHMENTS**

ATTACHMENT 1 – Updated Ordinance

**Chapter 12.24**  
**HOLBROOK-PALMER PARK**

Sections:

- 12.24.010 Permit required for use of park buildings.
- 12.24.020 Hours of use—General use.
- 12.24.025 Use of Alcohol
- 12.24.030 Trespassing in restricted areas.
- 12.24.040 Tennis court hours.
- 12.24.050 Hours of use—Use permit.
- 12.24.055 Animals.
- 12.24.060 Noise restrictions.
- 12.24.070 Exempted activities.
- 12.24.075 Unmanned Aircraft System use.
- 12.24.080 Restriction of ball game use.
- 12.24.085 Restrictions on use of walking paths.
- 12.24.090 —Speed limit and parking restrictions.
- 12.24.100 Additional Restrictions.

**12.24.010 Permit required for use of park buildings.**

Use of park buildings by individuals and groups shall be allowed by use permit, subject to regulations issued under authority of the city manager, in conformity with this and other applicable ordinances, and with the general plan for the development of the town. (Ord. 335 Ch. 9(d) § 1, 1975)

**12.24.020 Hours of use—General use.**

Holbrook-Palmer Park shall be closed for general use from one-half hour after sunset to one-half hour before sunrise. No person shall use the park at other times except in accordance with a use permit or for activities sponsored by the town. (Ord. 367 (part), 1978: Ord. 335 Ch. 9(d) § 2, 1975)

**12.24.025 Use of Alcohol.**

Alcohol possession and/or consumption is not allowed within Holbrook-Palmer Park at any time, except as specifically allowed by Special Event Permit and/or Facility Rental Agreement.

**12.24.030 Trespassing in restricted areas.**

Entry into the corporation yard, carriage house, water tower building, or the pavilion building, without proper authorization from the town shall constitute trespassing, as will entry into the main recreation building during hours other than normal office hours. (Ord. 367 (part), 1978: Ord. 335 Ch. 9(d) § 3, 1975)

**12.24.040 Tennis court hours.**

Holbrook-Palmer Park tennis courts shall be open for use from seven-thirty a.m. until sunset on Monday through Friday and from eight a.m. until sunset on Saturdays and Sundays and holidays. (Ord. 367 (part), 1978: Ord. 335 Ch. 9(d) § 4, 1975)

**12.24.050 Hours of use—Use permit.**

No person shall use any park facility under a use permit before eight a.m. or after eleven p.m. of any day, except that clean-up activities may continue from eleven p.m. until midnight. (Ord. 367 (part), 1978: Ord. 335 Ch. 9(d) § 5, 1975)

**12.24.055 Animals.**

Animals in Holbrook-Palmer Park are subject to all of the provisions of Chapter 6.04 of this Code, which includes the requirement that dogs be on leash and under control at all times.

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**12.24.060 Noise restrictions.**

No person shall use or permit the use of any sound amplification device in any outdoor area in Holbrook-Palmer Park in any outdoor area in Holbrook-Palmer Park, except where specifically allowed by valid Town permit or agreement. No person or organization, conducting an activity inside a building at Holbrook-Palmer Park pursuant to a use permit, shall cause or permit a noise in excess of sixty dBA, as defined in Chapter 8.16 of this code, measured at a distance of fifty feet from any outside wall of the building. (Ord. 367 (part), 1978; Ord. 335 Ch. 9(d) § 6, 1975)

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**12.24.070 Exempted activities.**

The provisions of this chapter shall not apply to activities sponsored by the town. (Ord. 367 (part), 1978; Ord. 335 Ch. 9(d) § 7, 1975)

**12.24.075. Unmanned Aircraft System use.**

Unmanned aircraft system use in Holbrook-Palmer Park is subject to the restrictions and conditions as set forth in Chapter 9.06 of this Code.

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**12.24.080 Restriction of ball game use.**

No ball games or practices shall be played by any group, organized or otherwise, at Holbrook-Palmer Park after four p.m., except on any Saturday, Sunday or holiday, except by use permit issued by the town in connection with rental of facilities at Holbrook-Palmer Park. (Ord. 397 § 1, 1983; Ord. 335 Ch. 9(d) § 10, 1975)

**12.24.085 Restrictions on use of walking paths.**

A. It is unlawful to ride any horse, and to use or operate any motorized vehicle, bicycle, scooter, roller blades, roller skates or skateboard on any designated walking path within Holbrook-Palmer Park.

1. Exclusions:

- a. Mechanized wheelchairs;
- b. Bicycles restricted to the section of path between the pedestrian walking bridge and the Felton Gables gate.

B. Violation of this section shall be an infraction and punishable as such pursuant to Section 1.20.050. (Ord. 620 § 1, 2016; Ord. 495 § 1, 1998)

**12.24.090 Speed limit and parking restrictions.**

A. The speed limit within Holbrook-Palmer Park shall be fifteen miles per hour.

B. There shall be no parking permitted on any park road, pathway or lawn or in any other place than as shall be permanently designated as a parking area, except that, from time to time, parking in other than designated area may be permitted under the authority of the city manager.

C. A violation is an infraction of the provisions of this chapter and is punishable by a fine of up to two hundred fifty dollars for each violation. (Ord. 387 § 8 (part), 1981; Ord. 374, 1979; Ord. 341 Ch. 9(e) §§ 1—3, 1975)

**12.24.100 Additional Restrictions.**

Use of Holbrook-Palmer Park is subject to all applicable restrictions as codified elsewhere in the Atherton Municipal Code.

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