

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF WATSONVILLE AMENDING TITLE 10 RELATING TO PUBLIC PARKS, PUBLIC FACILITIES, AND PARKING FACILITIES, OF THE WATSONVILLE MUNICIPAL CODE**

**WHEREAS**, the City of Watsonville ("City") values its open spaces and parks as a space for the public to enjoy the serenity of nature, and wishes to limit the commercial activity present in those spaces; and

**WHEREAS**, the City wishes to provide a coordinated process for managing events in City parks and recreation facilities to ensure the health and safety of event patrons, residents, workers, and other visitors, and to prohibit illegal activities from occurring at special events consisting of expressive activities; and

**WHEREAS**, the United States Constitution and California Constitution guarantee the right of the people to peaceably assemble and speak or protest in public places; and

**WHEREAS**, the City intends to protect these Constitutional rights of the people of Watsonville to peaceably assemble and protest in the City's public spaces, including City parks, public facilities and parking facilities; and

**WHEREAS**, the City also wishes to create a mechanism for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of events; and

**WHEREAS**, regulation of commercial activity in public parks and open spaces is necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities and necessary to prevent undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the City's parks and open spaces; and

**WHEREAS**, the City intends to update its existing permitting requirements for the City's public parks, open spaces, facilities and parking areas to protect the rights of the people to peaceably assemble, as well as to protect and conserve those spaces.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

Section 1. Findings

The City Council of the City of Watsonville does hereby find that the above referenced recitals are true and correct and incorporated into this Ordinance.

Section 2. Amend Title 10 of the Watsonville Municipal Code

Title 10, Public Parks, Public Facilities, and Parking Facilities, is amended in its entirety

to read as set forth in Exhibit B, attached hereto and incorporated herein by reference.

Section 3. Environmental Review

The City Council finds and determines that this Ordinance, which regulates the use and enjoyment of public property and open spaces, is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et. seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378(a), as this is not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment. In addition, if adoption of the Ordinance were considered to be a “project”, it would be exempt under CEQA Guidelines Section 15323 – Normal Operations of Facilities for Public Gatherings. The Ordinance regulates the use of existing public spaces and facilities without expanding or altering their normal operations. The spaces and facilities have a history of being used for the same or similar uses, for at least three years. The Ordinance ensures public parks and facilities continue to be available for public use and enjoyment without impacting the intensity of uses or changing the operations of said facilities. Finally, adoption of the Ordinance is also exempt from CEQA pursuant to the “common sense” exception (14 Cal. Code Regs. § 15061(b)(3)), because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment. The Ordinance does not propose or permit any new development, nor does it increase (or change in any way) the land use, density, or development regulations applicable to any property.

Section 4. Severability

If any section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Effective Date

This Ordinance shall take effect thirty (30) days after passage by the City Council.

Section 6. Publication

The City Clerk is directed to publish this Ordinance as required by State law.