

Meeting Date: 3/25/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-7



Date: March 18, 2014

To: City Manager for Council Action

From: Chief of Police

Subject: Pass to Print an Ordinance Amending Subchapter 9.05.005 and Adding New Subchapters 9.05.160, 9.05.165, and 9.05.170 Governing Conduct at the Stadium, Parking Lots and Surrounding Area

EXECUTIVE SUMMARY:

The City of Santa Clara currently has a chapter in its municipal code which specifies various acts that are prohibited, ranging from disturbing the peace to discharging weapons. While many of these existing code provisions could apply to those attending games and events at Levi's Stadium and the surrounding parking lots, City staff recognized some gaps in existing ordinances. These new code provisions are meant to fill those gaps and address conduct that could arise during Stadium events and in nearby parking lots, and to ensure that appropriate penalties and enforcement is available to law enforcement and security staff to maintain order and safety for all game and event attendees. These code provisions were also drafted so that they can be found in one subchapter of the municipal code, making it easier and more streamlined for the multiple reserve officers who will be patrolling the area.

Staff from the Police Department and the City Attorney's Office have worked closely to draft these new code provisions, and they have been reviewed and approved by representatives of the team.

Amended subchapter 9.05.005 adds new definitions of "stadium," "authorized representative" and "tailgating" while new subchapters 9.05.160 and 9.05.165 specify conduct that will not be allowed in Levi's Stadium and nearby parking facilities used for stadium events. New subchapter 9.05.170 describes the potential enforcement penalties associated with engaging in disallowed conduct in these areas.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

This ordinance will help ensure that law enforcement has all the necessary tools to encourage safe game day experiences for attendees and fans at Levi's Stadium. There are no disadvantages to the City in adopting the ordinance.

ECONOMIC/FISCAL IMPACT:

There is no cost to the City other than administrative staff time and expense.

RECOMMENDATION:

That the Council pass to print the attached ordinance, amending Chapter 9.05 (“In General”) of Title 9 (“Public Peace, Morals and Welfare”) by amending Subchapter 9.05.005 (“Definitions”) and adding new Subchapters 9.05.160 (“Prohibited Conduct in Sporting and Entertainment Events”), 9.05.165 (“Activities and Conduct Prohibited In Parking Facilities Adjacent To The Stadium Or Parking Facilities Used For Stadium Events”), and 9.05.170 (“Penalties”) governing conduct at the stadium, parking lots and surrounding area.



FOR

Michael J. Sellers
Chief of Police

APPROVED:



Julio J. Fuentes
City Manager

Documents Related to this Report:

1) Prohibited Conduct Ordinance

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING SECTION 9.05.005 (“DEFINITIONS”) AND ADDING NEW SECTIONS 9.05.160 (“PROHIBITED CONDUCT IN SPORTING AND ENTERTAINMENT EVENTS”), 9.05.165 (“ACTIVITIES AND CONDUCT PROHIBITED IN PARKING FACILITIES ADJACENT TO THE STADIUM OR PARKING FACILITIES USED FOR STADIUM EVENTS”) AND 9.05.170 (“PENALTIES”) TO CHAPTER 9.05 (“IN GENERAL”) OF TITLE 9 (“PUBLIC PEACE, MORALS AND WELFARE”) OF “THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA” GOVERNING CONDUCT AT THE STADIUM AND SURROUNDING AREA

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City of Santa Clara hereby desires to regulate conduct at sporting and entertainment events to preserve the health, safety and welfare of City residents and visitors to the Levi’s Stadium site and surrounding area.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That these newly adopted provisions in Title 9 (“Public Peace, Morals and Welfare”) were determined not to be a project under CEQA, as defined in Public Resources Code § 21065.

SECTION 2: That “The Code of the City of Santa Clara, California” (“SCCC”) 9.05.005 (“Definitions”) is amended to add new subsections to read as follows:

“(h) “Stadium” means that certain unenclosed, multipurpose sports and entertainment structure located in the City at 4900 Marie P. DeBartolo Way, the peripheral boundaries of which are the gates for access and egress and the walls surrounding the outer perimeter of the building.

(i) “Authorized Representative” means the responsible officer(s) or the person(s) or entity(ies) designated by the Santa Clara Stadium Authority.

(j) "Tailgating" means the use of any item (including tables, chairs, free-standing canopies or umbrellas, awnings attached to recreational vehicles, coolers, barbeques, grills, games, generators, televisions, sound systems, food or drink, food or drink preparation or serving equipment, or other items as identified by the City Manager or designee) for the purpose of an outdoor gathering by one or more people prior to, during or after a scheduled stadium event."

SECTION 3: That SCCC 9.05.160 ("Prohibited conduct in stadium sporting and entertainment events"), SCCC 9.05.165 ("Prohibited conduct in parking facilities adjacent to the stadium or used for stadium events") and SCCC 9.05.170 ("Penalties") be added to read as follows:

"9.05.160 Activities and conduct prohibited in stadium sporting or entertainment events.

The following activities are prohibited within the Stadium:

(a) No person shall intentionally throw, discharge, launch or spill any solid object (including footballs, baseballs, beach balls, Frisbees or other such items) or liquid substance or otherwise cause such object or substance to be thrown, discharged, launched, spilled or to become airborne.

(b) No person, including off-duty peace officers, shall bring into or possess within the Stadium any firearm or dangerous weapon, including but not necessarily limited to knives, impact weapons, chemical agents, or electronic control devices (Tasers, stun guns) unless expressly authorized by the Santa Clara Chief of Police.

(c) No person shall explode, set off, discharge or otherwise release or cause to be released any smoke bomb, fireworks, stink bomb or other substance which is physically harmful or otherwise irritating, offensive, repugnant or disgusting to the eyes or sense of smell.

(d) No person shall enter any area of the Stadium not open to the general public, including the field area, or any other area set apart for the participants, athletes, performers, officials,

attendants or service personnel at any time before, during or after a stadium event, except with credentials or other valid passes expressly allowing such entry and issued by the Authorized Representative.

(e) No person shall bring into or possess within the stadium any can, bottle, thermos, vacuum bottle, canteen, flask or other similar container containing alcohol unless expressly authorized by the Authorized Representative.

(f) No person shall gain or attempt to gain admittance to the stadium except through an access gate open for public access and by presenting a valid event ticket, valid credentials, or otherwise paying the posted charge required for admission, or enter or attempt to enter the Stadium during non-event days or hours, unless expressly authorized by the Authorized Representative. Any person who violates this section or evades the posted admission charge shall be a trespasser and may be ejected and/or cited for trespassing.

(g) No person shall behave in so disruptive, unsafe, noisy, boisterous or profane manner as to disturb spectators or participants at any stadium event so that assigned personnel must address the person to cease or prevent a recurrence of the disruptive, unsafe, noisy, boisterous or profane behavior.

(h) No person shall urinate or defecate except in a designated lavatory facility.

(i) No person shall violate any local ordinance or state law.

(j) No person shall refuse to obey an ejection order made pursuant to enforcement of this section, or shall re-enter the Stadium during the event that person was ejected from by purchase of another ticket or by any other means.

(k) No person shall bring into or possess within the stadium any noise-making device including but not necessarily limited to air horns, powered megaphones, bugles, drums or other musical instruments unless expressly authorized by the Authorized Representative.

(l) No person shall lead, conduct or otherwise bring or allow to remain in the Stadium any animal, bird, fish or reptile, except service dogs certified by the state of California and which are in actual use.

(m) No person shall refuse to obey the lawful order of law enforcement officers or Stadium security personnel.

(n) Subsections (a) through (m) of this section shall not apply to any duly authorized employee, agent or officer of the Authorized Representative while acting in the course and scope of his or her employment, nor shall it apply to any duly authorized event participant, performer, athlete, official, security or service personnel specifically authorized to perform such an act by the Authorized Representative while acting in the scope of his or her employment or participation.

(o) Smoking is prohibited except in areas designated by the Authorized Representative.

(p) During events with ticketed assigned seating, no person is to occupy a seat for which he or she does not possess a valid ticket.

(q) No person shall remain standing in or block any aisle or passageway beyond the time reasonably necessary to transit the aisle or passageway. Aisle or passageway shall mean those areas immediately adjacent to the seating areas that are intended as walkways leading to or from seats or exits. Aisle or passageway shall also mean the concourse areas when large crowds have gathered in sufficient numbers so as to block such aisle or passageway.

9.05.165 Activities and conduct prohibited in parking facilities adjacent to the stadium or parking facilities used for stadium events.

(a) No person shall throw, discharge, launch or spill any solid or liquid object including footballs, baseballs, Frisbees and other such items in a manner that disturbs public order or causes a threat to public safety.

(b) No person shall explode, set off, discharge, or otherwise release or cause to be released any smoke bomb, fireworks, stink bomb, or other substance which is physically harmful or otherwise irritating, offensive, repugnant or disgusting to the eyes or sense of smell within the parking areas.

(c) No person shall participate in any activity, including, but not limited to vehicle driver training, volleyball, baseball, soccer, football, roller skating, bicycle riding, or skateboarding within the parking areas unless expressly authorized by the Authorized Representative.

(d) No tables, barbecues, chairs, umbrellas or other objects shall be permitted on walkways, driveways, landscaped areas, vehicle access lanes and promenades in the parking areas without the permission of the Authorized Representative. Tailgating is only allowed in specific permitted parking lots.

(e) No person shall lead, conduct or otherwise bring or allow to remain in the parking areas any animal, bird, fish or reptile except service dogs certified by the state of California and which are in actual use.

(f) No person shall bring or attempt to bring a vehicle into the parking areas without paying the prescribed charge required for admission. No employee of the Authorized Representative or any employee of any organization holding an event at the Stadium shall enter or attempt to enter the parking areas without presenting a valid ticket or pass to that event, or a pass or identification indicating that the person is an on-duty employee working the event.

(g) No person shall park or stop a vehicle in more than one parking space. If the vehicle exceeds twenty (20) feet in length, the driver thereof shall park said vehicle in parking spaces for non-standard size vehicles and pay for the additional space and display evidence of such payment.

(h) No person shall utilize in any manner more than the parking space that his or her vehicle is entitled to occupy under the provisions of this chapter. Roadways and fire lanes shall remain clear at all times of vehicles and objects to maximize use for traffic circulation and emergency response.

(i) No person shall urinate or defecate except in a designated lavatory facility.

(j) No person shall interfere in any manner with the use of an adjacent parking space.

(k) No person shall allow any sound amplification system to be heard from 50 or more feet when in a parking area, unless that system is being operated to request assistance or warn of a hazardous situation. This section does not apply to authorized emergency personnel or vehicles.

(l) The Authorized Representative may set reasonable closing times for parking areas. Some or all parking areas may be closed or have limited access during events to deter persons from remaining in parking areas instead of attending events. No person shall remain within the parking areas after being informed by law enforcement or security personnel the facilities are closed or that access is limited. No person shall refuse to obey the lawful order of a peace officer or security personnel made pursuant to enforcement of this section.

(m) No person shall bring, or cause to be brought, for the purposes of sale or barter, or have for sale, or sell or exchange, or offer for sale or exchange any food, drink, service, goods, wares, ticket or merchandise, or solicit employment, business or contributions of money or other property, within any portion of the parking areas including the perimeter sidewalk of the facility.

(n) No person shall bring within the perimeter of the boundaries of the Stadium parking areas, or cause to be brought to the parking areas, a beer keg or any type of glass container. This subsection shall not apply to patrons possessing prescribed medication in glass containers.

(o) Subsections (a) through (n) of this section shall not apply to any duly authorized employee, agent or officer of the Authorized Representative while acting in the course and scope of his or her employment, nor shall it apply to any duly authorized participant, performer, athlete, official, security or service personnel specifically authorized to perform such an act by the Authorized Representative while acting in the scope of his or her employment or participation.

9.05.170 Penalties.

(a) Any person violating any provision of this chapter may be ejected from the Stadium and related parking facilities by any peace officer or other security personnel of the Authorized Representative.

(b) In addition to the penalties described in subsection (a) of this section, a violation of SCCC 9.05.160(b)(c) or (d) or 9.05.165(b), is a misdemeanor punishable by imprisonment not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000.00), or both. A violation of any other section is an infraction, punishable by a fine of one hundred dollars (\$100.00) for the first offense, two hundred fifty dollars (\$250.00) for the second offense, and five hundred dollars (\$500.00) for the third offense.

(c) Prohibited items may be confiscated and not returned to the owner.”

SECTION 4: Savings Clause. The changes provided for in this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or

proceeding pending or any judgment rendered prior to the effective date of this Ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 5: Constitutionality, Severability, Compliance with Applicable Law. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid. All provisions of this Ordinance are intended to comply with all current and applicable laws. Persons subject to its provisions have the right to challenge any provision believed not to comply with applicable law and seek an order or judgment thereto from a court of competent jurisdiction.

SECTION 6: Effective Date. This Ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this ____ day of _____, 2014, by the following vote:

AYES: COUNCILORS:
NOES: COUNCILORS:
ABSENT: COUNCILORS:
ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None
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