

# Ordinance Fact Sheet

**TO:** CITY COUNCIL                                      **DATE:** November 2, 2009

**FROM:** CITY ATTORNEY

**SUBJECT:** AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 3.22 AND CHAPTER 8.60 OF THE PASADENA MUNICIPAL CODE REGARDING PUBLIC SAFETY AT SPECIAL EVENTS, CURBSIDE HAZARDS AND CURBSIDE DUMPING

## RECOMMENDATION

It is respectfully recommended that the City Council:

- 1) Find the proposed ordinance to be categorically exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061 (general rule); and
- 2) Conduct a first reading of:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 3.22 AND CHAPTER 8.60 OF THE PASADENA MUNICIPAL CODE REGARDING PUBLIC SAFETY AT SPECIAL EVENTS, CURBSIDE HAZARDS AND CURBSIDE DUMPING

## REASON WHY LEGISLATION IS NEEDED

The City Council directed preparation of this ordinance at its meeting of August 17, 2009, in response to a request by the Pasadena Police Department to address a variety of security and public safety concerns related to the Tournament of Roses Parade,

11/16/2009  
MEETING OF ~~11/02/2009~~  
AGENDA ITEM NO. 8.B.1.  
~~8.A.1.~~

the Rose Bowl Stadium and other types of special events. The Pasadena Police Department requested some additional legal tools to aid enforcement related to special events in general, such as is found in the Los Angeles Municipal Code. In addition, the Police Department requested a prohibition of certain types of bulky items typically used and then dumped after viewing a parade from the public right of way. These bulky items create a safety hazard to the public whenever there is a need for evacuation or for emergency ingress or egress. Removing and disposing of these items also creates a cost for the taxpayers, and the proposed ordinance provides tools to lessen this impact.

### **PURPOSE OF ORDINANCE**

The proposed ordinance amending Chapter 3.22 and Chapter 8.60 of the Pasadena Municipal Code, Regarding Public Safety at Special Events and Curbside Hazards and Curbside Dumping, is intended to accomplish, essentially, the following objectives: (1) Prevent Special Event Disruption. To provide specific tools to law enforcement and event security personnel to address event disruption not explicitly covered by the existing Interference With Special Events Ordinance, including, by way of example, disruption by persons entering the playing field during or after a football game at the Rose Bowl stadium, and by spectators entering performance areas at other types of events. (2) Establish Enforceable Staging or Security Areas. To provide for the creation of 'staging or security areas' associated with events where entry is restricted to certain ticket holders or credentialed personnel for reasons of security and public safety. An example of the type of staging and security area is the 'TV Corner' at Colorado Boulevard and Orange Grove Boulevard, prior to the Rose Parade. (3) Prohibit Certain Curbside Hazards and Further Limit Curbside Dumping. To prohibit 'bulky items', such as sofas and mattresses, and furniture which has been tied together so as to impede egress along the parade route, as each can create a public safety hazard as well as a cost to the taxpayers for removal, as many such items are abandoned. 'Bulky items' are defined as anything that will not fit into a standard 96 gallon refuse container, the black lid, yard waste container provided to households by the City of Pasadena, with the lid closed. In addition, items that are left behind after a special event will be presumed abandoned under the proposed ordinance, allowing the City to dispose of them immediately. There are additional provisions in the ordinance providing greater specificity in each of these areas.

## **SPECIFIC FEATURES OF THE PROPOSED ORDINANCE**

### 1. Prevent Event Disruption.

The "Interference With Special Events Ordinance" which is currently on the books was written to address the Rose Parade and street parade types of special events, only. The Pasadena Police Department has requested an ordinance which speaks to other types of special events, in addition, and addresses the following types of security concerns: an onslaught of fans coming on to the Rose Bowl field at the conclusion of a game; the potential for fans to interfere with the progress of a game by occupying the field before or during a game; and spectators, in general, being in places other than permitted by their pass or ticket.

The proposed ordinance will provide tools to help prevent this type of disruption at all special events. An expanded definition of "special events" is proposed to include performances in virtually any type of arena. (Section 3.22.010(B)) A proposed definition of "ticket" is provided to include every type of ticket, credential, pass or pin which might be issued to provide legitimate access to a special event. (Section 3.22.010(F)) New provisions are proposed which define impermissible types of conduct at special events, and would include, by way of example, rushing the Rose Bowl field after a game or jumping onto the stage at the Memorial Park Band Shell during a concert. (Sections 3.22.020(F), 3.22.020(G) and 3.22.021) Violation is proposed to be an infraction or misdemeanor. (Section 3.22.030)

It should be noted that the prohibitions regulate, essentially, the physical presence of people at special events. The proposed ordinance is not an "anti-heckling ordinance", of the type designed to regulate speech and generally found unconstitutional, and presents no prohibitions that should interfere with First Amendment, free speech or free assembly rights.

### 2. Establish Enforceable Staging or Security Areas.

The Police Department identified the need for additional tools to help create and enforce the notion of a Security Zone at the Rose Parade, and in similar situations. This arises from the need to physically secure an area used for staging a special event, to search it for contraband and then to control access to it thereafter.

A definition for a "Staging or Security Area" is proposed. (Section 3.22.010(D)) The proposed definition suggests some level of formality in creating such an area as the effect of the proposed ordinance is to close areas which are otherwise, presumptively public. These formalities include posting, physical delineation and a

written staging plan associated with a special event, approved by the City Manager or his designee. It should be noted that such a written staging plan approved by the City Manager is presently provided for the Rose Parade, so it would not administratively burden that event. Proper entry to a security or staging area is achieved only with a valid "ticket." Violation, entry into a staging or security area without proper ticket or credential, is proposed to be an infraction or misdemeanor (Section 3.22.030).

### 3. Prohibit Certain Curbside Hazards and Curbside Dumping.

The Police Department has indicated that "bulky items" such as sofas, mattresses, and furniture roped together creates a substantial impediment to emergency personnel responding to an incident and is a public safety hazard. In addition, curbside dumping, the leaving of "bulky items" at the curb, has become an unfortunate pattern at the Rose Parade where people bring the items to Colorado Boulevard for one last use and then leave them behind for the taxpayers to take care of. While curbside dumping is already prohibited, the proposed ordinance links the prohibition to the Special Event context. Therefore, the proposed ordinance prohibits bulky items and the roping together of furniture at special events. (Section 3.22.022) As proposed, a prohibited "bulky item" would be any item of furniture that would not fit within a regulation 96 gallon, solid waste container, with the lid closed. (Section 8.60.020(A)) The dimensions of a 96 gallon container are 34.50" x 29.25" x 47.75" (length x width x height).

This proposed definition of a prohibited "bulky item" is a refinement of the city definition in the solid waste program, is easy to ascertain, and would appear to prohibit most or all of the types of large items which are abandoned while allowing the types of items most people bring to watch a parade. Under the proposed definition, the following items would be permitted: folding chairs, stacking resin chairs (standard dimensions are 23.5" x 23.5" x 36"), beanbag chairs, ice chests, twin or single futon mattresses, air mattresses, TV or snack type folding tables, blankets, pillows, foam pads, rigid-frame backpacks and baby strollers. Under the proposed definitions, the following items would be prohibited: sofas (average width is 90"), love seats (average width is 56" to 60"), tables, upholstered or stuffed chairs, mattresses.

Excluded from the definition of prohibited items are wheelchairs, other mobility aids for persons with disabilities and medical related equipment.

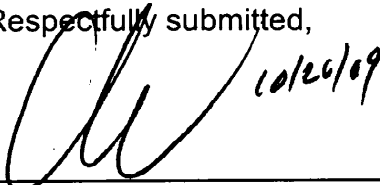
In addition, the ordinance proposes that all bulky items left unattended after the special event are presumed abandoned and may be disposed of immediately. (Section 8.60.250) This is to make clear that the items do not fall within the

provisions of law which might otherwise require the city to safeguard these items or to identify the owners before disposing of them.


**ENVIRONMENTAL REVIEW**

Prior to adoption of the ordinance, it is recommended that the Council find that the adoption of the proposed ordinance is categorically exempt from the California Environmental Quality Act under § 15061 (general rule), on the ground that there is no potential that the ordinance will cause a potentially significant environmental effect.

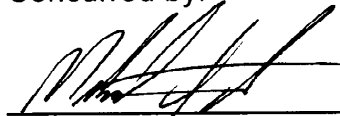
Respectfully submitted,

  
\_\_\_\_\_  
Michele Beal Bagneris  
City Attorney

Prepared by:

  
\_\_\_\_\_  
Nicholas George Rodriguez  
Assistant City Attorney

Concurred by:

  
\_\_\_\_\_  
Michael A. Beck  
City Manager

Introduced by: \_\_\_\_\_

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

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 3.22 AND CHAPTER 8.60 OF THE PASADENA MUNICIPAL CODE REGARDING PUBLIC SAFETY AT SPECIAL EVENTS, CURBSIDE HAZARDS AND CURBSIDE DUMPING**

The People of the City of Pasadena ordain as follows:

**SECTION 1.** This ordinance, due to its length and corresponding costs of publication, will be published by title and summary, as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

**“Summary**

The proposed ordinance amending Chapter 3.22 and Chapter 8.60 of the Pasadena Municipal Code, Regarding Public Safety at Special Events and Curbside Hazards and Curbside Dumping, is intended to accomplish, essentially, the following objectives: (1) Prevent Special Event Disruption. To provide specific tools to law enforcement and event security personnel to address event disruption not explicitly covered by the existing Interference With Special Events Ordinance, including, by way of example, disruption by persons entering the playing field during or after a football game at the Rose Bowl stadium, and by spectators entering performance areas at other types of events. (2) Establish Enforceable Staging or Security Areas. To provide for the creation of ‘staging or security areas’ associated with events where entry is restricted to certain ticket holders or credentialed personnel for reasons of security and public safety. An example of the type of staging and security area is the ‘TV Corner’ at

Colorado Boulevard and Orange Grove Boulevard, prior to the Rose Parade. (3)  
Prohibit Certain Curbside Hazards and Further Limit Curbside Dumping. To prohibit 'bulky items', such as sofas and mattresses, and furniture which has been tied together so as to impede egress along the parade route, as each can create a public safety hazard as well as a cost to the taxpayers for removal, as many such items are abandoned. 'Bulky items' are defined as anything that will not fit into a standard 96 gallon refuse container, the black lid, yard waste container provided to households by the City of Pasadena, with the lid closed. In addition, items that are left behind after a special event will be presumed abandoned under the proposed ordinance, allowing the City to dispose of them immediately. There are additional provisions in the ordinance providing greater specificity in each of these areas. This is a summary of the ordinance, only, and the ordinance should be consulted for the scope of its coverage.

Ordinance No. \_\_\_\_\_ shall take effect 30 days from its publication.”

**SECTION 2.** Section 3.22.010 of the Pasadena Municipal Code is hereby amended to read as follows:

**“3.22.010 Definitions.**

For purposes of this chapter, the following words, terms and phrases shall have the meaning given herein.

A. “Bulky item” shall have the definition set forth in section 8.60.020(A) of this code. However, bulky item, as used in this chapter, shall not mean any of the following: a wheelchair, a mobility aid or seating aid for any person with a disability, necessary

medical equipment or any structure for which a valid license or permit has been issued by the city.

B. "City" means the city of Pasadena.

C. "Special event" shall mean any of the following: (1) any event, parade, exposition, fair or procession staged in or upon public places or sidewalks for which city services are required because of interference with normal vehicular traffic, pedestrian traffic or which will reasonably be expected to generate an extraordinary need for sanitation or other city services; (2) any event which has received a permit pursuant to Chapter 3.20 of the Pasadena Municipal Code; or (3) any sporting contest, any theatrical or musical performance or any exhibition held in any stadium, auditorium, sports area, playing field, theater, amphitheater, race track, skating rink or similar place pursuant to a valid license agreement, contract or permit which reserves said place for the event.

D. "Public place" shall have the meaning set forth in Section 8.64.020(F) of the Pasadena Municipal Code.

E. "Staging or security area" shall mean any area in any public place which has all of the following features: (1) is related to a special event; (2) is designated as to time and place in a written, event staging plan approved by the city manager or his designee; (3) is set apart by fencing, by uniformed personnel posted to maintain a security line or by other tangible barrier; (4) requires a ticket for entry; and (5) is posted with signs indicating the staging designation and the prohibition of unlawful access.



F. "Sidewalk" shall have the meaning set forth in Section 8.64.020(I) of the Pasadena Municipal Code.

G. "Ticket" shall mean the mechanism which provides an individual with permission to enter into a special event, a portion of a special event, or a staging or security area. It includes, but is not limited to, paper tickets, electronic tickets, ribbons, working credentials, passes, pins and any item, in any form, designated and issued by the event sponsor or persons with authority and control over the special event, staging or security area, or their agents, and whether it is provided for a charge, in exchange for services, as a condition of work, or complimentary."

**SECTION 3.** Section 3.22.020 of the Pasadena Municipal Code is hereby amended to read as follows:

**"3.22.020 Interference with special event prohibited.**

It shall be unlawful for any person to interfere with, disrupt or impede a permitted special event as specified herein. The following acts are prohibited by this section when done for the purpose of or with knowledge that an effect thereof is to interfere with or disrupt the ability of the permittee to carry on the special event:

A. To block, obstruct or impede the passage of participants, vehicles or animals in the special event along the special event route;

B. When not participating in the special event with the permission of the permit holder, to walk, run, operate a skateboard, ride any wheeled vehicle or rollerskate

through, between, with or among the participants, vehicles or animals in the special event, except in cases of bona fide emergency;

C. To drop, roll, throw, toss, squirt or propel any gaseous, liquid, semisolid or solid substance or object toward or among the participants, vehicles or animals in the special event;

D. To grab, take hold of, strike, hit, pull or push any participant, vehicle or animal in the special event, or to mount any vehicle in the special event, except with the permission of the permittee or in cases of bona fide emergency;

E. To generate, amplify or broadcast any noises or sounds using any loudspeaker, amplifier, instrument or device other than sounds generated solely by the human voice or body unaided by any such amplifier, device or instrument upon any sidewalk or public place. This restriction shall apply only along the special event route while the special event is in progress at that location, and shall not apply to any participant in the special event acting with the permission of the permittee;

F. To enter upon the grounds, playing field, stage, floor, or any other area set apart for the participants, performers, officials, attendants or service personnel, unless authorized so to do by an usher, by public safety personnel, or by an authorized representative of the sponsor of the special event; or

G. To commit any willful act which delays the event or interferes with the participants, performers, officials, attendants, service personnel or spectators at any such special event.”

**SECTION 4.** A new Section 3.22.021 is added to read as follows:

**“3.22.021 Unauthorized entry into special events and into staging and security areas.**

It shall be unlawful for any person to enter into or remain at any special event, or within any staging or security area without having in his possession a ticket, or without presenting same to an usher, public safety personnel, or an authorized representative of the sponsor of the event when requested so to do. No person other than the holder of a ticket designating the seat or space reserved or assigned, shall occupy any reserved or assigned seat or space. No person shall refuse to leave a special event, staging or security area or to vacate a seat or space, not permitted, assigned or reserved by the ticket held, when requested to do so by the holder of the ticket for said seat or space, by an usher, by security or safety personnel, or by an authorized representative of the sponsor of the event.”

**SECTION 5.** A new Section 3.22.022 is added to read as follows:

**“3.22.022 Prohibited Items -- Public Safety Hazard.**

It shall be unlawful for any person to place, maintain or use any of the following in a public place while reserving space for a special event or while observing a special event, after being requested by public safety personnel or an authorized representative of the sponsor of the event to cease doing so, except pursuant to a valid permit or license issued by the city: any bulky item; chairs or furniture tied or fastened together in

a manner which would impede pedestrian ingress or egress in the event of an emergency.”

**SECTION 6.** Section 3.22.030 of the Pasadena Municipal Code is hereby amended to read as follows:

**“3.22.030 Violation -- Penalty.**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$1,000 or imprisoned in the county jail for a period not to exceed 6 months, or by both such fine and imprisonment or may be deemed guilty of an infraction punishable by a fine of not more than \$250. Each person may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted.”

**SECTION 7.** Section 8.60.020(A) of the Pasadena Municipal Code is hereby amended to read as follows:

**“8.60.020(A) Bulky items.**

“A. ‘Bulky items’ means solid waste consisting of furniture, furnishings or any other items and material which exceed either the size capacity or the 200-pound weight limit of a 96-gallon, regulation solid waste container with the lid closed.”

**SECTION 8.** Section 8.60.250 of the Pasadena Municipal Code is hereby amended to read as follows:

**“8.60.250 Curbside dumping prohibited.**

A. Curbside dumping prohibited. No person shall leave or dump any

bulky item, solid waste, excluded material, abandoned vehicle or discarded material, of any kind or nature, in any public right-of-way, including but without limitation in the planting strip located between the curb and the sidewalk of any property, except that bulky items and other specified items may be left for pickup in accordance with and at the times set forth in a notice given pursuant to Section 8.60.100.

B. Bulky Items Abandoned After Special Events. Any bulky item which remains unattended in the public right of way following a special event shall be presumed to have been intentionally abandoned by the owner, and the city may immediately take possession of, and the title to said item for the purpose of disposal or for any other public purpose.”

**SECTION 8.** The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

**SECTION 9.** This ordinance shall take effect 30 days from its publication.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

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Bill Bogaard  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held the \_\_\_\_\_ day of \_\_\_\_\_, 2009, by vote:

Ayes:

None:

Absent:

Abstain:

Published:

\_\_\_\_\_  
Mark Jomsky, CMC  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Nicholas G. Rodriguez  
Assistant City Attorney

**CORRESPONDENCE  
FROM 11/02/2009  
COUNCIL MEETING**



# 2010

**A CUT ABOVE THE REST**

**PASADENA TOURNAMENT OF ROSES**  
2010 ROSE PARADE & 2011 ROSE BOWL GAME

PASADENA TOURNAMENT OF ROSES

November 2, 2009

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Mr. Bill Bogaard  
Mayor, City of Pasadena  
100 N. Garfield Ave, Suite 228  
Pasadena, CA 91109-7215


Dear Mr. Mayor,

I am writing today to express the strong support of the Pasadena Tournament of Roses for the Ordinance Amending Chapter 3.22 and Chapter 8.60 of the Municipal Code Regarding Public Safety at Special Events. We understand that the Council will begin its review process of this document this evening.

We have carefully reviewed the proposed ordinance change and believe the changes are absolutely essential to preserving the safety and security of the public at special events in the future. We were privileged to have had the opportunity to review this document while in draft form, and we congratulate the team that prepared the document for their hard work and the open communications during that process.

We strongly urge adoption of this proposed change to the Pasadena Municipal Code. Please do not hesitate to contact me if you have any questions regarding our support for this document or the underlying need for these changes.

Sincerely,

  
John M. Dorger  
Chief Executive Officer

cc: Michael Beck  
Nick Rodriguez  
Scott Jenkins  
Rich Chinen