

ORDINANCE NO. 1991

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, PROHIBITING CERTAIN ACTIVITIES WITHIN A PROTECTED AREA IN CONNECTION WITH THE 2019 COLLEGE FOOTBALL PLAYOFF NATIONAL CHAMPIONSHIP GAME AND ITS RELATED ACTIVITIES IN THE CITY OF SANTA CLARA

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

WHEREAS, effective as of October 23, 2015, Forty Niners Stadium Management Company, LLC entered into the College Football Playoff (CFP) National Championship Game Agreement with the American Athletic Conference; Atlantic Coast Conference; The Big Ten Conference, Inc; The Big 12 Conference, Inc.; Conference USA; Mid-American Conference; Mountain West Conference; Pac-12 Conference; Southeastern Conference; Sun Belt Conference; University of Notre Dame du Lac; and CFP Administration, LLC to host the 2019 CFP National Championship Game (as defined in the CFP National Championship Game Agreement) at Levi's® Stadium;

WHEREAS, effective as of July 17, 2018, the Bay Area Host Committee, and Forty Niners Stadium Management Company, LLC, entered into an Assignment and Assumption Agreement, subject to the approval of the Santa Clara Stadium Authority, to grant, transfer, convey and assign to the Bay Area Host Committee all of Forty Niners Stadium Management Company, LLC's right, title and interest in and to the CFP National Championship Game Agreement;

WHEREAS, the CFP National Championship Game is being held on January 7, 2019 at Levi's® Stadium, within the jurisdiction of the City of Santa Clara;

WHEREAS, in addition to Levi's® Stadium, the City also has within its jurisdiction various other facilities and their premises, access roads, thoroughfares and other areas

which may be used for the purposes of organizing, financing, promoting, accommodating, staging and conducting the CFP National Championship Game and related activities;

WHEREAS, the City desires to promote and protect the celebratory image and public safety in and around Levi's® Stadium during a temporary period before and after the CFP National Championship Game in the City of Santa Clara;

WHEREAS, the City desires to promote and protect the public investment in Levi's® Stadium, and to exercise responsible public stewardship in furtherance of the unique economic opportunities for the City, region and state as site of the CFP National Championship game;

WHEREAS, the City Council desires to promote and protect good order and aesthetic quality and to protect the safety and convenience of drivers and pedestrians in and around Levi's® Stadium relating to the CFP National Championship Game; and,

WHEREAS, the City of Santa Clara desires to prevent congestion and pedestrian and vehicular traffic issues in the vicinity of CFP National Championship Game that would hinder security operations and interfere with emergency vehicle access.

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

SECTION 1: That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

SECTION 2: Within the area surrounding Levi's® Stadium more particularly shown on the map and description attached hereto as Exhibit "A" (the "Protected Area"), during the period beginning at 6:00 a.m. December 31, 2018, through and until 6:00 p.m.

January 8, 2019, the activities described below conducted by any person or entity, except those approved in advance by the City pursuant to this Ordinance, shall be regulated as follows:

a. The outdoor sale of any food or beverages to the public visible from any public street, sidewalk or public rights of way shall be prohibited, including alcoholic beverages, except food or beverages sold or distributed in the ordinary course of business at a location for which the City has issued a Certificate of Occupancy or Conditional Use Permit.

b. The outdoor sale or distribution of merchandise (used in its broadest sense and including commercial property or transaction(s) of every kind) to the public visible from any public street, sidewalk or public right of way shall be prohibited, except merchandise sold or distributed in the ordinary course of business at a location for which the City has issued a Certificate of Occupancy or Conditional Use Permit.

c. Commercial vending from any "mobile unit," which includes any vehicle, truck, trailer, push cart, wagon, bicycle, dray, conveyance or structure on wheels, not firmly fixed to a permanent foundation, whether or not required to have a license to operate issued by the California Department of Motor Vehicles, is prohibited.

d. The sale or distribution of merchandise that violates state or federal law, including without limitation counterfeit merchandise, regardless of whether the person selling or distributing is operating pursuant to a special permit, exception or exemption provided for in this Ordinance or elsewhere in the Santa Clara City Code, is prohibited.

e. No temporary structure shall be constructed, placed, occupied or used (including, but not limited to, temporary location of tents, canopies, umbrellas and air-

supported, air-inflated and tensioned membranes) unless previously approved with a permit issued by the City.

f. The distribution or provision of free products, commercial services or coupons (otherwise referred to as sampling) and other promotional giveaways on public streets, sidewalks or rights of way or outside an enclosed building is prohibited.

SECTION 3: The City shall establish an area or areas within or around the Protected Area that allow for the reasonable expression of non-commercial speech and expressive conduct by the public in a manner that shall not be disruptive to the surrounding businesses, activities and events ("Public Participation Zone(s)"). The City shall provide for Public Participation Zone(s) during such times, and in such reasonable locations or proximity in and/or around the Protected Area, as to allow for meaningful and effective expression by the public.

SECTION 4: Violations of any provision of this Ordinance by any person, firm, corporation, agent or employee thereof shall be deemed a misdemeanor and is punishable as set forth in Santa Clara City Code section 1.05.070(e)(2) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In the event a violation of this Ordinance also constitutes a violation of any other provision of the Santa Clara City Code, the offender shall be prosecuted pursuant to this Ordinance exclusively, and the fine and penalty shall be as set forth in this Section 4. In addition to any other remedies herein, this Ordinance may be enforced by an injunction issued by the Superior Court upon any suit by the City. If any activity that constitutes a violation of this Ordinance also constitutes a violation of any state, federal,

or common law, this Ordinance shall not be the exclusive remedy and shall not be deemed to abrogate any other rights and remedies that may exist under law.

SECTION 5: 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 7: This Ordinance shall not be codified in the Santa Clara City Code.

SECTION 8: 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 13th day of NOVEMBER, 2018, by the following vote:

AYES: COUNCILORS: Davis, Kolstad, Mahan, O'Neill, and Watanabe, and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:


NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Exhibit "A" (the "Protected Area") **Exhibit "A" (the "Protected Area")**

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