

6.42.010 Voter authorization procedure--Emergency exemption.

That no public parks (hereinafter defined) or public open space (hereinafter defined) owned or controlled or leased by the City or agency thereof, shall be used for any other purpose than public parks and open space, without the Berkeley City Council first having submitted such use to the citizens for approval by a majority of registered Berkeley voters voting at the next general election; except that such voter approval is not required for temporary use of public parks or public open space for other purposes, if a state of emergency has been declared by the Governor of the State of California under the California Emergency Services Act, Government Code Sections [8550](#) et. seq or by the President of the United States of America under equivalent federal law and the City Council determines that such alternative use is necessary to protect public safety within the City. Said alternative use shall be temporary and of a reasonable duration in light of the nature of the emergency and in no event shall exceed one year without voter approval. (Ord. 6355-NS, 1996; Ord. 5785-NS § 1, 1986)

The Berkeley Municipal Code is current through Ordinance 7995-NS, passed December 2, 2025.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

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