

## **Chapter 9.61 SPECIAL EVENTS PERMITS**

### **9.61.010 Purpose and definition.**

A. The purpose of this chapter is to set forth a revised and expanded scope of regulations for special event permits in response to the growing popularity of such events and the impacts they may have on the provision of public services as well as the impacts on the community at large.

B. While it is not feasible to define precisely which activities are intended to be treated as “special events,” the intent of this chapter is to regulate those activities which are open to the public, are likely to attract large numbers of attendees, and are likely to require the provision of public services or utilized public facilities and rights-of-way. Special events are those activities which have the potential to constitute a threat to the public health, safety and welfare, and thus create potential exposure to liability to the city. Special events may include, but are not limited to, activities such as parades, festivals, public meetings or demonstrations, artistic performances or exhibits, sporting activities or competitions, public speeches, circuses or other types of animal shows, street fairs, trade fairs, and other similar activities. Special events will not be defined by the legal status of the person or organization sponsoring such event, such as nonprofit or charitable organizations, but rather will be defined by the nature and extent of the activities proposed.

C. The determination as to whether a particular event is subject to the regulations of this chapter will be made by the city manager or his/her designee, as necessary. (Ord. 2318 § 1 (part), 2001)

### **9.61.020 Special event permit required.**

A. No special event shall take place within the city unless a special event permit has been issued. Applications for a permit may be submitted no sooner than nine months in advance of the proposed date and no later than sixty days in advance of the proposed date. Depending on the type and scope of activity involved, applications may take more than the sixty days to process and complete. The city manager or his/her designee shall be responsible for preparing the permit application materials, and coordinating the review of the permit application by the various city departments and outside agencies.

B. Except as may be provided below, all special event permits shall be approved and granted by the city manager or his/her designee in his or her sole discretion. Notwithstanding the foregoing, a special event permit shall be approved and granted by the city council, in its discretion, if any one of the following circumstances apply: (1) if the event is scheduled to take place on public property; (2) if the event is likely to attract more than one thousand persons (including workers, spectators and participants), or (3) if it is determined to be necessary by the city manager or his/her designee. (Ord. 2318 § 1 (part), 2001)

### 9.61.030 Permit application.

A. The sponsor(s) of the proposed special event (“sponsor”) shall submit a complete application on a form(s) provided by the city, and shall include sufficient information on which the city staff can undertake a proper review of the application. The level of detail required will vary in accordance with the type of activity proposed. At a minimum, the application will require the sponsor to include the following information:

1. The sponsor’s identity and the name, address, telephone number and facsimile number of the individual representing the sponsor who shall serve as the primary contact with the city. If the sponsor is not the owner of the property where the special event is proposed to take place, written and signed approval from the property owner(s) must be provided on a form supplied by the city, including an acknowledgment that the property owner agrees to be responsible to the city for any damages or costs that are unrecoverable from the sponsor(s) related to the special event.

2. A detailed, written description of the proposed activity, including the expected number of participants, assistants, workers and spectators likely to be present, and the proposed day(s) and hours of operation, and the name of the on-site contact for the day of the event.

3. A detailed plot plan showing the entire property and the physical layout of the event as a whole. The plot plan shall identify the areas where each particular activity will take place, including but not limited to, identifying the location of staging and operation areas, equipment and storage locations, food preparation areas, restroom facilities, identification of all points of pedestrian and vehicular ingress and egress, and the identification of any public property or street/sidewalk rights-of-way which are requested to be made available for the special event.

4. A detailed parking and circulation plan which includes a management component describing how both vehicles and pedestrians will be directed by means of signage and personnel, the location and amount of proposed parking spaces, emergency access routes, and fire hydrant locations.

5. A water and sanitation plan from a licensed contractor and a post-event clean-up plan.

6. A detailed security plan. If a private security company is to be used, the company must be licensed and bonded by the state, and the security personnel must wear uniforms. In addition, the sponsor must provide the name, address and telephone number of the security company, and the name and telephone number of the company’s authorized contact person, and the name of the company’s on-site supervisor for the day of the event.

7. A list of properties (business and residential) located within a five-hundred-foot radius of the proposed site. The sponsor shall be required to deliver written notice of the special event to each of the abovementioned properties at least ten days prior to the event.

8. Payment of nonrefundable permit review fees.
9. Such other information as shall be required by the city manager or his/her designee.

B. The city staff will provide assistance to permit applicant to the extent reasonably feasible, including explaining the city's requirements, directing the applicant to city personnel who may be of assistance, directing the applicant to outside agencies or organizations which may be required to provide clearance for the permit, may impose a separate permit, or which may possess helpful information pertaining to the special event. (Ord. 2318 § 1 (part), 2001)

#### **9.61.040 Permit fees.**

A. **Permit Review Fees.** The sponsor shall be required to submit a nonrefundable permit review fee with the application materials. The amount of this fee will be established by resolution of the city council. This fee will apply to all applicants and will not be waived for nonprofit or charitable organizations. The city will have no obligation to undertake a review of a permit application unless and until this fee has been received.

B. **Rental Fees.** Certain rental fees may apply for the use of public property and equipment. These rental fees shall be established by resolution of the city council.

C. **Other Fees/Cash Deposits.** Following the city's review of a proposed permit, a condition(s) of approval may include the payment of one or more fees to cover costs associated with the provision of services or administration of the special event. Such fees may be imposed by the city or other outside agencies. These fees may include cash deposits for the payment of such items city services or post-event clean up. In estimating the amount that will need to be paid, the past history of a particular event or of a particular sponsor shall be taken into account. The substitution of performance bonds in lieu of cash deposits shall be discouraged, but not prohibited. Compliance with the conditions of approval must occur within the timeframe established by the city before the permit to conduct the event is issued.

If following the special event, it is determined that the fees/deposits collected from sponsor were inadequate to cover the expenses incurred by the city because of the event, the sponsor shall be required to reimburse the city for these unrecovered amounts. (Ord. 2318 § 1 (part), 2001)

#### **9.61.050 Permit review procedure.**

A. Under the supervision of the city manager or his/her designee, a complete application shall be circulated to representatives from all potentially affected city departments as well as applicable outside agencies. Key departments can be expected to include police, public works, community services and recreation, community development, risk management and the public information office. Outside agencies likely to be consulted include the county fire authority and the county health care agency. Each applicable department shall submit comments and proposed conditions of approval to the city manager or his/her designee by a date established by the city manager or his/her designee, but which shall be approximately two weeks after the

date of circulation of the application. In cases where separate permits are required by other agencies, the sponsor shall be responsible for contacting those agencies at the earliest opportunity so that their permit requirements may be satisfied in a coordinated manner with the requirements of the city.

B. The city manager or his/her designee shall maintain a master calendar of proposed and approved special events in order to keep city departments and prospective applicants informed of planned events. The city manager or his/her designee shall have the authority to advise applicants of dates which are committed for other events, for which applications have been submitted to avoid conflicts where more than one special event scheduled on a particular day(s), or for a time period when the city would be unable to provide services or to monitor the conduct of the event.

C. The city manager or his/her designee shall have the authority to maintain a list of formal or informal special event guidelines to assist permit sponsors in preparing an application which is likely to meet with the approval of the city council. Such guidelines may address such issues as suitable locations, hours of operation, public facilities and rights-of-way which may be used, frequency of events, the use of live or recorded music, and other appropriate issues associated with special events. (Ord. 2318 § 1 (part), 2001)

#### **9.61.060 Conditions of approval.**

A. The city manager or his/her designee shall serve as the focal point for the resolution of issues raised by the various departments and agencies. In addition, the city manager or his/her designee shall integrate the proposed conditions of approval so that they are consistent with one another and appropriate to the scope of activities contemplated by the application. Further, if the applicant has conducted a special event in the past, or a similar event has taken place in the past, the city manager or his/her designee shall address problem issues which were caused by such prior events. These conditions of approval shall be incorporated into the final permit.

B. All information submitted to the city in support of the requested permit, and evidence of the sponsor's ability to comply with all proposed conditions of approval shall be submitted to the city manager or his/her designee no later than twenty-one days in advance of the date when the special permit request will be decided, whether by the city council or by the city manager or his/her designee.

C. In the event that the sponsor does not agree with the recommended conditions of approval, the sponsor shall include information stating the basis of such disagreement and an alternative suggestion as to how the issue in question might be addressed. In cases where the city manager or his/her designee or the special event sponsor anticipates that a final determination by the city council may take more than one hearing, it is recommended that the special event permit application be scheduled at an earlier meeting of the city council.

D. Once the permit has been formally approved, the sponsor shall review the final terms of the permit, and shall sign a statement agreeing to abide by the conditions of the permit.

E. Prior to the conduct of the special event, the sponsor shall inform workers of the various conditions with which they are expected to comply. In addition, the permit with all conditions of approval shall be available on-site during the conduct of the special event. (Ord. 2318 § 1 (part), 2001)

#### **9.61.070 Prohibition of alcoholic beverages.**

To ensure that the conduct of special events will be conducted in a safe and trouble-free manner, alcoholic beverages shall not be sold, given away or brought to the site of the event by any person or organization, without the appropriate ABC (department of alcoholic beverage and control) permit. The city reserves the right to deny any person or organization the right to use or sell alcohol at a special event. (Ord. 2318 § 1 (part), 2001)

#### **9.61.080 Insurance and indemnification requirements.**

A. Each sponsor of a permit shall provide evidence of commercial general liability insurance in the amount of a minimum of two million dollars per occurrence and in the aggregate, naming the city, the city council, its officers, employees or agents as a named additional insured during the term of the permit. The city shall establish additional requirements regarding the qualifications of the insurer and other related concerns including the form in which the insurance documents are provided.

At its discretion, the city council or the city manager (depending upon who is responsible for granting final approval of the permit) may, either increase or decrease the amount or type of insurance coverage required for a particular event.

B. The permit sponsor shall execute the hold harmless agreement provided by the city.

C. Conformance with the insurance and hold harmless requirements shall be completed within seven working days following final approval of the permit. (Ord. 2318 § 1 (part), 2001)

#### **9.61.090 Issuance of permit in advance of special event.**

Evidence of compliance with all conditions of approval and other requirements of a special event permit shall be presented to and accepted by the city manager or his/her designee no later than three business days in advance of the start of the event. (Ord. 2318 § 1 (part), 2001)

#### **9.61.100 Cancellation of permit.**

Failure of a sponsor of a special event to comply with all of the terms and conditions of the permit may result in cancellation of the permit by the city manager or his/her designee. Any

requests for exception must be in writing and include a description of unavoidable circumstances or unexpected hardship, which necessitates the exception. Any request for an exception shall be reviewed by the city manager or his/her designee. (Ord. 2318 § 1 (part), 2001)

**9.61.110 Deadline for obtaining permits—Late fee.**

All required permits, including but not limited to business license permits, electrical permits and building permits, must be obtained no later than three days prior to the date the special event is set to take place. Anyone who seeks to obtain a permit after the abovementioned date shall be required to pay the city, in addition to the regular permit fee, a late fee equal in amount to the cost of the original permit fee, for a total cost of twice the original fee. Violation of permit requirements may result in the denial of applications for future special events. (Ord. 2318 § 1 (part), 2001)