

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GRASS VALLEY AMENDING THE GRASS VALLEY MUNICIPAL
CODE ADDING A NEW CHAPTER 5.32 PERTAINING TO
SPECIAL EVENTS PERMITS**

BE IT ORDAINED by the Council of the City of Grass Valley as follows::

SECTION 1. There is hereby added to the Grass Valley Municipal Code a new Chapter 5.32 to read as follows:

Chapter 5.32

SPECIAL EVENTS

Section 5.32.010. Intent and purpose.

The intent of this chapter is to provide a regulatory framework for permitting special events. Special events shall be conducted so as not to cause any detrimental effects to surrounding properties and the community, and shall not violate any other ordinance or regulation of the City. The provisions set forth in this chapter shall establish criteria for characterizing events as "special events" and standards and conditions for approving and permitting such special events.

Section 5.32.020 Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative authority: Shall mean the Chief of Police or his or her designee, or the director of the department or his or her designee having the responsibility for and control over the event.

Applicant: Shall mean any person, firm, association, corporation, organization, club or ad hoc committee who or which seeks a special event permit from the city, through the Chief of Police, to conduct or sponsor a special event governed by this chapter. An applicant must be eighteen (18) years of age or older. The applicant shall be the individual who is directly responsible for organizing and/or conducting the event and/or the facility manager.

Extraordinary police services: Shall mean responsive police services which are in addition to and in excess of the normal police services provided to the facility or off-site as a direct result of the event at the facility.

Open to the public: Shall mean an event not limited to invitees and otherwise open to any member of the public with or without an admission fee or charge.

Special event: Shall mean, including but without limitation, any assembly, congregation, attraction, display, entertainment, demonstration, carnival, bazaar, circus, rodeo, or other traveling show, fair, festival, food faire, cook-off, dance, sporting event, concert or performance, or any other planned occurrence, that is likely to meet any one or more of the following criteria:

- A. Be attended by fifty (50) people or more;
- B. Obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic, or otherwise fail to comply with traffic laws and controls; or
- C. Can be reasonably expected to become a hazard to the public peace, health, safety or general welfare as determined by either the Chief of Police or Fire Chief.
- D. Sales of alcoholic beverages by any organization, including charitable, civic, cultural, fraternal, patriotic, political, religious, social, or amateur sports organizations.

Special event, as defined in this section, shall not include:

- A. An event held in a private residence where no admission is charged, the event is not open or advertised to the public, and no extraordinary police services are required;
- B. An event held in a members-only facility at which the only participants are the members (and their invited nonpaying guests) and no extraordinary police services are required;
- C. Events sponsored by religious entities held in the religious entity's facility which only members by permission attend and no extraordinary police services are required;
- D. For-profit entertainment activities of persons, entities and businesses such as cabarets who or which are currently licensed to regularly provide specified entertainment activities at fixed locations in the city and no extraordinary police services are required;
- E. Any entertainment for which other special permits have previously been obtained, such as, but not limited to, parade permits, dance permits, short-term encroachment permits and city sponsored events otherwise permitted when the Chief of Police determines such other permits are more appropriate for the particular event.
- F. Any event, series of events and/or specific type of event may be exempted at the discretion of the Chief of Police, based upon evidence that the event or events will not impact police services and will not affect public health, safety and welfare.
- G. Any event at a private facility that was designed for the purpose of conducting the type of activities that are contemplated for the Special Event for less than 500 participants.
- H. Funeral processions.
- I. Governmental agencies acting within the scope of their authorized functions.

J. An event or events coordinated through the Community Development Department complying with the Temporary Commercial Use Permit process.

Section 5.32.030. Special Events Committee Established.

A Special Events Committee composed of representatives from each City department is hereby established. The Committee will meet on a periodic basis to review special event applications. The chair for the Special Events Committee shall be the Chief of Police or his or her designee.

Section 5.32.040. Special Event Permit Required.

No person or organization shall conduct, maintain, organize or advertise a special event or permit its premises to be used for any special event without first obtaining a special event permit as provided for by this chapter. Special event permits for events shall be approved by the appropriate administrative authority and issued prior to the commencement of the special event. No permit issued under the provisions of this chapter shall be transferable or movable to another location or another permittee.

Section 5.32.050. Application for Special Event Permit.

A. Applications for permits to conduct special events shall be completed in writing on a form provided by the City and shall be filed with the appropriate administrative authority within the time frames listed below:

1. Applications should be filed no more than 180 days nor less than 45 days prior to the opening date of the event. The above notwithstanding, the administrative authority may accept either early or late applications upon (1) the showing of good cause by the applicant, (2) if the administrative authority determines that there is sufficient time for the City to process and investigate the application, or (3) if the administrative authority determines additional time for such processing will be required.

B. A Special Event Permit shall be considered effective once the applicant has completed the application form, obtained all required permits, paid all fees as determined by City Council resolution, and has agreed, in writing, with any special conditions imposed by the administrative authority. The requirements of this section may be waived by the administrative authority if consistent with City policy on fee waiver. The applicant may appeal the requirements or conditions related to the issuance of the Special Event Permit to the City Council.

Section 5.32.060. Contents of Application Form.

The application for a special event permit should include but is not limited to the following information:

A. All Special Events:

1. The name, address, and telephone number of the applicant and an alternative contact person.
2. If the event is proposed to be sponsored by an organization, the name, address and telephone number of the organization, and the authorized head of the organization must be listed on the application. If requested by the administrative authority, written authorization to apply for the special event permit by an officer of the organization must be submitted with the application.
3. The name, address, and telephone number of the person who will be present and in charge of the entire event on the day of the event.
4. The nature/purpose of the event.
5. Date and estimated start and ending time of the event.
6. Location of the event, including its boundaries.
7. Estimated number of participants and spectators in the event, including a list of all vendors and contractors involved with the event.
8. The extent and type of advertising and promotion.
9. The type and estimated number of vehicles, animals, and structures which will be used at the event.
10. The size, shape, and material of signs or banners to be posted along the route if any and the method of posting.
11. Whether there will be water, toilets, and first aid stations at the event.
12. Description of any sound amplification equipment which will be used at the event.
13. Whether any food, beverages, or merchandise will be sold at the event.
14. Whether any alcoholic beverages will be sold or dispensed at the event.
15. Whether volunteers to monitor the route will be employed at the event.
16. Parking needs or requirements for the event.

B. Additional information required for parades, races, and other events affecting City right-of-way:

1. The assembly point for the event, the time at which units of the parade or other event will begin to assemble.

2. The route to be traversed.
 3. Whether the parade or other event will occupy all or only a portion of the streets proposed to be traversed.
 4. The intervals of space to be maintained between units of a parade or other event.
 5. The number, types, and size of floats.
 6. Material and maximum size of any signs or banners to be carried along the route if any.
- C. *Supplemental information.* Any supplemental information which the administrative authority shall find reasonably necessary, under the particular circumstances of the special event application, to determine whether to approve, or conditionally approve a special event permit pursuant to section 5.32.090 and 5.32.100.

Section 5.32.070. Encroachment permit required.

An encroachment permit shall be required for any special event proposing the closure of any public street within the City of Grass Valley. Said permit application shall be reviewed and approved by the Director of Public Works or his or her designee, under the provisions of the Grass Valley Municipal and Zoning Codes. Good cause shall include, but not be limited to, a determination that the application of this section would violate the constitutional rights of any individual.

Section 5.32.080. Permit conditions.

The administrative authority may condition the issuance of a special events permit by imposing reasonable requirements concerning the time, place, and manner of the event, and such requirements as necessary to protect the safety of persons and property, and the control of traffic; provided such conditions shall not unreasonably restrict individual rights as guaranteed under the United States Constitution. Such conditions include, but may not be limited to:

- A. Alteration of the date, time, route or location of the event proposed on the event application.
- B. Conditions concerning the area of assembly and disbanding of parade or other events occurring along a route.
- C. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street traversed.
- D. Requirements for the use of traffic cones, delineators or barricades.

- E. Requirements for the provision of first aid or sanitary facilities.
- F. Requirements for use of event monitors, and providing notice of permit conditions to event participants.
- G. Restrictions on the number and type of vehicles, animals, or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for safety purposes.
- H. Compliance with animal protection ordinances and laws.
- I. Requirements for use of trash containers, recycling containers, cleanup, and restoration of City property or right-of-way.
- J. Restrictions on use of amplified sound.
- K. Notification to businesses and residences along the affected street(s).
- L. Compliance with any relevant ordinance or law and obtaining any legally required permit or license.
- M. Compliance with City requirements as outlined in Section 5.32.110.
- N. Restrictions on the consumption of alcoholic beverages.

Section 5.32.090. Special event fees.

A. *Fee Schedule:*

Application Fee	(set by resolution)
Facility Rental Fees	(by established rates)
Other Charges	(varies according to services requested and/or required)
Security/Cleaning Deposit	(by agreement – see Section 5.32.100)

B. *Prepayment of fees.* Upon approval of an application for a special event permit, the administrative authority shall provide the applicant with a statement of the estimated cost of providing traffic-control services for the event. The charges shall include estimated costs for providing overtime police officers for traffic control and overtime public works personnel and equipment charges for road closures at the event unless exempted. The applicant/sponsor of the event shall be required to prepay the estimated traffic-control fees prior to the issuance of a special event permit. Traffic control by officers includes clearing the route or site of unauthorized vehicles, diversion of traffic around the event, and directing pedestrian and vehicular traffic along the route of an event. In the event the actual costs incurred by the City, including overhead costs, exceed the amount of the prepaid estimated traffic-control fee, the applicant/sponsor

may be billed by the administrative authority for any additional, actual costs incurred by the City.

C. *Computing traffic-control fees.* The traffic-control fees will be computed by determining the number of police officers and public works personnel that will be required for traffic control in addition to those who would otherwise be on duty at the time, the number of hours City personnel will be required to be on duty for the event, and the City's full cost of providing personnel on an hourly basis at rates established in accordance with City personnel rules and regulations and conditions contained within memorandums of understanding between the City and employee labor organizations. Every effort shall be made to incorporate the use of barriers, traffic cones, police explorers, and other devices which are less expensive than actual police officers whenever reasonably possible.

D. *Refunds.* If the actual cost for traffic control on the date of the event is less than the estimated cost pursuant to subsection A above, the applicant/sponsor will be promptly refunded the difference by the City of Grass Valley.

Section 5.32.100. Security for cleanup - other city fees.

A. At the time of filing an application for special event permit, if deemed necessary by the administrative authority, the applicant shall submit an agreement on a form provided by the City and signed by the applicant stating that, within 48 hours (excluding parks – see parks facilities requirements) after the conclusion of the special event, the applicant will clean and restore or cause to be cleaned or restored to its original condition the property upon which the special event is to occur. Such agreement shall be secured by a cash deposit or a surety bond payable to the City. The administrative authority shall determine the amount of the security deposit using the following criteria:

1. Rate established by resolution for every 500 people expected to attend; or
2. Rate established by resolution for every mile of City right-of-way involved.

B. The security deposit shall be refundable on compliance with the provisions and requirements of this chapter, including but not limited to the removal of trash and debris, temporary signs, temporary circulation improvements, temporary fencing, and appurtenant accessory facilities and structures and the cleanup of the site. In the event the applicant fails to comply with the terms of this chapter and remove all temporary facilities and structures or clean the site in a manner satisfactory to the administrative authority, the City may do so or cause the same to be done following a notice to the applicant requesting removal and cleanup within seven days, and the reasonable costs thereof shall be charged against the applicant and its cash deposit or bond. In the event the City removes or causes to be removed any temporary improvements, notice shall be given to the applicant indicating that the City has removed such temporary facilities or structures and that they will be destroyed and/or will become the property of the City within 30 days of such notice if neither the applicant nor any representative of the same has contacted the City prior to the expiration of the 30-day period. All notices shall be

sent to the applicant's address as provided on the special event permit application unless the applicant supplies the City a substitute address in writing.

Section 5.32.110. Liability and property damage insurance.

The applicant shall, prior to the issuance of the special event permit, submit to the administrative authority a certificate and endorsement of Insurance Issued by an Insurance company authorized to do business In the State of California and having a policyholder's rating of "A" (excellent) or better, and a financial rate of "VIII or better in "Best's Insurance Reports-Fire and Casualty," or by a company approved in writing by the risk manager, which shall evidence the fact that the applicant has in full force and effect a comprehensive general liability and property damage insurance policy covering every activity of the proposed special event in amounts to be determined by the City Administrator, based on the nature and liability potential of the event.

Should the event be held on public property, the said documents shall name the City, its officers, agents, employees and volunteers as additional insureds and shall indicate that the insurance is primary and any insurance which may be carried by the City shall be considered as excess thereto. The certificate and endorsement shall also indicate that the policy of insurance cannot be modified or canceled by the insurance carrier without at least 30 days' prior written notice to the City. Any certificates and endorsements shall be subject to approval by the City as to form, content, and financial ability of the insurer. The requirements of this section may be waived by the City's risk manager upon a showing of good cause. Good cause shall include, but not be limited to, a determination that the application of this section would violate the constitutional rights of any individual.

Section 5.32.120. Hold-harmless agreement.

Prior to the issuance of a special event permit, the applicant shall provide the City with an executed hold-harmless agreement on a form provided by the administrative authority, which shall substantially state that the applicant agrees to indemnify, defend and hold the City of Grass Valley and its officers, employees, and agents harmless and free from any liability, penalty, expense or loss of any nature, including but not limited to liability for damage or injury to any persons or property arising out of or in connection with the special event. The requirement for a hold-harmless agreement may be waived by the City's risk manager upon a showing of good cause. Good cause shall include, but not be limited to, a determination that the application of this section would violate the constitutional rights of any individual.

Section 5.32.130. Clearances and inspections; posting permit.

No special event permit shall be issued until clearance and inspections from the appropriate agencies and departments have been completed. The special event permit and all business permits relating to the event must be posted on the premises in a conspicuous place, and a copy thereof must be in the possession of the individual

responsible for the supervision or conduct of the operation prior to the start of the activity.

Section 5.32.140. Approval.

The administrative authority shall approve, conditionally approve or deny applications for special event permits based on compliance or noncompliance with the provisions set forth within this chapter.

A. The application may be denied for failure to meet any required condition. Such conditions may include, but not be limited to, the following:

1. Information contained in the application, or supplemental information requested from the applicant, is found to be false or fraudulent in any material detail.
2. The applicant fails to complete the application form after having been notified of additional information or documents required.
3. Another special event permit application has been received prior in time, or has already been approved, to hold another event at the same time and/or place requested by the applicant, or so close in time and/or place as to cause undue traffic congestion, or the City is unable to meet the personnel needs for both events.
4. The time, route, or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to traffic congestion.
5. The concentration of persons, animals and vehicles at the site of the event or the assembly and disbanding areas around an event will prevent proper police, fire, or ambulance services to areas contiguous to the event.
6. The parade, or other event moving along a route within the City, and on City rights-of-way, will not move from its point of origin to its point of termination in three hours or less.
7. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along City streets, or a previously granted encroachment permit.
8. The event shall occur at a time when a school is in session, at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class thereof.
9. The event shall occur at a route or location adjacent to a hospital or fire station, and the noise or other disruptions created by the event would negatively affect the activities of said hospital or fire station.

B. When the grounds for denial of an application for permit specified in subsections A.3 through A.9 above can be corrected by altering the date, time, duration, route, or location of the event, the administrative authority shall, instead of denying the

application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed event as are necessary to achieve compliance with subsections A.3 through A.9 above.

Section 5.32.150. Granting of permit.

The administrative authority shall grant a permit for a special event if it is found that:

A. The special event will be held at a location which complies with and meets all of the health, zoning, fire, and safety requirements, standards, and laws of the State and all ordinances and resolutions of the City applicable thereto, as well as all reasonable conditions as required by the administrative authority.

B. All information required by this chapter is included within the application and all documents required by this chapter have been filed.

Section 5.32.160. Appeals.

Either the denial of an application for a special permit or the imposition of conditions not acceptable to the applicant may be appealed to the City Council by filing both a written notice of appeal and the required cash deposit with the City Clerk within 15 days after the administrative authority's action on the permit. The City Council shall consider such appeal at its first regularly scheduled Council meeting occurring five or more business days after receipt of the appeal by the City Clerk, with or without a public hearing as deemed appropriate and may affirm, overrule, or modify the administrative authority's determination.

Section 5.32.170. Conditions of permit.

In approving an application for a special event permit, the administrative authority may impose such conditions as are deemed necessary to ensure that the permit will be in compliance with the findings required by section 5.32.150. Such conditions may include but shall not be limited to those conditions contained in the special event policy which may be adopted by resolution of the City Council from time to time.

Section 5.32.180. Revocation of permit.

A. A special event permit may be revoked if the administrative authority finds that one or more of the following conditions exist:

1. Circumstances have changed to such a degree that one or more of the findings contained within this chapter can no longer be made in a positive manner.
2. The special event permit was obtained in a fraudulent manner.
3. The applicant fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of the permit.

4. The applicant violates or attempts to violate any law of the State, or the provisions of this chapter, or any other law, ordinance or policy of the City.

B. Such revocation shall become effective immediately upon order by the administrative authority.

Section 5.32.190. Violations.

Any person who willfully fails to comply with the requirements of this chapter, or of any conditions attached hereunder, or who falsifies any information on any application hereunder is guilty of a misdemeanor punishable as set forth by State law. Any special event operator otherwise than in accordance with the chapter shall be a public nuisance which may be enjoined or abated as permitted by law.

SECTION 2. SEVERABILITY. If any one or more of the terms, provision, or sections of this Chapter shall, to any extent, be adjudged invalid, unenforceable, void for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provision, and sections of this Chapter shall not be affected thereby, and shall be valid and enforceable

SECTION 3. EFFECTIVE DATE. This Chapter shall be in full force and effect thirty (30) days after adoption.

INTRODUCED and first read at a regular meeting of the City Council on the ____ day of _____, 2003

FINAL PASSAGE AND ADOPTION by the City Council of the City of Grass Valley was at a meeting thereof held on the _____ day of _____, 2003, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

PATTI INGRAM, Mayor

APPROVED AS TO FORM:

ATTEST:

Claude Biddle, City Attorney

Bobbi Poznik-Coover, City Clerk