

AGENDA DESCRIPTION:

Consideration and possible action to adopt an ordinance to permit special events on City property and public rights-of-way.

RECOMMENDED COUNCIL ACTION:

- (1) Adopt Ordinance No. 581, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, ADDING A NEW CHAPTER ENTITLED "SPECIAL EVENT PERMITS" TO TITLE 12 OF THE RANCHO PALOS VERDES MUNICIPAL CODE FOR THE PURPOSE OF PROVIDING A COORDINATED PROCESS FOR MANAGING COMMUNITY EVENTS TO ENSURE PUBLIC HEALTH AND SAFETY AND TO PROVIDE FOR FEES AND PROCEDURES TO ADMINISTER THE PERMIT PROCESS.

FISCAL IMPACT: This work is included in the FY15-16 municipal budget.

Amount Budgeted:	Not applicable
Additional Appropriation:	None requested
Account Number(s):	Not applicable

ORIGINATED BY: Michael Throne, PE, Director of Public Works 

REVIEWED BY: Same as above

APPROVED BY: Doug Willmore, City Manager 

ATTACHED SUPPORTING DOCUMENTS:

- A. Ordinance No. 581 (page A-1)
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BACKGROUND AND DISCUSSION:

On May 3, 2016, the City Council conducted a public hearing to consider the introduction and adoption of a Special Event Permits Ordinance for events that are to be held in public rights-of-way and City properties. The first reading of the ordinance was held May 17, 2016, so the attached ordinance is now presented for its second reading and adoption tonight. If the proposed ordinance is adopted, Public Works will return with a permit fee proposal for the City Council to consider, including fee reductions or waivers for community groups.

ORDINANCE NO. 581

AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, ADDING A NEW CHAPTER ENTITLED “SPECIAL EVENT PERMITS” TO TITLE 12 OF THE RANCHO PALOS VERDES MUNICIPAL CODE

WHEREAS, the City recognizes the substantial community benefit that may result from community events, which can provide cultural enrichment and economic vitality and can enhance community identity; and

WHEREAS, the purpose of this ordinance is to provide a coordinated process for managing community events to ensure the public health, safety and welfare of event patrons, residents and other visitors, and to provide for fees, charges and procedures required to administer the permit process;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES ORDAIN AS FOLLOWS:

SECTION 1. The facts set forth in the Recitals of this Ordinance, are true and correct.

SECTION 2. Chapter 12.20, “Special Event Permits” is added to Title 12, “Streets, Sidewalks and Public Places,” of the Rancho Palos Verdes Municipal Code to read:

**Chapter 12.20
SPECIAL EVENT PERMITS**

Sections:

- 12.20.010 Title.**
- 12.20.020 Purpose.**
- 12.20.030 Definitions.**
- 12.20.040 Special Event Permit Required.**
- 12.20.050 Special Event Task Force– Membership.**
- 12.20.060 Powers of the Special Event Task Force.**
- 12.20.070 Application.**
- 12.20.080 Processing of Special Event Permits.**
- 12.20.090 Special Event Permit Fees and Charges.**
- 12.20.100 Revocation.**
- 12.20.110 Appeal.**
- 12.20.120 Hold Harmless.**
- 12.20.130 Insurance Requirements for Special Events.**
- 12.20.140 Adoption of Procedures.**

12.20.010 TITLE. This chapter shall be known as the Special Event Permits Ordinance.

12.20.020 PURPOSE. It is the purpose of this chapter to provide for the issuance of Special Event Permits to regulate events on the public streets and public property of the city; and to provide for fees, charges and procedures required to administer the permit process.

12.20.030 DEFINITIONS. The following words and phrases when used in this chapter shall mean:

“Amplified sound” means music or speech projected or transmitted by electronic equipment, including, but not limited to, an amplifier, loudspeakers, or similar devices.

“Annual event” means an event recurring each year at approximately the same date which has previously complied with the permit requirements of this code.

“Applicant” means the authorized agent of the sponsor who completes the application and acts as primary contact for the special event.

“Chairperson” means the chairperson of the Special Event Task Force as designated by the City Manager.

“Task Force” means the Special Event Task Force as constituted by this code.

“Event participants” means persons in attendance at an event, including spectators, vendors, event staff, City staff, and all others present for the purpose of the event.

“Fair/carnival” means a stationary event, held for one or more days.

“Free speech special event” means an event at which the expression of free speech rights is the principal purpose of the event. “Free speech rights” means expressive activity protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution.

“Indigent person” means: (1) a person who is receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplemental Payments (SSP) programs (Sections 12200 to 12205, inclusive, of the California Welfare and Institutions Code), the California Work Opportunity and Responsibility to Kids Act (CalWORKs) program (Chapter 2, commencing with Section 11200 of Part 3 of Division 9 of the California Welfare and Institutions Code), the Food Stamp program (7 U.S.C. Section 2011 et seq.) or Section 17000 of the Welfare and Institutions Code; (2) a person whose monthly income is 125% or less of the current monthly poverty line annually established by the Secretary of Health and Human Services pursuant to the Omnibus Budget Reconciliation Act of 1981, as amended.

“Parade” means any organized group of 20 people or more marching or in procession, whether on foot, animal, or vehicle, on public property.

“Procedure” means a procedure adopted by the Special Event Task Force, to implement this code, or to carry out other responsibilities as may be required by this code or by other codes, ordinances, or resolutions of the City or other agencies.

“Race/run” Means an organized event upon a public street, sidewalk, walkways, or other publicly owned property including City parks (races/runs shall be prohibited on all City trails identified in

the Trails Network Plan) in which 10 or more persons participate by walking, running, riding a bicycle, or operating a wheelchair.

“Recurring event” means an event that will occur repeatedly within a one-year period.

“Special event” means an event, including, but not limited to, parades and races/runs held on public streets, sidewalks, walkways, or other publicly owned property including City parks, which is not subject to any other City permitting requirement.

“Sponsor” means the person or group responsible for the special event to be held.

“Spontaneous event” means an event occasioned by news or affairs coming into public knowledge less than 48 hours prior to such event.

“Transportation management/parking plan” means a plan developed by the applicant/sponsor to identify and mitigate traffic/parking impacts associated with a special event.

12.20.040 SPECIAL EVENT PERMIT REQUIRED. A Special Event Permit must be obtained from the City to stage a special event.

12.20.050 SPECIAL EVENT TASK FORCE- MEMBERSHIP. A Special Event Task Force is hereby created to carry out the provisions of this code and is comprised of representatives of City departments, including, but not limited to, the following departments: Public Works, Community Development, and Parks and Recreation. The Task Force may also invite representatives from other City departments, public agencies or community or neighborhood organizations to provide comments on proposed special events. Examples of such agencies/organizations include, but are not limited to the Los Angeles County Sheriff and the Los Angeles County Fire. The chairperson of the Task Force shall be a Department Director designated by the City Manager. The chairperson shall provide for maintaining Task Force records, arranging meeting times and places and issuing a Special Event Permit on behalf of the Task Force.

12.20.060 POWERS OF THE SPECIAL EVENT TASK FORCE. The Special Event Task Force shall have the power to:

- (a) Interpret and administer this code;
- (b) Represent the City, in accordance with procedures adopted by the City Manager, in discussions and in maintaining agreements with the person(s) who represents the event;
- (c) Coordinate with City departments and with other government agencies for the provision of governmental services for such special events;
- (d) Establish terms and conditions, appropriate security fees and deposits, and the time(s), place and manner of the event;
- (e) Approve or deny Special Event Permits;

- (f) Adopt policies for administering this code as necessary.

12.20.070 APPLICATION

(a) Special Event Permit Application Required. An application must be submitted to the City by the special event applicant or sponsor along with an application fee and an administrative review fee (if applicable) in the amounts established by City Council resolution. Payment of the application fee is not required for free speech events. An indigent person who cannot apply for a permit because of an inability to pay the application fee due to such indigence may not be required to pay the fee in accordance with administrative regulations or guidelines adopted pursuant to this chapter. Application for indigent status shall be made at the time of submission of permit application and shall be accompanied by such relevant information and documentation as may, in the opinion of the City Manager, or designee, be reasonably necessary to verify such status.

(b) Application Form and Contents. An application for a Special Event Permit shall be on a City form and signed by the applicant who is at least 18 years of age, and contains all of the following information:

(1) The name, address, email address and daytime telephone number of each of the following:

(i) The person filing the application (also include evening telephone number),

(ii) An alternate person to contact if an emergency arises and the applicant is unavailable (also include evening telephone number),

(iii) The organization sponsoring the event, if any; the president, chair or other head of the organization; nonprofit documentation, if applicable (also include written documentation of the authority under which the applicant is applying on behalf of the organization), and

(iv) The person who will be present and in charge of the event on the day of the event and their contact information during the event;

(2) A site plan identifying the proposed event and staging locations, including specific street closures or street routes, if any, or park area requested and parking areas (first time events must list several options for location, route, date, and time);

(3) A site map showing emergency exit routes;

(4) Any city equipment or personnel requested or required;

(5) A description of the planned event;

(6) A description of how the event will be promoted and any prior history of promotions for similar events, including references;

(7) The proposed distribution or sale of any food or beverage, including alcoholic beverages;

(8) The proposed event date including the dates and times for set-up and clean-up, and the starting and finishing time of the event;

(9) The estimated number of participants;

(10) The type and estimated number of vehicles, animals or structures that will be used;

(11) A description and location of any sound amplification equipment proposed to be used;

(12) The location of electrical generators, stages, tents, canopies, cooking apparatus and lights;

(13) The location of mechanical rides, jump houses or other amusement attractions;

(14) Parking locations;

(15) The location of any water, first aid, or comfort station(s) to be provided;

(16) For each application for a parade: (i) the time when the units of the parade will begin to assemble, (ii) the proposed assembly point for the parade, (iii) the proposed parade route, (iv) the interval space to be maintained between units of the parade, and (v) the number, type and size of floats or other vehicles;

(17) A preliminary security plan and any monitors to be employed during the event; and

(18) Any other information which the Task Force reasonably requires to evaluate the particular special event application. In addition, the Task Force can waive application requirements that the Task Force determines are inapplicable.

12.20.080 PROCESSING OF SPECIAL EVENT PERMITS.

(a) Non-Free Speech Special Events.

(1) An application for a Special Event Permit shall be filed at least 90 days prior to the date of the proposed event.

(2) The Task Force or chairperson shall meet with the applicant or sponsor to review the application to determine whether additional information is required and discuss applicable conditions and potential security fees.

(3) A notice issued by the City for a Special Event Permit shall be mailed to property owners located within a 500 foot radius of a fixed event site or to a parade, or run/race route describing the event and inviting public to comment. The applicant shall cover the cost, including postage, for the notice. The notice shall be mailed by first class mail at least 30 calendar days before the date of the proposed event. A decision of the Special Event Permit shall be made by the City no later than 10 calendar days before the date of the proposed event.

(4) The Task Force shall make a decision on the application, set any conditions and fees, and issue the permit.

(5) In deciding whether to approve, or approve with conditions, the Task Force shall make each of the following findings:

(i) The event, as proposed, can be shown to function safely;

(ii) The use of sheriff and/or fire resources to support the event will not deny reasonable sheriff and fire protection to the City;

(iii) The special event will not adversely interfere with previously City-approved and/or scheduled construction, maintenance or other activities;

(iv) The proposed event will not adversely impact the health or safety of surrounding properties which cannot be effectively mitigated;

(v) The special event shall not adversely impede the public's reasonable use of City streets, sidewalks, walkways, trails, and City parks and

(vi) The location/route meets the criteria established in the procedures.

(vii) In deciding whether to approve an application, no consideration may be given to the message of the event, the content of speech, the identity or associational relationships of the applicant, or to any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event.

(6) Conditions.

(i) The Task Force may include in a Special Event Permit, among other provisions, reasonable terms or conditions as to the time, place and manner of the event, notice requirements, compliance with health and sanitary regulations, emergency services, security payment of Special Event Permit fee, reimbursement of direct expenses incurred by the City, and a clean-up/damage deposit.

(ii) Additional permits or security fees may be required by other agencies, such as Los Angeles County Fire, Los Angeles County Sheriff or the California Coastal Commission, to meet the conditions established by the permit, and/or other Federal, State, County or City codes.

(iii) In order to accommodate other concurrent events, the rights of abutting owners and the needs of the public to use streets or parks, the conditions may include, but not be limited to, reasonable adjustments in the date, time, route or location of the proposed event; accommodations of pedestrian or vehicular traffic using the street; accommodations of public access to City parks, preserve, and trails; and limitations on the duration of the event.

(7) Recurring Events. The Special Event Task Force may require a trial period before approving all planned events. In no case shall recurrent events be authorized for more than one year.

(8) An application for a Special Event Permit can be denied on any of the following grounds:

- (i) Applicant's provision of false or misleading information;
- (ii) Conflict with other planned events in the area;
- (iii) Previous permit violations by the applicant or organization; or
- (iv) Inability to make each of the findings for approval set forth above.

(9) CEQA Review. The Task Force will designate a staff person knowledgeable in CEQA to perform an environmental review of the proposed special event.

(b) Free Speech Special Events. The following procedures apply to a free speech special event:

(1) It is the intent of the Council to protect the rights of its citizens to engage in protected free speech expression activities. Consequently, it is not the intent of this ordinance to regulate conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas which are protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution.

(2) Filing. The applicant shall file a complete application for a Free Speech Special Event with the Chairperson as soon as possible, but no later than seven working days before the event. An application may be filed up to five calendar days before the event, but an applicant filing fewer than seven calendar days before the event waives the right to appeal a decision. The review period is to ensure adequate time for review of the proposed arrangements by the affected City departments, establishing reasonable conditions, notification or the decision, and appeal from the decision. If a spontaneous event is planned, the applicant may file an application 48 hours before the event. The Special Event Task Force shall review the Free Speech Special Event application to establish reasonable conditions, notification of the decision, and appeal from the decision.

(3) Task Force's Decision. The Task Force shall render a decision in accordance with the findings set forth in subsection (a) within 48 hours (not including days the City offices are closed) after receipt of a complete application. The Task Force Chairperson shall notify the applicant in writing (and orally, if possible) of the decision, including a statement of the reasons for any conditions or the grounds for a denial. If a change in the time or location of the proposed event would allow approval of the application, the Chairperson shall propose an alternative to the applicant.

(4) Applicant's Acceptance. The applicant shall notify the Task Force Chairperson in writing of the applicant's acceptance within 24 hours (not including days the City offices are closed) after written notice of the decision. The failure to submit a timely written acceptance or appeal is deemed an automatic withdrawal of the application. If the applicant files a valid written acceptance of the Task Force's decision, the Free Speech Special Event Permit shall be approved and the Task Force Chairperson shall notify the City Council and the City Manager that the permit has been issued.

(5) Appeal. An applicant who has filed a Free Speech Special Event Permit application at least seven calendar days before the event may appeal the decision, including a denial, a condition of approval, a refusal to waive a filing deadline, or a decision regarding fees or insurance, by filing a written appeal. The appeal procedures are set forth in Section 12.20.110 of this chapter.

(6) Judicial Review. Applications for a Free Speech Special Event Permit are eligible for expedited judicial review pursuant to the Code of Civil Procedure, section 1094.8.

12.20.090 SPECIAL EVENT PERMIT FEES AND CHARGES.

(a) Special Event Permit fees and charges are established by resolution of the City Council, if required. The application fee must be submitted when the applicant or sponsor files the application. Other costs for City services shall be invoiced to the applicant no later than 10 calendar days after the expiration date of the permit. The applicant shall pay said fees within 30 calendar days of invoice otherwise late fees shall apply.

(b) In addition to the payment of any applicable nonrefundable permit application fees, all applicants or sponsors shall be responsible for paying for all City departmental, Los Angeles County Sheriff, or Los Angeles County Fire service charges incurred in connection with or due to the permittee's activities under the permit.

12.20.100 REVOCATION. A Special Event Permit can be revoked by the Chairperson for any of the following reasons:

- (a) Failure to comply with any permitting requirements or conditions of approval;
- (b) Knowingly providing false, misleading or fraudulent information;
- (c) Failing to pay required fees, charges or deposits;

(d) Failing to agree to the indemnification agreement or for failing to provide proof of insurance to the extent required; or

(e) New information after a permit has been approved materially changes the event.

12.20.110 APPEAL. A decision of a Special Event Permit, including a Free Speech Special Event Permit, application is appealable to the City Manager by filing a written appeal to the City Manager within 5 calendar days of the decision. The City Manager or designee shall hold a hearing within 5 calendar days of receipt of the appeal, except that a hearing on an appeal of a Free Speech Event shall be held within 2 calendar days of receipt of the appeal. The decision of the City Manager or designee is final.

12.20.120 HOLD HARMLESS. As a condition to the issuance of any permit under this chapter, the applicant shall agree to defend, indemnify and hold harmless the City, its elected and appointed officials, employees and agents, against losses and liabilities incurred from the conduct of the permittee, or its officers, employees, and agents, or claims or liabilities caused by, or arising out of any activities authorized by any such permit.

12.20.130 INSURANCE REQUIREMENTS FOR SPECIAL EVENTS. The applicant shall provide general liability insurance naming the City, its elected and appointed officials, employees, and agents, as an additional insured. Limits of coverage will be determined by the City Attorney's office at the time of application. Certificates of insurance are to be submitted to the City for approval 14 calendar days prior to the day of the event. Acceptability of insurance is subject to approval by the City's Risk Manager. This requirement does not apply to free speech events.

12.20.140 ADOPTION OF PROCEDURES. The City Council may prepare and adopt regulations for the purpose of implementing this code or to carry out other responsibilities as may be required by this code or other codes, ordinances of the City or other agencies.

SECTION 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. Effective Date. This ordinance shall be in effective on the thirtieth (30th) day after the day of its adoption.

SECTION 5. Certification. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this 6th day of June 2016, by the following vote
to wit:

Ken Dyda
Mayor

ATTEST:

Carla Morreale
City Clerk

APPROVED AS TO FORM:

David J. Aleshire
City Attorney