

ATTACHMENT 2
STAFF DRAFT 10/27/20
SHOWING CHANGES FROM CURRENT CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 15 OF THE SANTA BARBARA MUNICIPAL CODE BY ADDING CHAPTER 15.17 PERTAINING TO SPECIAL EVENTS IN CITY PARKS, ON CITY BEACHES, STREETS, SIDEWALKS, AND PLAZAS AND AMENDING TITLE 9 OF THE MUNICIPAL CODE BY REPEALING CHAPTER 9.12 PERTAINING TO PERMITS AND REGULATIONS FOR PARADES, ATHLETIC EVENTS, AND OTHER EVENTS REQUIRING THE CLOSURE OF STREETS AND OTHER PUBLIC RIGHTS OF WAY

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 15 of the Santa Barbara Municipal Code is amended by adding Chapter 15.17 that reads as follows:

15.17.010 Title and Purpose.

A. This Chapter may be referred to as the City of Santa Barbara Special Events Ordinance.

B. This Chapter establishes the process for permitting and regulating special events, such as athletic events, festivals, parades, public assemblies, demonstrations, and other special activities on City parks, beaches, streets, sidewalks, and plazas. The purposes of this Chapter are:

1. To establish a coordinated process for managing special events.

2. To minimize the impact to regular and ordinary use of City property and facilities.

3. To ensure the health and safety of persons attending an event as well as those using City property but not attending an event; minimize conflicts between special events and other activities on City property; prohibit illegal activities from occurring at special events; and to protect the rights of special event permit holders.

4. To balance the rights of people to engage in expressive activities protected by the United States and California Constitutions and the rights of others in the City's public places by establishing and reasonable time, place and manner regulation of constitutionally protected activities.

5. To minimize the financial impact of special events on the City by providing cost recovery from special event organizers, to the extent authorized by law, while not unduly affecting the viability of events.

15.17.020 Special Event Permit Required.

A. A special event permit is required for all special events except as provided in Subdivision B of this Section.

B. A special event permit is not required for a First Amendment event unless the event involves:

1. Erection of fencing, tents, stages, barricades, booths, or other structures; or

2. Closure of all or a portion of any street or sidewalk, or diversion or control of vehicular traffic in order to provide for the safety of participants.

15.17.030 Prohibitions.

It is unlawful for any person to:

A. Sponsor or conduct a special event, for which a permit is required by this Chapter, without first obtaining the required permit.

B. Participate in a special event, for which a permit is required by this Chapter, after being informed by a City official that the event is not permitted under this Chapter.

C. Knowingly violate the terms and conditions of a special event permit.

15.17.040 Interference with a Special Event Prohibited.

It is unlawful for any person to interfere with a special event permitted by this Chapter by engaging in the any of the following acts:

A. Blocking, obstructing, or impeding the passage of participants in the special event.

B. Walking or running, driving a vehicle, riding a bicycle or skateboard, or similar device through, between, with, or among participants, vehicles, or animals in the special event.

C. Dropping, throwing, rolling or flying any object toward, among, or between participants, vehicles, or animals in a special event.

D. Grabbing at, taking hold of, hitting, pulling, or pushing any participant, vehicle or animal in the special event or anything in the possession of any participant in the special event.

E. Throwing, squirting, dumping, or dropping any liquid or gaseous substance on, toward, among, or between participants, vehicles, or animals in the special event.

F. Vending or offering for sale any food or merchandise at the site of the special event during the hours of the special event without first having obtained the written permission of the person holding the permit for the special event, in addition to any permits or licenses required for such activity by the City or any other governmental entity.

G. Willfully interfering with or disrupting a special event.

15.17.050 Definitions.

As used in this Chapter, the following terms and phrases have the meanings stated in this Section.

Applicant. A qualified person who has submitted an application for a special event permit under this Chapter. To be qualified as an applicant the person must be the event organizer and have personal legal capacity and responsibility for the special event and compliance with all permit terms and conditions, or be the authorized representative of an entity that is the event organizer that has legal capacity and responsibility for the special event and compliance with all permit terms and conditions.

Athletic Event. An organized activity involving a group of persons collectively engage in a sport or other form of physical exercise, including participation sports (such as: marathons and similar running events; bicycle races or tours; volleyball, tennis, bocce or other tournaments; surfing contests; triathlons) or spectator sports (such as football, baseball, and basketball games or exhibitions).

Beach. A City beach, including tidelands, uplands, and any parking lot or facility adjacent to the beach. Beach does not include the Santa Barbara Harbor or Harbor parking lots or facilities.

Block Party. A public assembly, other than a parade or athletic event, that is conducted in a street and requires or results in full or partial closure of the street to vehicular traffic.

Demonstration. Any formation, procession, or assembly of persons for the purposes of expressive activity.

Event Organizer. Any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event.

Expressive Activity. Non-commercial conduct, the sole or principal object of which is the expression of opinion, views, or ideas.

First Amendment Event. Any demonstration, parade, or public assembly that consists primarily of expressive activity protected by the First Amendment.

Parade. Any march, procession, or motorcade consisting of persons, animals or vehicles, or combination thereof, on any city street or sidewalk except marches, processions, or motorcades where each participant is operating in compliance with all traffic laws. Parade also includes any march or procession of persons or equestrians on any City beach.

Park. A City park managed by the Parks and Recreation Department, including any parking lot within the designated park area.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind, including public agencies other than the City or its departments or agencies.

Plaza. A public square or plaza open to the public for passive recreational or other open space uses.

Public Assembly. Any meeting, picket line, rally, or gathering of any kind that occupies any street, sidewalk, park, beach, or plaza. Public assemblies include, without limitation, festivals, concerts, speeches, parties, demonstrations, and similar gatherings.

Permittee. Any person issued a permit for a special event pursuant to this Chapter. To be qualified as a permittee the person must be the event organizer and have personal legal capacity and responsibility for the special event and compliance with all permit terms and conditions, or be the authorized representative of an entity that is the event organizer that has legal capacity and responsibility for the special event and compliance with all permit terms and conditions.

Sidewalk. The portion of a street other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel, whether paved or unpaved.

Sound-amplifying System. Any system, apparatus, equipment, device, instrument or machine designed for or intended to be used for the purpose of amplifying the sound or increasing the volume of human voice, musical tone, or sound vibration or wave.

Special Event. A special event includes:

A. Any athletic event, block party, parade, or public assembly involving 75 or more persons on any City beach, park, plaza, sidewalk or street.

B. Any athletic event, block party, parade, or public assembly of any size on any City beach, park, plaza, sidewalk or street that involves the any of the following:

1. Erection of fencing, tents, stages, barricades, booths, or other structures;

2. Use of sound amplification equipment;

3. Service of alcoholic beverages.

4. Closure of all or a portion of any street or sidewalk, or diversion or control of vehicular traffic in order to provide for the safety of participants.

5. An admission fee or ticket for entry.

C. Any public assembly on a beach, plaza, or park for which the event organizer wants to reserve a specific date and location.

A special event does not include: any activity on city property, including street, beach, park, or plaza, authorized and conducted pursuant to a license, lease, use agreement, or other express prior authorization given the City for the activity.

Special Event Coordinator. The Parks and Recreation Director or other City employee working under supervision of the Parks and Recreation Director and having responsibility for administration and implementation of this Chapter.

Special Event Permit. A permit pursuant to this Chapter.

Sponsor. To conduct, manage, promote, organize, aid or solicit attendance at a special event.

Street. Any public street owned and maintained by the City, including the roadway, sidewalk, shoulder, parkway, median, or bike path within the street right-of-way.

15.17.060 Special Events Coordinator.

The Special Events Coordinator shall have the power and duty to:

A. Administer and enforce this Chapter and any administrative guidelines or regulations adopted pursuant to this Chapter.

B. Approve, conditionally approve, or deny special event permits.

C. Represent the City, under the authority of the City Administrator, in discussions and in establishing agreements with the person(s) who represent the special events.

D. Refer an application to City departments and other governmental agencies for review, recommendations, and approvals regarding special services such as security, traffic control, governmental permitting or licensing, and other matters necessary for the protection of the public health, safety, and welfare.

E. Determine the terms and conditions, appropriate fees, and the date, start time, duration, location, and manner of operation or conduct of the event consistent with this Chapter and other provisions of the Municipal Code applicable to the event.

F. Propose administrative guidelines for implementation of this Chapter.

15.17.070 Special Event Permit Application.

A. **Application Process.** An application for a special event permit must be submitted to the Parks and Recreation Department on a form provided by the Department.

B. **Time Limits.** An application for a special event permit must be submitted within the time period required by the administrative guidelines established pursuant to Section 15.17.170, but no less than 90 days before the proposed date of the event, except that an application for a First Amendment event when required under Section 15.17.020 B may be submitted within a shorter time, but no later than 48 hours before the event, unless the circumstances set forth in Section 15.17.070 C are established. The administrative guidelines established pursuant to Section 15.17.170 may establish an earlier application filing deadline not to exceed 300 days before the event, due to the anticipated size of the event, the occurrence of the event with other related events, or the need to coordinate for and plan City resources for the event or related events. If another permit, such as a coastal development permit, is required, the application for the special event permit may be processed concurrently with the application for the other permit.

C. **Late Application.** Upon a showing of good cause, the Special Events Coordinator shall consider an application that is filed after the filing deadline established

in administrative regulations and guidelines if there is sufficient time to process and investigate the application and obtain any necessary services for the event.

D. **First Amendment Event Application.** In the event a special events permit is required under Section 15.17.020 B, an application for a special events permit to conduct a First Amendment Event that is not timely submitted shall be accepted upon a showing of good cause. Good cause shall be demonstrated if the applicant shows that (i) the circumstance which gave rise to the permit application did not reasonably allow the event participants or sponsors to file an application within the time prescribed by administrative regulations and guidelines, and (ii) the event is for the purpose of expression protected by the First Amendment.

E. **Application Fee.** An application for a permit to conduct a special event that is not related to First Amendment expression shall be accompanied by a nonrefundable permit application fee in an amount established by resolution of the City Council.

15.17.080 Special Event Review Process.

A. The Special Events Coordinator shall approve, conditionally approve, or deny an application for a special event permit for a First Amendment Event no later than 4 days after the Special Events Coordinator receives a completed application

B. The Special Events Coordinator shall approve, conditionally approve, or deny an application for all special events other than First Amendment Events no later than 15 days after the Special Events Coordinator receives a completed application.

unless the Special Events Coordinator determines that the circumstances of the special event require additional review by other governmental agencies.

C. In deciding whether to approve an application for a First Amendment Event, the Special Events Coordinator shall not consider 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.

D. The Special Events Coordinator shall issue a special event permit if it is determined that all of the following criteria have been met:

1. The preparation for or the conduct of the proposed use, event or activity is feasible or will not unreasonably or unfeasibly burden City resources necessary to preserve the public's use of the street in the area contiguous to the site for the special event.

2. The preparation for or the conduct of the proposed use, event or activity will not unduly impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the site for the special event or adversely affect the City's ability to perform municipal functions or furnish city services in the vicinity of the site for the special event.

3. The proposed use, event or activity does not otherwise present a substantial or unwarranted safety, noise, or traffic hazard.

4. The proposed event will be of a nature and size appropriate to the proposed venue, location, or site and will occur during a time period approved for that venue, location, or site.

5. A transportation management/parking plan has been approved by the City for the event to the extent such a plan is required by implementing guidelines and regulations.

6. The proposed event will not cause other adverse impacts on health or safety to surrounding residential or commercial uses, which cannot effectively be mitigated.

E. The Special Events Coordinator may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place, and manner of the event, if such requirements are necessary to protect the safety of persons and property, and to provide for adequate control of traffic, provided such conditions shall not unreasonably restrict the right of free speech. Such conditions may include, but need not be limited to the following:

1. Alteration of the date, time or location of the event proposed on the event application;

2. Requirements for provision of security or crowd control, either private or provided by the City;

3. Requirements for the provision of first aid, sanitary or emergency facilities;

4. Requirements for use of event monitors and some method for providing notice of permit conditions to event participants;

5. Requirements for use of trash and recycling containers/dumpsters, cleanup and restoration of City property;

6. Requirements on use of amplified sound, including music;

7. Compliance with any relevant ordinance or law in obtaining any legally required permit or license;

8. Restriction on the sale or service of alcoholic beverages;

9. Notification of residents in the neighborhood of the proposed event site;

10. Additionally, for parades:

a. Conditions concerning the area of assembly and disbanding of parade or other events occurring along a route;

b. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street;

c. Requirements for the use of traffic cones or barricades;

d. 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 fire safety by the Santa Barbara Fire Department;

e. Compliance with animal protection ordinances and laws;

11. For block parties, an application may be conditioned on notice and approval by 50% of the owners or tenants of dwellings or businesses along the affected street or streets.

12. Requirements for a cleanup deposit for an event involving the sale of food or beverages, erection of structures, participation of horses or other large animals or use of water aid stations, which deposit shall be returned if the area used for the permitted event has been cleaned and returned to the same condition as it existed prior to the issuance of an event permit.

15.17.090 Denial or Revocation of Special Event Permit.

The Special Events Coordinator shall deny an application for a special event permit or revoke a special event permit only upon a determination from consideration of the application and other pertinent information that one or more of the following exists:

A. One or more of the approval criteria in Section 15.17.070 is not met.

B. The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process.

C. The applicant fails to complete the application form after having been notified of the additional information or documents requested.

D. The application does not satisfy the requirements of this Chapter or the administrative regulations adopted thereto.

E. The applicant or permittee has not complied with one or more of the conditions of approval including, but not limited to:

1. Remittance of fees, charges or deposits;

2. Submittal of an indemnification agreement and/or proof of insurance to the extent required;

3. Timely receipt of all required permits and approvals.

F. The applicant fails to agree as a condition of permit issuance that if City property is destroyed or damaged by reason of permittee's use, event or activity and the damage or destruction is directly attributable to the permittee, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed or damaged property.

G. The permittee or event participants have damaged City property and has not paid in full for such damage or has other outstanding and unpaid debts related to a prior community event permit issued by the City.

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H. The Special Events Coordinator has earlier received an application to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion or create an infeasible parking demand, or the City is unable to meet the needs for necessary services for both events.

I. The time or size of the event is reasonably likely to substantially interrupt the safe and orderly movement of traffic contiguous to the event site or disrupt the use of a street at a time when it is usually subject to great traffic congestion.

J. A City department has earlier received an application to hold another event at the same time or date, making it infeasible to hold both events because the City would not have sufficient resources to provide the necessary services for both events.

K. The concentration of persons, animals and vehicles at the site of the event is reasonably likely to prevent proper police, fire, or ambulance services to the event.

L. The location of the event is reasonably likely to substantially interfere with any construction or maintenance work scheduled to take place upon the proposed event site or with a previously granted encroachment permit.

M. The event is reasonably likely to occur at a time when school is in session at a location adjacent to the school, and the noise created by the activities of the event would substantially disrupt the educational activities of the school.

N. The proposed use is unlawful or not appropriate in the requested location.

O. The location is not available for reservation because the City has set it aside for a scheduled special event or due to policies restricting the frequency or scheduling of events at that location or at the proposed time.

P. The size, scope and duration of the proposed event is not compatible with the location or surrounding neighborhood.

Q. There is insufficient time to plan or organize the proposed use in a manner that is consistent with how the City permits events and with the needs of public health and safety.

15.17.100 Departmental Service Charge.

A. In addition to the payment of the non-refundable permit application fee pursuant to Section 15.17.070 E, a permittee is required to pay the City for City departmental service charges incurred in connection with or due to the permittee's activities under the permit as determined by the Special Events Coordinator. Such charges shall be based on actual costs incurred but shall not include charges for police protection of permittees or costs incurred due to public reaction to the permitted activities. The Special Events Coordinator may waive fees for First Amendment Events upon a determination that the fee would pose an undue burden on the Event Organizer.

B. City departments shall submit the final invoices and billings for department charges to the permittee no later than 30 working days after the expiration date of the permit.

C. A permittee who claims an inability to pay department service charges may have these charges waived in accordance with administrative regulations or guidelines adopted pursuant to this Chapter. Application for such waiver shall be accompanied by such relevant information and documentation established by administrative regulations or guidelines as reasonably necessary to verify such status.

15.17.110 Appeals.

The applicant shall have the right to appeal (i) denial of a permit, (ii) revocation of a permit, (iii) a permit condition, (iv) a determination that good cause to consider a late application does not exist, (v) a determination that an event does not qualify as a First Amendment Event, and (vi) a determination that the applicant's insurance policy does not comply with the requirements specified in Section 15.17.130. A notice of appeal stating the grounds of appeal with specificity shall be filed with the City Administrator. The City Administrator shall schedule a hearing no later than 2 business days after the filing of the appeal, and will render a decision no later than 1 business day after hearing the appeal. The City Administrator's decision on the appeal is final and not subject to further appeal except judicial challenge. The City Administrator may delegate the responsibility to hear and decide an appeal.

15.17.120 Indemnification Agreement.

A. Prior to issuance of an event permit, the applicant or other authorized officer of the event organizer must sign an agreement to reimburse the City for any costs incurred

by it in repairing damage to City property occurring in connection with the permitted event and proximately caused by the actions of the permittee, its officers, employees, or agents, or any person acting under the permittee's director or control, insofar as permitted by law. The agreement shall also provide that the permittee shall defend the City against, and indemnify and hold the City harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted event proximately caused by the actions of the permittee or sponsoring organization, its officers, employees or agents, or any person who was under the permittee's or sponsoring organization's control insofar as permitted by law and in a form consistent with this requirement and acceptable to the City Attorney. For purposes of this Section, a person who merely joins in a special event is not considered, because of that act alone, to be "under the direction or control" of the permittee.

B. The indemnification requirement of Subsection A of this Section will be waived for those applicants who have established a basis for the waiver of insurance pursuant to Section 15.17.130 C.

15.17.130 Insurance Requirements.

A. The permittee must possess or obtain public liability insurance from a reliable insurance company authorized to do business in the State, to protect against loss from liability imposed by law for damages because of bodily injury and property damage arising from the event. Such insurance must name on the policy or by endorsement as additional

insureds the City of Santa Barbara, its officers, its boards, employees, agents, and volunteers. Required coverage levels will be based on the size, scope and elements of the event and will be determined by the City Risk Manager without regard to content-based considerations.

B. A copy of the policy or certificate of insurance along with all necessary endorsements must be filed with the City Risk Manager prior to issuance of the permit, unless the City's Risk Manager for good cause waives the filing deadline. Maintenance of this insurance shall be a condition of the permit.

C. The insurance requirements shall be waived by the City Risk Manager for First Amendment Events upon the filing by the applicant of a verified statement that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression or that insurance coverage for the event is not commercially available. As a condition of waiving the insurance requirement the Risk Manager may, at no charge to the applicant, require the applicant to apply for insurance coverage for the event under a policy selected or maintained by the City. The applicant must provide any information necessary to apply for such insurance coverage. The insurance requirements may be waived by the City Risk Manager for other events if the applicant establishes to the satisfaction of the City Risk Manager that the cost of obtaining insurance is financially prohibitive or it is impossible to obtain insurance coverage. As a condition of waiving the insurance requirement, the City Risk Manager may require the applicant to apply for insurance

coverage for the event under a policy selected or maintained by the City of Santa Barbara, in which case the applicant or sponsor shall provide any information necessary to apply for such insurance coverage, and pay the reasonable cost of such coverage.

15.17.140 Display of Special Event Permit.

A copy of the Special Event Permit shall be displayed at the special event site and shall be exhibited upon demand of any City official.

15.17.150 Use of City Name Or Logo Without Authorization.

It is unlawful for a permittee to use the words the "City of Santa Barbara" in any manner to suggest or indicate that the event is sponsored by the City or to use a facsimile of the seal or logo of the City of Santa Barbara in the promotional materials or advertising for the event without the express written authorization of the Special Events Coordinator.

15.17.160 Noise Restrictions In Public Parks, Beaches, Or Plazas.

Special events shall be conducted in accordance with all rules and regulations governing closure hours and noise generally applicable to use of City parks, beaches, and plazas except as otherwise expressly stated in the special event permit.

15.17.170 Administrative Regulations.

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The Special Events Coordinator may prepare administrative guidelines for implementation of this Chapter. The administrative guidelines may include additional terms and requirements for the submission of applications, issuance of permits, and conduct of special events that are consistent with the provisions of this Chapter. The administrative guidelines and amendments thereto shall become effective upon approval by the City Administrator. All such administrative guidelines must be in writing and made available in the Parks and Recreation Department and on the City's website.

SECTION 2. Chapter 9.12 of Title 9 of the Santa Barbara Municipal Code is repealed.