

## Sec. 30-12.31. - Definitions.

For purposes of this section, the following definitions shall apply.

- (a) "Applicant" means the person, as further defined herein, submitting the application for a special event permit.
- (b) "Chief of police" means the chief of police of the city of Salinas.
- (c) "City" means the city of Salinas.
- (d) "City Code" means the Salinas City Code.
- (e) "City manager" means the city manager of the city of Salinas or his designee.
- (f) "Event organizer" means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event or minor special event.
- (g) "Minor special event" means any special event involving less than fifty people at one time and which is no more than three hours in duration on any calendar day, including set-up and takedown.
- (h) "Person" means any individual, firm, partnership, corporation, company, association, joint-stock association, governmental entity or other legal entity, and includes a trustee, receiver, assignee or similar representative of any of them.
- (i) "Service charges" means the actual costs which a department of the city incurs in connection with activities for which a permit is required under this section including, but not limited to, costs associated with fire safety, traffic safety, and/or pedestrian control; the closure of streets or intersections; the salaries of city personnel involved in administration or coordination of city services for the event, including the review and processing of applications; the costs to the city to provide support personnel, equipment, materials and supplies; and other related city costs. Service charges shall include costs incurred by the city to provide police and fire protective services to those engaged in activities or conduct for which a special event permit is required pursuant to this section.
- (j) "Site" means a contiguous area of land, including a lot or lots or a portion thereof, which is developed or proposed to be developed.
- (k) "Special event" means an organized activity, assembly or event involving fifty or more people, and to which the public is invited to watch, listen or participate including, but not limited to, the following:
  - (1) Motorized vehicle races or contests;
  - (2) Remote radio or television broadcasts and similar advertising or fundraising events;
  - (3) Carnivals, circuses, fairs, festivals, concerts or similar activities;
  - (4) Any event with mechanized amusement rides;
  - (5) Promotional activities of a commercial nature;
  - (6) Athletic events;
  - (7) Public assemblies;
  - (8) Any event that will take place on a public right-of-way within the boundaries of the city of Salinas or on other property owned or occupied by the city of Salinas;
  - (9) Outdoor shows and exhibitions;

- (10) Any event, regardless of the number of people involved, requiring full or partial street closure that occur street, sidewalk, alley or public right-of-way, and/or which is likely to obstruct, delay or interfere with the pedestrian or vehicular traffic.
- (l) "Special event permit" or "permit," except as otherwise specifically provided in this article, means a permit for either a special event or a minor special event issued pursuant to this article.
- (m) "Tax exempt non-profit organization" means an organization that is exempted from payment of income taxes by federal or state law and which has been in existence for a minimum of six months preceding the date of application for a special event permit.
- (n) "Temporary use of land permit" means a permit required under Zoning Code Section 37-50.300 for the temporary and intermittent use of land.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.32. - Permit required.

- (a) It is unlawful for any person to hold, engage in, or conduct, within the city of Salinas, any special event or minor special event subject to the provisions of this article and not expressly exempt hereunder without having first obtained a valid permit and without having first complied with all applicable provisions of this article.
- (b) The city manager or his designee is authorized to issue permits for special events or minor special events pursuant to the procedures established in this article.
- (c) A copy of the special event permit shall be kept on site at the venue of the special event and shall be made available for review by any city official upon request.
- (d) Compliance with the provisions of this article does not exempt the holder of a special event permit from compliance with all other provisions of the City Code or any other federal, state or local law or regulation.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.33. - Exceptions to special event permit requirements.

A special event permit is not required for the following activities:

- (a) Except as otherwise provided or more specifically defined herein, any activity or event held or conducted solely on private property and such activity or event meets all of the following requirements:
- (1) Does not involve the use of, or have an impact on, public property or facilities and which may require the provision of city public services in response thereto;
  - (2) Does not use amplified sound;
  - (3) Does not involve the use of any pyrotechnic device as defined in the California Health and Safety Code;
  - (4) Does not involve the construction or installation of any temporary or permanent tents, canopies or other structures regardless of whether the construction or installation requires a permit from the city's fire department;
  - (5) Does not involve the use of any exotic or domestic animals or mechanical amusement rides; and

(6) Does not include the sale, service or use of alcoholic beverages.

Any activity or event held or conducted solely on private property which does not meet all of the requirements listed in this subsection shall be considered a special event or minor special event for which a permit must be obtained.

- (b) Funeral processions by a licensed mortuary or funeral home.
- (c) Lawful picketing or demonstrations on public sidewalks or other public rights-of-way owned or controlled by the city wherein applicable traffic regulations, laws or controls are complied with.
- (d) Any event or activity which is not a special event or minor special event, as defined in this article, and for which a temporary use of land permit is required under Section 37-50.300(g) of the Salinas City Code.
- (e) Any parade for which a permit must be obtained under Chapter 30 of the City Code.
- (f) Although not required to obtain a special event permit for an activity exempted pursuant to this subsection, an event organizer is required to comply with general regulations governing public safety or health and all other applicable federal, state, and local laws and regulations.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.34. - Issuance of a special event permit does not obligate city services.

Issuance of a special event permit pursuant to this article does not obligate or require the city to provide services, equipment or personnel in support of a special event or minor special event.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.35. - Time for filing application for special event permit.

- (a) General Provisions. An application for a special event permit required by this article shall be filed with the city manager on a form furnished by the city, and signed by the applicant under penalty of perjury. If the application is filed by an organization or corporation, the application shall be prepared, signed under penalty of perjury, and filed by an authorized officer of such organization. No special event permit shall be issued to any person who is not at least eighteen years of age and no special event permit shall be issued unless the owner of the property upon which the special event is proposed to be held, or that person's representative or agent, has first given their express written consent.
- (b) Special Events. A completed application shall be filed not less than thirty calendar days, nor more than six months before the date of the proposed special event. However, it is recommended that a completed application be filed at least thirty calendar days prior to the proposed special event to accommodate unforeseen circumstances or delays. If an applicant for a special event desires to ensure the opportunity for an appeal to the city council in accordance with Section 30-12.44, the application shall be filed with the city manager not less than sixty calendar days, nor more than six months before the date of the proposed special event. Applications filed less than sixty calendar days prior to the proposed special event shall not be subject to appeal to the city council and the decision of the city manager shall be final. In the event the decision of

the city manager becomes final, the event organizer or other affected person may then file a petition for writ of mandate pursuant to the California Code of Civil Procedure regarding the validity of the city manager's decision to grant or deny the application.

- (c) **Special Circumstances.** No application filed for a special event proposed to be scheduled fewer than forty-eight hours from the filing of an application will be accepted unless such special event is precipitated by news, circumstances or events coming into public knowledge fewer than forty-eight hours before the proposed event. The application shall be accompanied by a declaration under penalty of perjury demonstrating that the failure to submit a timely application was not within the applicant's control because the precipitating news, circumstances or events did not exist or could not have been known to the applicant in time to file a timely application under this section.
- (d) **Minor Special Events.** An application for a minor special event may be filed with the city manager on a form furnished by the city and signed by the applicant under penalty of perjury. If the application is filed by an organization or corporation, the application shall be prepared, signed under penalty of perjury, and filed by an authorized officer of such organization or corporation. In no event shall an application for a minor special event be filed less than ten calendar days before the date of the minor special event and in no event shall a minor special event be held unless the permittee for such event has notified the city in writing at least ten calendar days before the date of such minor special event; has otherwise complied with all other applicable provisions of this article including, but not limited to, the requirements set forth in Sections 30-12.47 and 30-12.41(a) and (b) of this article.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.36. - Frequency of permits.

The total number of special event permits allowed on a site in a calendar year is:

- (a) **Special Events.** The total number of permits issued for special events and/or temporary use of land permit issued for any site shall not exceed the total number of temporary use of land permits allowed on a site pursuant to Zoning Code Section 37-50.300, as that section may be amended from time to time. A permit issued for a special event pursuant to this article shall be counted toward the site's maximum number of temporary use of land permits allowed for that site.
- (b) **Minor Special Events.** A permit issued for a minor special event pursuant to this article and minor special events held throughout the calendar year during which such permit is valid shall not be counted toward the maximum number of temporary use of land permits allowed for that site pursuant to Section 37-50.300 of the City's Zoning Code. A permit issued pursuant to this article:
- (1) Shall be valid for the calendar year during which it was issued;
  - (2) Shall be valid for the specific site for which such permit was issued; and
  - (3) Shall cover all minor special events held at such site by the permittee during that calendar year.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.37. - When application deemed complete.

An application for a special event is deemed complete when the applicant has provided all the information and paid all the fees required by this article, and the application has been approved by the city manager or his designee for consideration.

Notwithstanding the city manager's acceptance of a completed application, no special event date shall be considered approved until a special event permit is issued pursuant to this article and no minor special event shall be held pursuant to such permit unless prior written notice has been given as specified in the article.

(Ord. No. 2476 (NCS), § 1.)

#### Sec. 30-12.38. - Advertising and promotion.

The event organizer shall not perform any advertising or other promotion of a proposed special event or minor special event unless and until a special event permit has been issued pursuant to this article.

(Ord. No. 2476 (NCS), § 1.)

#### Sec. 30-12.39. - Interference with pedestrian or vehicular traffic.

- (a) No special event or minor special event shall be conducted in such a manner or under such conditions as to impede or obstruct the free movement of pedestrian or vehicular traffic, and no person shall stop, stand, park or place any vehicle or any other object or structure in such a position as to impede or obstruct the free movement of pedestrian or vehicular traffic or to block the driveway entrance to any of the property on which the special event or minor special event is to be held or that of any abutting or adjacent property.
- (b) An encroachment permit issued pursuant to Chapter 20 of the City Code shall be required for any special event or minor special event that impacts city owned property and/or requires the closure of any street(s).

(Ord. No. 2476 (NCS), § 1.)

#### Sec. 30-12.40. - Permit application—Fee.

All applications shall be submitted with payment of a nonrefundable application fee established by resolution of the city council, unless said special event or minor special event is funded in full or in part by the city, or said fee is waived by the city council. Any application submitted without said application fee shall be deemed incomplete.

(Ord. No. 2476 (NCS), § 1.)

#### Sec. 30-12.41. - Contents of permit and permit application.

- (a) A special event application and a special event permit may contain the following information or conditions:
  - (1) The location of the special event venue, which may be identified by a map attached to the special event permit;
  - (2) The date, assembly area, time for assembly and starting and anticipated ending times of the special event;
  - (3) The specific route plan to the special event;

- (4) The number and types of persons, animals and vehicles, the number of bands, other musical units and equipment capable of producing sound, if any, and limitations thereon pertaining to noise abatement;
  - (5) The maximum interval of space to be maintained between booths or other structures to be used for the special event;
  - (6) The portion of the street and sidewalk that is to be occupied by the event and the location of reviewing or audience stands, if any;
  - (7) A crowd control plan to include the number and location of traffic and crowd controllers, monitors, other support personnel and equipment and barricades to be furnished by the special event organizer;
  - (8) The area and time for disbanding;
  - (9) Conditions or restrictions on the use of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of vendors and related sales activity by the special event organizer during the special event;
  - (10) Provisions for any required emergency medical services;
  - (11) The required presence of the special event organizer or its designated representatives for all special event coordination and management purposes; and
  - (12) Such other information and conditions as are reasonably necessary for the conduct of the special event and the enforcement of this article.
- (b) As a condition of the issuance of a special event permit, the applicant shall be required to make adequate provisions for cleaning the area or route of the special event or minor special event both during and upon completion of the special event or minor special event and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the special event or minor special event.
- (c) Any violation of any condition, limitation or restriction placed upon a special event in the special event permit, and the conducting of any activities beyond the scope of activities authorized in the permit, shall be considered a misdemeanor and may be punished as such; however, at the discretion of the city attorney, the violation of any provision of this article may be filed as an infraction or may be prosecuted administratively pursuant to the city's administrative remedies provisions provided in Chapter 1 of the City Code.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.42. - Action by city manager upon application or notice of minor special event.

- (a) Upon the filing of a completed application or upon notification of a minor special event, the city manager shall refer the application or the minor special event notification to the special events committee for review, evaluation, investigation, and recommendations regarding approval or disapproval of the application or the minor special event.
- (b) In determining whether to approve an application or a minor special event, no consideration may be given to the message of the event, the content of the speech, the identity or associational relationship of the applicant, or to any assumptions or predictions as to the level or nature of emotion which may be aroused in the public by the content of speech or message conveyed by the special event.
- (c) Consistent with this section, the city manager may impose conditions on any permit issued pursuant to this article or any minor special event held pursuant to this article to coordinate multiple uses of public property;

assure preservation of public property and public places; prevent dangerous, unlawful or impermissible uses; protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue, provided that such requirements shall not be imposed in a manner that will unreasonably restrict activities or conduct protected by the California or United States Constitutions.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.43. - Permit—Denial.

- (a) The city manager may, in his sole discretion, deny an application for a permit, revoke any permit or prevent any minor special event if the city manager finds any of the following:
- (1) The application contains materially false or intentionally misleading information;
  - (2) The event or activity is proposed to be located or is located in or upon a premises, building or structure which is hazardous to the health or safety of the employees or patrons of the premises, business or activity or event, or the general public under the standards established by the California Building Code or Fire Codes;
  - (3) The event or activity is proposed to be located or is located in or upon a premises, building or structure which lacks adequate on-site parking for participants attending the proposed event or activity;
  - (4) The event or activity is in conflict with other applicable provisions of any federal, state, and/or local laws;
  - (5) The event or activity is scheduled to occur at a location and time in conflict with another event or activity scheduled for the same day or weekend where such conflict would adversely impact on the city's ability to provide adequate city services in support of other scheduled events or scheduled governmental functions;
  - (6) The event will substantially disrupt public transportation or other vehicular and pedestrian traffic in the area of its location;
  - (7) The event will require the diversion of public safety or other city employees from their normal duties so as to unreasonably reduce adequate levels of service or municipal functions to any other portion of the city;
  - (8) The concentrations of persons, animals or vehicles will unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles on the streets;
  - (9) The event or activity will have a substantial adverse impact on the health and safety of the general public, residents and businesses within a five hundred foot radius of the event or violate the city's noise ordinance;
  - (10) The event or activity will take place in an area of the city or on any public right-of-way that is scheduled for maintenance, construction or repair prior to the application for the special event or minor special event and the conduct of the event would interfere with such maintenance, construction or repair, or the maintenance, construction or repair would represent a threat to the health or safety of the participants in the event;
  - (11) The ability of persons to enter and exit residential or business properties impacted by the event will be unreasonably impaired considering factors such as the duration, size, and scope of the event;
  - (12) The proposed use, event or activity will have a significant adverse environmental impact;

- (13) The applicant has violated any provision(s) or condition(s) of this article or a previous permit issued for the similar event within the prior thirty-six months;
  - (14) The applicant has failed to provide sufficient security to adequately control the crowds and provide safety;
  - (15) The applicant has failed to provide sufficient safety, health or sanitation equipment, services or facilities that are reasonably necessary to ensure the special event or minor special event will be conducted with due regard for public health and safety;
  - (16) The applicant has failed to provide a plan for cleanup and removal of recyclable goods, waste, and garbage during the special event or minor special event, such plan shall include recycling opportunities for the participants and the location of any recycling containers;
  - (17) The applicant has failed to meet any of the requirements for submitting an application for a special event permit;
  - (18) The applicant has failed to obtain a necessary license or permit, if required; or
  - (19) The special event may create a high probability of violent disorderly conduct likely to endanger public safety or result in significant property damage.
- (b) When the grounds for denial of an application is based on any of the circumstances specified in subsections (a)(1) through (19) above which can be corrected by altering the date, time, duration, route or location of the special event or minor special event, the city manager may, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The condition imposed shall provide for only such modification of the applicant's proposed special event or minor special event as are necessary to achieve compliance with subsections (a)(1) through (19) above.
- (c) The city manager shall notify the applicant of a denial in writing as soon as is reasonably practical.

(Ord. No. 2476 (NCS), § 1.)

#### Sec. 30-12.44. - Appeals from denial.

An applicant whose application for a special event permit has been denied or has been granted conditionally may appeal such decision to the city council by filing an appeal with the city clerk, unless the applicant has not allowed sufficient time to appeal to the city council. An appeal shall be made in writing within ten calendar days of the date of the written denial. Decisions that are appealed shall not become effective until the appeal is resolved.

(Ord. No. 2476 (NCS), § 1.)

#### Sec. 30-12.45. - City council action upon appeal.

After a hearing and consideration of the report and recommendation of the city manager, and any written materials submitted by the applicant or other affected person(s), the city council shall either grant the special event permit with conditions or deny the special event permit upon determining that issuance thereof would result in any one of the circumstances set forth in Section 30-12.39. The decision on appeal by the city council shall be based on written findings, shall be final and conclusive on the matter, and shall be subject to review pursuant to the California Code of Civil Procedure.

(Ord. No. 2476 (NCS), § 1.)



Sec. 30-12.46. - Service fees and charges.

- (a) In addition to the nonrefundable permit application fee, permit fee, and any user fees or other fee prescribed by resolution of the city council, an applicant shall pay the city for all city department service charges incurred in connection with or due to the applicant's activities under the special event permit. Such charges include, but are not limited to, the salaries of city personnel involved in permit processing, public safety, event traffic control, fire safety or other facility or event support, and the costs associated with the use of city equipment and other non-personnel expenses. Such charges shall be paid by the applicant at the time the completed application is approved.
- (b) Departmental service fees will be established by separate city council resolution that will reflect 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 memoranda of understanding between the city and employee labor organizations.
- (c) City departments shall submit final invoices and billings for departmental charges to be charged the applicant. If the amount paid upon submission of the application is less than the final charges the applicant shall pay the difference to the city within ten working days of being invoiced for such charges from the city. If the amount paid upon submission of the application is more than such final charges, the city shall refund the difference to the applicant within sixty days after the event.
- (d) If city property is damaged or destroyed by reason of the applicant's use, event or activity, the applicant shall reimburse the city for the actual replacement or repair cost of the destroyed or damaged property.
- (e) If the holder of a special event permit fails to perform adequate cleanup during or after the special event as indicated in the special event permit application, the applicant shall reimburse the city for the actual costs and expenses incurred for cleanup.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.47. - Insurance and indemnity requirements.

- (a) For all special events or minor special events subject to the requirements of this article, as a condition of the issuance of a permit the applicant shall obtain, furnish proof of and maintain a policy of insurance consistent with the Administrative Memorandum prepared by the city manager; provided, however, that in no case shall the minimum limits of liability be lower than one million dollars combined single limit per occurrence. If the special event or minor special event has a demonstrated high or low risk, the city manager, in his sole discretion, may require a greater or authorize a lesser amount of coverage than required. Evidence of such proof of insurance must be submitted with the application and prior to the date of any subsequent minor special event in the time and manner set forth in this article.
- (b) The applicant shall be required to sign an indemnity agreement in a form approved by the city attorney which shall expressly provide that the applicant agrees to defend, protect, indemnify, and hold the city, its officers, employees, and agents harmless from and against any and all claims, damages, expenses, losses or liabilities of any kind or nature arising out of, or resulting from, the alleged acts or omissions of applicant related to the special event. Such indemnity agreement must be submitted with the application and prior to the date of any subsequent minor special event in the time and manner set forth in this article.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.48. - Revocation or suspension of permit.

- (a) A special event permit issued under this article shall be revoked or suspended by the city manager or chief of police or their designees if either finds that one or more of the following exists and has not been corrected by the applicant after reasonable notice of the existence of the condition has been given:
- (1) The special event permit is being used to conduct an activity different from that for which it was issued;
  - (2) The activity is being conducted in a manner which violates one or more of the conditions, restrictions or limitations imposed upon the issuance of the special event permit or fails to conform to the plans and procedures described in the application or permit;
  - (3) The applicant violated or attempted to violate any federal, state or local laws and regulations; or
  - (4) The special event is being conducted in a fraudulent or disorderly manner, or in a manner which endangers the public health or safety or in a manner which violates any provision of the City Code.
- (b) Such revocation or suspension shall become effective immediately upon order of the city manager or chief of police or their designees and shall remain in effect until the applicant has corrected the violation or the special event permit has expired on its own terms.
- (c) In the event the special event permit is revoked or suspended pursuant to the provisions of this section, another special event permit shall not be granted to the applicant within twelve months after the date of such revocation or suspension. The determination of the city manager or chief of police, or their designees, to revoke or suspend a special event permit shall be based upon written findings and shall be final and conclusive in the matter.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.49. - Delegation of authority.

The city manager and the chief of police may delegate any or all of his functions under this chapter to designated deputy city managers and/or their designees.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.50. - City manager's authority to adopt rules and regulations.

The city manager is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth within this chapter and the provisions of law that pertain to the conduct and operation of an activity or event regulated by this article.

(Ord. No. 2476 (NCS), § 1.)

Sec. 30-12.51. - Penalty for violation.

- (a) A violation of this article shall be considered a misdemeanor and may be punished as such, however, at the discretion of the city attorney, the violation of any provision of this section may be prosecuted administratively pursuant to the administrative remedies provisions of the City Code or pursuant to any

other remedies available under the law or in equity.

- (b) The holding or conducting of a special event subject to the provisions of this article without a valid special event permit issued pursuant to the provisions of this article, unless expressly exempted hereunder, is hereby declared to be unlawful and a public nuisance and may be abated by action of the city attorney, in addition to any other remedies as may be available under the law.

(Ord. No. 2476 (NCS), § 1.)