

ORDINANCE NO. _____

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING
CHAPTER 11-40 PUBLIC PARADES, OF THE SANTA ROSA CITY CODE

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Chapter 11-40 of the Santa Rosa City Code is amended to read in full as follows:

“Chapter 11-40
SPECIAL EVENTS, FILM PRODUCTION

11-40.010 Definitions. As used in this chapter:

- A. “Applicant” means any person 18 years of age or older, or any group, organization, or entity that seeks a permit from the City of Santa Rosa for the closure of a public street, sidewalk, alley or parking area in order to conduct an activity governed by this chapter.
- B. “Application” means the application for permit under this chapter in a form approved by the City Manager.
- C. “Block Party” means a gathering of persons on a residential street intended for residents only and not the general public, requiring a closure of a street, or a portion thereof, to vehicular traffic.
- D. “City” means the City of Santa Rosa.
- E. “City Manager” means the City of Santa Rosa City Manager or the City Manager’s designee.
- F. “Film production” means commercial filming activity on public property including film, video, digital, and still photography.
- G. “Free speech” means expressive activity protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution, provided that such activity is the primary purpose of the special event.
- H. “Free speech march” means a march held for the primary purpose of free speech that is likely to interfere with the unobstructed use of any public right of way, or not comply with traffic regulations, or is likely to pose a threat to public safety.
- I. “Permittee” means the person, group, organization, or entity that has been issued a permit under this chapter.
- J. “Sound amplifying equipment” means devices that are powered by electricity or batteries and which are intended to increase the volume, range or distance of speech, music or other sound.
- K. “Special event” means one-time, annual or recurring events including, but not limited to free speech marches, film production, block parties, festivals, outdoor markets, concerts, parades, walks, runs, and cycling events that take place on City streets, sidewalks, alleys or public parking areas, requiring traffic control, sanitation and/or police services above and beyond the normal pattern of use. A special event does not include funeral processions.

- L. “Special event permit” means a permit issued by the City Manager to conduct a special event.
- M. “Traffic control devices” means barricades, cones and/or signage used for traffic control and/or closing streets.

11-40.020 Permit – Required. It is unlawful for any person to conduct or participate in a special event unless a special event permit has been issued by the City Manager. The permit shall be on location during the special event and shown upon demand of any City official. The City Manager is authorized to issue special event permits in accordance with policies adopted by the City Council.

11-40.030 Permit – Application Requirements. The following requirements apply to all special event permit applicants:

- A. Any person, group, organization or entity requesting a special event permit shall file an application for a permit not less than 30 days nor more than one year before the date on which such special event is proposed to be conducted.
- B. Upon a showing by applicant of good cause, the City Manager may consider an application that is filed less than 30 days before the date a special event is proposed to be conducted. For purposes of free speech marches, good cause includes spontaneous events occasioned by news or affairs coming into public knowledge within three days of a march, provided the organizers provide the City Manager with a minimum 48-hour advance notice.
- C. Application shall be made in writing in a form approved by the City Manager. In order that adequate arrangements may be made for proper vehicular and pedestrian control, the application shall contain the following information:
 - 1. Applicant’s name, address and telephone number and the name and telephone number of applicant’s authorized representative;
 - 2. The purpose of the special event, the date(s) when it is proposed to be conducted, the proposed location(s), any route to be traveled, approximate beginning and ending times;
 - 3. A statement of the number of special event participants, spectators and vendors;
 - 4. Information on special event components, including, but not limited to, food, alcohol, sound-amplifying equipment, security, traffic control, parking, toilets and garbage;
 - 5. Information on film production components, including, but not limited to, stunts, chase scenes, pyrotechnics, explosions, gunfire or other special effects;
 - 6. Such other information as the City Manager may deem reasonably necessary.

11-40.040 Permit – Conditions for Issuance.

A. General Conditions.

- 1. Applicant shall pay a non-refundable application processing fee as established

by City Council at the time the application is submitted.

2. Applicant shall provide a Certificate of General Liability insurance to the City in a form approved by the City Attorney. Coverage shall be provided by a comprehensive general liability insurance policy in the amount determined by the City's Risk Manager to cover any property damage or personal injury caused during the special event. The City of Santa Rosa, its officers, officials, employees and volunteers shall be named as additional insureds through an endorsement to the General Liability insurance policy.
 3. Applicant shall remit fees as established by the City Council to cover the costs of City services prior to issuance of a permit.
 4. Applicant shall agree to defend, indemnify, and hold harmless the City, its officers, agents, employees and volunteers from and against all actions, losses, damages, liability, costs, and expenses of every type and description, including, but not limited to, attorneys' fees, arising directly or indirectly, in whole or in part, from the acts or omissions of the applicant, or its officers, agents, employees or volunteers in connection with the special event.
- B. Free Speech Marches. Applicants who wish to conduct free speech marches are exempt from the requirements of subsections A (2) through (4) of this section.

11-40.050 Permit – Issuance.

- A. The City Manager shall act on a special event permit application within 15 business days after the filing thereof and shall issue such permit if:
1. The event will not interrupt the safe and orderly movement of other traffic contiguous to its route;
 2. The event will not require the diversion of so great a number of police officers of the City to properly police the event, and the areas contiguous thereto, so as to prevent normal police protection in the City;
 3. The concentration of participants, spectators, vendors, and/or equipment will not unduly interfere with the proper fire and police protection of, or ambulance service to, areas contiguous to the street, sidewalk, alley or public parking closure areas;
 4. The event will not substantially disrupt the use of a street at a time when it is usually subject to traffic congestion;
 5. The location of the event will not substantially interfere with street maintenance work, or a previously authorized encroachment permit or special event;
 6. The event will not substantially interfere with municipal functions, or other previously authorized City activities;
 7. The event does not create a substantial risk of injury to persons or property;
 8. The event would not propose a potential threat to the health, safety and welfare of the City's population.
 9. The event would not violate federal, state or local law including license/permit requirements; and

10. Applicant has met the requirements of sections 11-40.040 and/or 11-40.060, if applicable.

B. The City Manager may deny a permit if:

1. Applicant has failed to complete the application after being requested to do so;
2. The information contained in the application is false in any material detail;
3. Applicant has failed to comply with the material terms and conditions of a previous permit.

C. When the grounds for denial can be corrected by imposing reasonable permit conditions, the City Manager shall impose such conditions rather than deny the permit.

D. With the exception of permits for free speech marches, the City Manager, in his or her reasonable discretion, may impose additional conditions to the issuance of special event permits, including, but not limited to the following:

1. Requirements for the presence of City employees for the particular event at the applicant's expense;
2. Requirements for a traffic control plan to be developed at the applicant's expense;
3. Requirements concerning the posting of no parking signs and placement of traffic control devices at the applicant's expense;
4. Restrictions on the use of firearms, explosives, or other noise-creating or hazardous devices;
5. Restrictions on hours of activity and/or sound amplifying equipment;
6. Requirements concerning affected adjacent property owners of the event; and
7. Requirements for additional permits, as needed.

11-40.060 Permit – State Approval Required. If a state highway is involved, applicant shall furnish written proof of permission of the California Department of Transportation.

11-40.070 Permit – Denial – Appeal Filing.

- A. If a permit is denied by the City Manager, the applicant may appeal the denial to the City Council. The appeal shall be filed in writing with the City Clerk and shall state the grounds of appeal.
- B. An appeal must be filed by the applicant within three working days of denial by the City Manager. The City Council shall hear the appeal at the next regular meeting held at least five working days after the filing of the appeal.

11-40.080 Event Cancellation Conditions.

- A. A special event may be canceled by the City Manager for any of the following reasons:

1. In the event an emergency arises which either requires the presence of police elsewhere, so as to leave the event without proper police protection, or leaves the street itself physically obstructed or in dangerous condition;
 2. Material information in the application is false;
 3. Conditions listed in Section 11-40.050 materially change from the time of the permit approval;
 4. Applicant fails to meet any of the conditions listed in the permit.
- B. Except in an emergency, no special event shall be canceled by the City Manager without providing a reasonable opportunity for the applicant to appeal as provided in Section 11-40.070.

11-40.090 Commercial Events Prohibited. With the exception of film production, no permit under this chapter shall be issued authorizing the closure of a public street, sidewalk, alley or parking area for a special event that the City Manager finds is proposed to be held for the sole purpose of advertising any product, goods, wares, merchandise or event purely for private profit.

11-40.100 Interfering with Events Prohibited. No person shall in any manner interfere with the progress or orderly conduct of a permitted special event.

11-40.110 Change of Special Event Date. Upon reasonable notice by a permittee in advance of a special event, as solely determined by the City Manager, the City Manager may approve a date change for the special event without requiring a new application or application fee.”

Section 2. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 3. Severability. If any section, subsection, sentence, clause phrase, or word of this ordinance is for any reason held to be invalid, the validity of the remaining portions of this ordinance shall not be affected.

Section 4. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED THIS ____ day of _____, 2017.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

Interim City Attorney