

ATTACHMENT

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

~~PUBLIC PARADES~~

Sections:

~~11-40.010 Parade defined.~~

~~11-40.020 Special Events Permit Required.~~

~~11-40.030 Special Events Permit Application requirements.~~

~~11-40.040 Parades Costs and Insurance.~~

~~11-40.050 Issuance of Special Events Permit.~~

~~11-40.060 Special Events Permit State approval required.~~

~~11-40.070 Permit Denial Appeal filing.~~

~~11-40.080 Parade cancellation conditions.~~

~~11-40.090 Commercial parades prohibited.~~

~~11-40.100 Interfering with or joining in parades prohibited.~~

~~11-40.010 Parade DefinedDefinitions. For the purposes of this chapter, "parade" means any march, race, picket line, rally or procession (except funeral procession) consisting of people, animals or vehicles, or any combination thereof, which is conducted on any public street, sidewalk or alley, and which does not comply with customary public uses, traffic regulations or controls. 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.~~

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- 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 ~~Special Events~~ Permit ~~---~~ Required. It is unlawful for any person to conduct or ~~be a participant~~ in ~~a special any parade event~~ unless a special event ~~special events~~ permit has been issued ~~granted~~ by the City Manager ~~or his/her designee~~. 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. A special events permit is required for all parades, including free speech parades. Free speech parades are defined as those held for the primary purpose of First Amendment expression.

11-40.030 ~~Special Events~~ Permit ~~---~~ Application Requirements. The following requirements apply to all ~~parades~~ special event permit applicants:

- ~~A.—~~ A.— Any person, group, organization or entity ~~desiring to conduct a parade~~ requesting a special event permit shall file an application for a ~~special events~~ permit not less than ~~fifteen (3015)~~ days nor more than one year before the date on which such special parade event is proposed to be conducted.
- A.
Upon a showing by applicant of good cause, the City Manager, ~~or his/her designee~~, may consider an application ~~that which~~ is filed less than ~~fifteen (3015)~~ days before the date such a special parade event is proposed to be conducted. ~~-~~For

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purposes of ~~f~~Free ~~s~~Speech ~~marches~~~~parades~~, good cause includes spontaneous events occasioned by news or affairs coming into public knowledge within three ~~(3)~~ days of a ~~parade~~~~marcher assembly~~, provided the organizers provide the City Manager ~~or his/her designee~~ with a ~~minimum~~~~least~~ 48 hour ~~advances~~ notice.

~~B.~~

~~B.C.~~ ~~A~~The application shall be made in writing ~~in~~ a form approved by the City Manager ~~or his/her designee~~. In order that adequate arrangements may be made for proper vehicular and pedestrian control, the application shall contain the following information:

- ~~1. A1. The name of the applicant's name, the sponsoring organization, the parade chairman and the addresses and telephone number and the name and telephone number of applicant's authorized representative; of each;~~
- ~~1.~~
- ~~2.~~ The purpose of the ~~parade~~ special event, the date(s) when it is proposed to be conducted, the proposed location(s) ~~of the assembly area, the location of the disbanding area, any~~ route to be traveled, ~~and the approximate beginning and ending times when the parade will assemble, start and terminate;~~
- ~~2.~~
- ~~3.~~ A statement of the number of special event participants, spectators and vendors; ~~and a description of the individuals floats, marching units, vehicles, bands and sound-amplifying equipment to be used;~~
- ~~3.~~
- ~~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;
- ~~4.6.~~ ~~4.~~ Such other information as the City Manager ~~may~~ deem reasonably necessary.

11-40.040 ~~Parades Permit~~ ~~Costs and~~ Conditions for Insurance.:

~~A.~~ A. Free Speech Parades 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

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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.

~~1. The applicant shall be required to pay the \$75.00 processing fee. Fees for traffic and pedestrian safety services shall not be charged.~~

~~2. Insurance is not required for Free Speech Parades/Marches.~~

~~B. All Other Parades~~

~~Before a special events permit is issued for all other parades, the applicant shall provide:~~

~~1. A Certificate of General Liability insurance in a form approved by the City Manager or his/her designee in the amount of One Million Dollars (\$1,000,000.00)/per occurrence to cover any property or personal injury caused by the parade permittee during the parade. The "City of Santa Rosa, its officers, officials, employees and volunteers" shall be named as an additional insured on the endorsement;~~

~~2. A cash deposit in an amount approved by the City Manager or his/her designee to cover the costs of erecting barricades, cones and other traffic and pedestrian control devices, removal of trash and street sweeping due to the time, size and location of the parade, which deposit shall guarantee that the premises will be left in a clean and safe condition within twelve (12) hours after the activity is terminated;~~

11-40.050 ~~Issuance of Special Events Permits~~Permit – Issuance.

A. The City Manager, ~~or his/her designee,~~ shall act on a special event permit application within ~~ten (150) working business~~ days after the filing thereof and ~~shall issue such permit if~~shall issue such permit if:

~~1. A. The eventparade will not not~~ interrupt the safe and orderly movement of other traffic contiguous to its route;

~~1.~~

~~2. B. The eventparade will not not~~ require the diversion of so great a number of police officers of the City to properly police the ~~line of marche~~event, and the areas continuous thereto, and the areas continuous thereto, so as to prevent normal police protection in the City;

~~2.~~

~~3.~~

~~4. C. The concentration of persons, animals and vehicles~~participants, spectators, vendors, and/or equipment at the assembly points of the parade will not not unduly interfere with the proper fire and police protection of, or ambulance service to, areas contiguous to ~~such assembly~~the street, sidewalk, alley or public parking closure areas;

~~3.~~

~~4.~~ The event will not substantially disrupt the use of a street at a time when it is usually subject to traffic congestion;

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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
5. Applicant has met the requirements of sections 11-40.040 and/or 11-40.060, if applicable.~~parade will not interfere with the movement of fire-fighting equipment enroute to a fire;~~
- 10.

~~E. The parade will move from its point of origin to its point of termination expeditiously and without stopping enroute; and~~

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.

~~F. The applicant has met the requirements of Section 11-40.040 and/or 11-40.060 if applicable.~~

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11-40.060 ~~Special Events~~ Permit ~~---~~ State Approval Required. If a state highway is involved, ~~the parade~~ applicant shall furnish written proof ~~that he/she has obtained the~~of permission of the California Department of Transportation.

11-40.070 Permit ~~---~~ Denial ~~---~~ Appeal Filing.:

~~A. A.~~ If ~~a permit an application~~ is denied by the City Manager ~~or his/her designee~~, 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.

~~A.~~

~~B.~~

~~B. B.~~ An appeal must be filed ~~by the applicant~~ within three ~~(3)~~ working days of denial by the City Manager ~~or his/her designee~~. The City Council shall hear the appeal at the next regular meeting ~~held at least five working days after the filing of the appeal.~~
~~held at least five (5) working days after the filing of the appeal.~~

11-40.080 ~~EventParade~~ Cancellation Conditions.

A. ~~The A special eventparade~~ may be canceled by the City Manager ~~or his/her designee~~ for any of the following reasons:

~~1. A.~~ In the event an emergency arises which either requires the presence of police elsewhere, so as to leave the ~~eventparade route~~ without proper police protection, or leaves the ~~streetroute~~ 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;~~

~~4.4. Applicant fails to meet any of the conditions listed in the permit.~~

B. ~~Except in an emergency, B. 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.~~ Information contained in the application is found to be false;

~~C. Conditions listed in Section 11-40.030 change from the time of the permit approval;~~

~~D. The applicant fails to meet any of the conditions listed in the permit.~~

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

11-40.100 Interfering ~~w~~With ~~or Joining in Parades Events~~ Prohibited. No person shall ~~in any manner interfere with the progress or orderly conduct of a permitted special event.~~ knowingly, without the consent of the permittee, join or participate in a parade nor in any manner interfere with the progress or orderly conduct of a parade.

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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.