

## **Municipal Code Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES**

### **Chapter 12.72 SPECIAL EVENTS**

#### **12.72.010 Title.**

This chapter shall be referred to as the “Special Events Ordinance.” (Ord. 007-07 C.S. § 2; prior code 5-610)

#### **12.72.020 Purpose.**

A. It is the purpose of the City Council to establish a comprehensive process for permitting special events conducted by the private sector using City streets, facilities or services and in some cases private facilities where a use permit does not exist pursuant to Title 16. It is recognized that these special events provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as part of governmental services.

B. Additionally, it is recognized that tax-exempt non-profit organizations that benefit the community are central to the quality of life in the City and that they often develop through their special events the resources to provide essential services to the citizens of the City.

C. By recognizing special event venues, it is further intended to:

1. Supplement land use regulations;
2. Provide a coordinated process for the regulation of certain activities conducted in conjunction with special events;
3. Ensure the health and safety of patrons of special events;
4. Prohibit illegal activity from occurring within a special event venue on private or public property;
5. Protect the rights and interests granted a special event permit holder;
6. Create a mechanism for cost recovery and revenue sharing for special events without having an adverse effect on those special events that contribute to the community;
7. Protect the rights of its citizens to engage in protected free speech expression activities, allowing the least restrictive and reasonable, time, place and manner regulation of those activities within the overall context of rationally regulating special events that have an impact upon public facilities and services. (Ord. 007-07 C.S. § 2; prior code 5-611)

#### **12.72.030 Definitions.**

As used in this chapter:

“Building” means any fully enclosed permanent structure built for the support, shelter, or enclosure of persons, animals, livestock, or property of any kind. It includes pushcarts and mobile vendors (see Stockton Municipal Code, Title 5) for which the sale of goods, food or beverages has been authorized.

“City’s Event Manager” means the City employee ~~designated by the City Manager as currently holding official job title~~ “Event Manager.”

“City Manager” means the City employee currently holding the official job title “City Manager” or designee.

“Commercial special event” means any special event organized and conducted by any person that does not qualify as a tax-exempt, non-profit organization.

“Community-based organization” means those organizations with offices located within the Stockton City limits or those providing services or funding benefiting Stockton residents, such as nonprofit, chartered, civic, charitable, fraternal, governmental, and educational institutions.

“Co-sponsorship” means the City is endorsing an event conducted by a community-based organization, and the City Manager has determined that the event meets all of the criteria set forth in Section 12.72.080.

“Dance” means a gathering of persons, consisting of more than 50 individuals, in or on any facilities or private property where dancing is participated in, either as the main purpose or incident to some other purpose and to which the public is invited.

“Demonstration” means any formation, procession or assembly of 100 or more persons which, for the purpose of expressive activity, is:

1. To assemble or travel in unison on any street in a manner that does not comply with normal or usual traffic regulations or controls; or
2. To gather at a public park or other public area or facility.

“Event” includes a special event or a demonstration.

“Event organizer” means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a commercial or non-commercial special event.

“Expressive activity” includes 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 and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. It includes, by way of illustration and without limitation, public oratory, speeches, distribution of literature, protests, demonstrations, rallies, marches, and assemblies.

“Facility(ies)” means any City-owned or operated property or property interest.

“Goods” means goods, wares, personal property, merchandise or any other similar items that are generally sold.

“Gross revenues” means the sum of all revenues received by an event organizer for a special event, including, but not limited to, cash receipts, licensing, sponsorships, television, advertising and similar revenues, and concessions.

“Highway” means a way or place of any nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

“Host organization” means the sponsoring organization that has overall authority of the special event venue.

“Noncommercial special event” means any special event organized and conducted by a person representing an organization that qualifies as a tax-exempt, nonprofit organization.

“Private property” means any property other than that which the City owns or operates or has property interest.

“Private sector” means any individual, group, or organization that does not qualify as a government entity.

“Services” means the use of City employee time required for safe operation of an event.

“Sidewalk” means that portion of a highway, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

“Sign” means any sign, pennant, flag, banner, inflatable display, or other attention-seeking device.

“Special event” means:

1. Use of any City park, building, street or other facility or private property when an organized activity is conducted, to which the public is invited or admitted, with a common purpose and under the direction or control of a person, and any one or more of the following factors exist:
  - a. A fee is charged or money is collected;
  - b. Alcohol and/or food will be sold;
  - c. A City facility will be closed to general use by the public or use by the general public will be denied in part or in whole;
  - d. The location will be used beyond its normal capacity or typical range of uses;
  - e. The proposed use is likely to infringe on other users’ activities at that location;
  - f. The activity on a street or other public place is impacted in a manner which disrupts the normal or usual traffic patterns, regulations or controls;
  - g. The City Manager reasonably determines that the event will result in substantial impact on City resources, facilities or public safety services in response thereto.
2. Examples of special events include, by way of illustration and without limitation, concerts, dances, assemblages, processions, parades, marching band reviews, circuses, fairs, festivals, block parties, community events, mass participation sports (such as, marathons and running events, bicycle races or tours, sports tournaments), spectator sports or other organized activity conducted for a common or collective use.
3. Special events do not include normal City sponsored programs or activities or regular sporting events or tournaments held inside a building or at a facility intended for that purpose.

“Special event permit” means a permit issued pursuant to ~~under~~ this chapter.

“Special Event Appeal Committee” means a committee that reviews requests for appeal of decisions made by the City Manager or designee and makes a ruling based on the application of this section and City policies. Members of Legislative and Environmental Council Committee will serve as the Special Event Appeal Committee.

~~“Special Event Appeal Committee” means a committee consisting of seven (7) members: two (2) members appointed by the City Manager; one (1) member appointed by the Stockton Parks and Recreation Commission; four (4) members appointed by the Mayor which shall include a councilmember, a community member familiar with event planning and two (2) at-large community members. The City Council shall approve the Committee and its terms by resolution. A quorum shall consist of five (5) members and it shall take four (4) votes to take any action. The duties of this Committee shall be to hear appeals of permits that are denied pursuant to Section 12.72.190. In addition, the Committee shall, at a minimum of once per year, review all of the special events and recommend changes to policies, procedures and the special events ordinance.~~

“Special event venue” means that area for which a special event permit has been issued.

“Special Events Permit Late Fee” means a fee that is paid when a special event application is submitted between 30 to 44 days prior to the scheduled event date. This fee is listed in the City’s current Fee Schedule.

“Street” means a way or place of any nature, publicly maintained and open to use of the public for purposes of vehicular travel. Street includes highway, alley, and other public ways.

“Tax-exempt, nonprofit organization” means an organization that

1. Is exempted from payment of income taxes by Federal or State law;
2. Has been in existence for a minimum of six (6) months preceding the date of application for a special event permit as evidenced by the receipt or confirmation of such status from the Federal or State government;
3. Maintains an office within the City limits of the City or provides services directly to the residents of the City; and
4. plays a major role in event production and/ or receives not less than 80 percent of the event profit.

“Vendor” means any person who sells or offers to sell, any goods, food, or beverages within a special event venue. (Ord. 007-07 C.S. § 2; prior code 5-612)

#### **12.72.040 Enforcement authority.**

The City Manager is authorized to administer and enforce the provisions of this chapter. The City Manager and/or designee(s) may exercise any enforcement powers of the City. (Ord. 007-07 C.S. § 2; prior code 5-613)

#### **12.72.050 Delegation of City Manager’s authority.**

The City Manager may delegate any or all of his or her functions under this chapter to designated Deputy City Managers and/or subordinates. (Ord. 007-07 C.S. § 2; prior code 5-614)

#### **12.72.060 Special event permit required.**

A. Except as provided under Section 12.72.070(A), it is unlawful for any person to conduct, promote, manage, aid, or solicit attendance at a special event, without first obtaining a special event permit from the City Manager or designee.

B. The City Manager is authorized to issue permits for special events occurring within the City limits of the City pursuant to this chapter. The City Manager is authorized to determine the special event venue. The City Manager shall set reasonable boundaries for the special event venue, balancing the special event requirements and public health, safety, and welfare. The City Manager should, when feasible and practical, limit the boundaries of the special event venue to the minimum area needed for the event so that the rest of the facility can be kept open for use by the general public. The City Manager is authorized to coordinate the issuance of a special event permit with other public agencies under whose jurisdiction or property the event or portion thereof occurs. (Ord. 007-07 C.S. § 2; prior code 5-615)

#### **12.72.070 Exceptions to special event permit requirement.**

- A. The following activities are exempt from the special event permit requirement:
1. Activities sponsored and conducted entirely by the City;
  2. Activities conducted pursuant to a City Council approved contract between the City and the event organizer, ~~such as the Asparagus Festival;~~
  3. Activities conducted pursuant to the facilities management agreement between the City and ~~IFG Stockton, Inc., or any facility manager other facilities management agreement;~~
  4. Activities conducted by a governmental agency acting within the scope of its authority;
  5. Activities conducted at private facilities which have a use permit that allows such activities;
  6. Funeral processions by a licensed mortuary;
  7. Lawful picketing on sidewalks;
  8. Demonstrations of 100 people or ~~fewer more~~ that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment, including sound equipment, ~~and comply with traffic and noise laws,~~ provided that:
    - a. No fee or donation is charged or required as a condition of participation in or attendance at such demonstration, and
    - b. The Chief of Police is notified and a special event checklist is completed at least 72 hours in advance of the commencement of the demonstration;
  - ~~9. Demonstrations of less than 100 people and that comply with traffic and noise laws;~~
  10. Spontaneous events for the purpose of expressive activity that occur in response to breaking news that has occurred less than 72 hours prior to the event.
- B. Although not required to get a special event permit, an event organizer of an activity exempted pursuant to subsection A of this section, is required to comply with ~~general~~ all regulations governing public health and safety. (Ord. 007-07 C.S. § 2; prior code 5-616)

#### **12.72.080 Co-sponsorship.**

- A. Any community-based organization may request, in writing, that the City co-sponsor up to two (2) of their events per year. The events must meet the following criteria:
1. The event must be free and open to the public. This means no admission fee can be charged and no monetary donations can be requested from the public or participants.
  2. No alcohol can be served at the event.
  3. The event must have a cultural, social or educational benefit to the community.
  4. The event cannot be religious or political in nature or seek to support or oppose any religious or political viewpoint.
  5. The event must be held at a City-managed facility.
  6. The organization must ~~comply with follow~~ all ~~applicable of the normal~~ procedures for applying for a special event permit.
- B. If the City Manager determines that the event meets all of the above criteria, the rent for the event facility shall be reduced. (Ord. 007-07 C.S. § 2; prior code 5-617)

#### **12.72.090 Issuance of a special event permit does not obligate City services.**

A. Issuance of a special event permit pursuant to this chapter does not obligate or require the City Manager to provide City services, equipment or personnel in support of an event.

B. The City Manager may provide City services, equipment, or personnel for special events. If City services, equipment, or personnel are provided, **as a condition of the permit**, the event organizer shall provide the City with cost recovery or revenue sharing, or both, unless the event is an expressive activity event. (Ord. 004-10 C.S. § 1, eff. 3-4-10; Ord. 007-07 C.S. § 2; prior code 5-618)

#### **12.72.100 Priority of special event permit issuance.**

Priority shall be given for issuance of a special events permit in the following priority order:

A. Annual events approved by the City wherein the applicant provides 10 months notice and submits a completed application within six (6) months of the event.

B. On a first-come, first-serve basis when the applicant has a completed application with appropriate fees paid as determined by the schedule of fees. (Ord. 007-07 C.S. § 2; prior code 5-619)

#### **12.72.110 Time for filing application for special event permit—Time for notifying City Manager of demonstration.**

A. For special events at the Stockton Civic Memorial Auditorium, Weber Point Events Center, downtown plazas, and/or any other City park or facility, and on private property when required by Title 16, an application for a special event permit shall be filed with the City Event Manager not less than 45 calendar days, nor more than one (1) year, prior to the date(s) when the special event is proposed to be conducted. **Applications can be submitted 44-30 calendar days prior to the special event, but the applicant will be required to remit to the City the Special Events Permit Late Fee according to the City's most current Fee Schedule. Applications will not be accepted for special events within 29 days of the event date.**

B. Any individual or organization organizing a demonstration shall submit a special event checklist to the City's Event Manager not less than 72 hours before the time when the individual or organization proposes to conduct the demonstration. (Ord. 004-10 C.S. § 1, eff. 3-4-10; Ord. 007-07 C.S. § 2; prior code 5-620)

#### **12.72.120 When application for special event permit is deemed complete.**

An application for a special event permit is deemed complete when the applicant has provided all of the information required in Section 12.72.130, and has paid all the required fees set by City Council resolution. The applicant shall be notified in writing when the application is deemed complete. (Ord. 007-07 C.S. § 2; prior code 5-621)

#### **~~12.72.130 Content of special event permit application.~~**

~~——The application for a special event permit shall include all the following that is applicable to the event:~~

- ~~\_\_\_\_\_ A. The name, address, telephone number and date of birth of the applicant;~~
- ~~\_\_\_\_\_ B. A certification that the applicant will be financially responsible for any City fees (see schedule of fees adopted by City Council resolution) or costs that may be imposed for the event;~~
- ~~\_\_\_\_\_ C. The name, address, telephone number and date of birth of the event organizer, if any, and the chief officer of the event organizer, if any;~~
- ~~\_\_\_\_\_ D. The name, address, telephone number and date of birth and any other form of identity requested of any authorized agent of the event organizer, if any;~~
- ~~\_\_\_\_\_ E. If the special event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for the special event permit shall file a written communication from such organization:~~
  - ~~\_\_\_\_\_ 1. Authorizing the applicant to apply for the special event permit on its behalf;~~
  - ~~\_\_\_\_\_ 2. Certification that the applicant will be financially responsible for any costs or fees that may be imposed for the event;~~
- ~~\_\_\_\_\_ F. A copy of the tax exemption letter with tax ID number issued for any applicant claiming to be a tax exempt nonprofit organization;~~
- ~~\_\_\_\_\_ G. A statement of the purpose of the special event;~~
- ~~\_\_\_\_\_ H. A statement of fees (entrance, participation, vendor fees, etc) to be charged at the special event;~~
- ~~\_\_\_\_\_ I. The proposed location for the special event;~~
- ~~\_\_\_\_\_ J. The date(s) and times when the special event is to be conducted;~~
- ~~\_\_\_\_\_ K. The approximate times when assembly for, and disbanding of, the special event is to take place;~~
- ~~\_\_\_\_\_ L. The proposed locations of the assembly or production area;~~
- ~~\_\_\_\_\_ M. The specific proposed site or route, including a map and written narrative of the route;~~
- ~~\_\_\_\_\_ N. The proposed site of any reviewing stands and disbanding area;~~
- ~~\_\_\_\_\_ O. Proposed alternate routes, sites or times, where applicable;~~
- ~~\_\_\_\_\_ P. The approximate number of persons, animals and/or vehicles that will constitute the special event;~~
- ~~\_\_\_\_\_ Q. The kinds of animals anticipated to be part of the special event;~~
- ~~\_\_\_\_\_ R. A description of the types of vehicles to be used in the special event;~~
- ~~\_\_\_\_\_ S. The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise;~~
- ~~\_\_\_\_\_ T. The number of vendors, suppliers and entertainers and the nature of goods to be provided or sold including but not limited to the type of food and drink;~~
- ~~\_\_\_\_\_ U. The number and location of portable sanitation facilities and a Recycling Plan and Waste Management Plan;~~
- ~~\_\_\_\_\_ V. Other equipment or services necessary to conduct the event with due regard for participant and public health and safety;~~



~~W. The estimated number of persons proposed or required to monitor or facilitate the special event and provide spectator or participant control and direction for events using City streets, sidewalks, or facilities (the exact number will be determined by the Chief of Police or designee);~~

~~X. Provisions for first aid or emergency medical services (the exact services will be determined by the Fire Chief or designee based on event risk factors);~~

~~Y. Insurance and/or surety bond information; and~~

~~Z. Any special or unusual requirements that may be imposed or created by virtue of the nature or operation of the proposed event activity. (Ord. 007-07 C.S. § 2; prior code 5-622)~~

## **12.72.140 Content of special event permit.**

A special event permit may contain the following information or conditions:

- A. The location of the special event venue identified by a map attached to the special event permit;
- B. The dates, assembly area, times for assembly, starting and ending time of the special event;
- C. The specific route plan to the special event;
- D. The minimum and maximum speeds of the special event;
- E. The number and types of persons, animals and/or vehicles, the number of bands, other musical units and equipment capable of producing sound, if any, and limitations thereon pertaining to noise abatement;
- F. The maximum interval of space to be maintained between booths or other structures to be used for the special event;
- G. 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;
- H. The number and location of traffic controllers, monitors, other support personnel and equipment and barricades to be furnished by the special event organizer;
- I. The area and time for disbanding;
- J. 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 event organizer during the special event. Proof of full liquor liability insurance and an ABC license to dispense alcohol must be provided if alcohol is sold;
- K. Provisions for any required emergency medical or rescue services. Any person or agency providing such service will be approved by the Fire Chief or designee;
- L. Such other information and conditions as are reasonably necessary for the conduct of the special event and the enforcement of this chapter, including the requirement for the on-site presence of the event organizer or its designated representative for all event coordination and management purposes;
- M. As a condition of the issuance of a special event permit, the applicant shall be required to make adequate provisions for cleaning up the area or route of the event both during and upon completion of the event and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the event, and to pay for the cost to repair any damages caused by the event. (Ord. 007-07 C.S. § 2; prior code 5-623)



#### **12.72.150 Amendments to an approved application.**

A. Once an application has been approved, an amendment shall be filed at least ~~30~~ **40** calendar days prior to the event if any of the conditions have changed, including but not limited to:

1. Number of attendees;
2. Admission charged vs. free event;
3. Alcohol vs. non-alcohol event;
4. Loss of insurance coverage;
5. Addition of live music or dance; and
6. Addition of animals, livestock, fireworks, water or air activities or other uses that would significantly change the permit conditions.

B. All changes in conditions necessitating the amendment will be accompanied by appropriate certificates, licenses and fees.

C. The City Manager has the discretion to revoke the permit due to changed conditions. (Ord. 007-07 C.S. § 2; prior code 5-624)

#### **12.72.160 Conditions affecting the issuance of a special event permit.**

A. The City Manager shall issue a special event permit, when all of the conditions listed in this section are met. No event is confirmed or approved until all requirements are met and the City Manager signs the permit. The City Manager may exempt certain requirements based on any or all the following mitigating factors:

1. The event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;
2. The event will not substantially interrupt the safe and orderly movement of aerial or marine navigation;
3. The event will not cause any unresolvable conflict with construction or development in the public right-of-way or at a public facility;
4. The event will not block traffic lanes or close streets during peak commuter hours on weekdays between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. without approval from the Public Works Director **or the Police Department**;
5. The event will not require a great number of police employees to be diverted from their normal duties which would significantly impact the Police Department's ability to respond appropriately to police related calls throughout the remainder of the community;
6. The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets;
7. The event will move from its assembly location to its disbanding location expeditiously and without stopping en route;
8. The event will not substantially interfere with any other special event or demonstration for which a permit has already been issued or with the provision of City services in support of other scheduled events or unscheduled governmental functions;

9. The event will not have any un-mitigatable adverse impacts upon residential or business access and traffic circulation in the same general venue;

~~10. If the event is a marathon or bicycle race, it should not occur within 30 calendar days of another marathon or bicycle race.~~

B. To make the determination under this section, the City Manager shall consider pedestrian and traffic circulation, traffic volume and population density.

~~C. In order to ensure that the conditions in this section are met, the City Manager may place conditions on the special event permit. (Ord. 007-07 C.S. § 2; prior code 5-625)~~

#### **12.72.170 City Manager's action on special event permit application.**

A. Except as provided in subsections below, the City Manager shall take final action upon a completed application for a special event permit within ~~15~~ 20 calendar days.

B. The City Manager is not required to take final action upon any special event permit application prior to 10 months before the event.

C. The City Manager is not required to take final action on an incomplete or untimely special event permit application.

D. Final action on a completed special event permit application shall consist of one of the following:

1. Issuance of a special event permit in accordance with the terms of the application; or,
2. Issuance of a special event permit in accordance with the terms of the application, as modified by mutual agreement between the City Manager and the applicant; or,
3. Denial of the special event permit application by the City Manager.

E. Notwithstanding the City Manager's acceptance of a completed application, no date shall be considered confirmed until a special event permit is actually issued.

1. Notification of approval of the special event permit is made by the City's Event Manager or designee to the applicant by sending a copy of the permit to the applicant within 20 calendar days of completion of the application.

2. Reservations for events on City property or in public rights-of-way are considered confirmed upon receipt of the special event permit. (Ord. 007-07 C.S. § 2; prior code 5-626)

#### **12.72.180 Reasons for denial of a special event permit.**

A. The City Manager shall deny a special event permit to an applicant who has not:

1. Provided for the services of a sufficient number of personnel authorized to direct traffic who are trained, certified and appointed pursuant to Section 10.04.080 and other relevant sections; or
2. Provided sufficient monitors or security guards and/or specialized "event staff" for crowd control and safety; or
3. Provided sufficient safety, health or sanitation equipment, services or facilities that are reasonably necessary to ensure that the event will be conducted with due regard for public health and the safety of participants and/or attendees; or

4. Provided sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event.
  5. Provided adequate proof of insurance covering the event.
  6. Completed all requirements determined by the City at least 20 calendar days prior to the event. The list of requirements will be provided by the City to the applicant once the application has been reviewed. These requirements may include, but are not limited to: insurance certificates, list of vendors participating in event, site map, etc.
- B. The City Manager shall deny a special event permit if in the City Manager's opinion:
1. The event will create a high probability of violent disorderly conduct likely to endanger public safety or to result in significant property damage; or unreasonably disrupt the surrounding uses and/or inhabitants;
  2. The event will violate public health or safety laws;
  3. The event fails to conform to the requirements of law or duly established Council policy;
  4. The applicant demonstrates an inability or unwillingness to conduct an event pursuant to the terms and conditions of this chapter;
  5. The applicant makes materially false statements or omits relevant information in his or her application;
  6. The applicant has failed to conduct a previously authorized or exempted special event in accordance with the law or the terms of a permit, or both;
  7. The applicant has not obtained the approval of any other public agency within whose jurisdiction the special event or portion thereof will occur; or
  8. The applicant has failed to provide an adequate first aid or emergency medical services plan based on event risk factors.
- C. The City Manager shall deny a special event permit to an applicant who has failed to comply with any term of this chapter, or with any condition of a special event permit previously issued to the applicant. (Ord. 007-07 C.S. § 2; prior code 5-627)

#### **12.72.190 Denial of a special event permit application—Appeals from denial.**

- A. If the City Manager denies the application for the special event permit pursuant to Section 12.72.180, above, the City Manager shall notify the applicant in writing, by U.S. Mail, courier, e-mail or fax, ~~within 20 calendar days of the application being deemed complete.~~
- B. The denial of a special event permit may be appealed to the Special Event Appeal Committee. ~~The applicant may appeal the denial of a special event permit. The applicant may not appeal a condition set forth within a permit that is required by the City, unless the special event permit is denied.~~
- C. An appeal shall be made in writing within ~~5~~ 10 calendar days of the date of the written denial by filing a letter with the City Clerk setting forth the grounds for appeal and paying the appeal fee set by City Council resolution.
- D. ~~The Special Event Appeal Committee shall hear the appeal within 10 calendar days of the filing of the appeal. A majority vote is required to overturn the City Manager's denial. The applicant must submit supporting documentation to justify its request to overturn the City Manager's decision. If~~

the Special Event Appeal Committee grants the appeal of the special event permit denial, supporting justification in accordance with this ordinance (Chapter 12.72 Special Events) must be established at the hearing by the committee members, and shall become incorporated into their special event permit.

E. The decision of the Special Event Appeal Committee to grant or deny the appeal shall be final and shall constitute the exhaustion of the applicant's administrative remedy.

F. For events involving expressive activity the appeal procedure above shall be replaced with the expedited judicial review found in California [Code of Civil Procedure](#) Section 1094.8. (Ord. 007-07 C.S. § 2; prior code 5-628)

#### **12.72.200 Display of special event permit required.**

A copy of the special event permit shall be displayed in the special event venue in the method prescribed by the City Manager applicable to the particular event and shall be exhibited upon demand of any City official. (Ord. 007-07 C.S. § 2; prior code 5-629)

#### **12.72.210 Insurance required to conduct special event.**

A. The event organizer of a special event must provide and obtain comprehensive general liability insurance in the amount deemed appropriate by the Risk Manager to protect the City against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from any aspect of the event. Such insurance shall name the City, its officers, employees, and agents and, as required, any other public entity involved in the event, as additional insured on a separate endorsement maintained for the duration of the event. Notice of limitation, reduction or cancellation of insurance coverage shall be provided immediately to the City by the carrier and the event organizer.

B. The insurance required by subsection A of this section shall encompass all liability insurance requirements imposed for other permits required under other sections of this code and is to be provided for the benefit of the City and not as a duty, express or implied, to provide insurance protection for spectators or participants.

C. The event organizer's current effective insurance information submitted by means of a certificate of insurance, along with necessary endorsements, shall be filed with the Risk Services Office at least 45 calendar days before the event, or purchased through Risk Services, or the application for the event will be deemed incomplete.

D. The vendors', suppliers' and entertainers' current effective insurance information by means of a certificate of insurance, along with the necessary endorsement, shall be filed with the Risk Services Office at least 45 days before the event, or purchased through Risk Services, or vendors, suppliers and entertainers will not be able to participate at the event.

E. The City will accept a "blanket event" insurance policy acquired by the event's promoter and covering all vendors, suppliers and entertainers which shall be indicated on the certificate of insurance under the "description of operations" and filed with the Risk Services Office at least 45 days before the event. When this blanket policy is filed the individual endorsements for the City from each vendor shall not be required to be filed with the Risk Services Office.

F. Insurance shall not be required for expressive activity events. (Ord. 004-10 C.S. § 1, eff. 3-4-10; Ord. 007-07 C.S. § 2; prior code 5-630)

### **12.72.220 Conditions affecting insurance requirements.**

A. The insurance requirements of Section 12.72.210 may be reduced by the City Attorney or Risk Manager, except for special events where attendance will exceed 500 participants, food/beverage will be served or sold, alcohol will be served or sold, stage/sound/lighting will be used, bands or DJs will be present and fireworks will be used or for street closures issued in conjunction with a special event. In making the determination of whether to reduce insurance, the City Attorney or Risk Manager shall consider the degree of risk and/or exposure to the City as well as the factors provided in subsections (A)(1) through (6) of this section:

1. Whether the special event is an expressive activity protected by the First Amendment;
2. Whether the applicant or an officer of the sponsoring organization of a nonathletic event has filed a verified statement that he or she believes the event's purpose is solely First Amendment expression;
3. Whether the applicant or officer of the sponsoring organization has determined and provides verification that the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of First Amendment expression;
4. Whether it is objectively impossible to obtain insurance coverage;
5. Whether the event will involve the use of equipment (other than stage/sound/lighting equipment), vehicles, animals, fireworks or pyrotechnics; or
6. Whether a fee or donation is charged or required as a condition of admission or participation in the event.

B. The statement required by subsection (A)(3) of this section, shall include the name and address of at least one (1) insurance broker or other source for insurance coverage contacted to determine premium rates for coverage.

C. To claim that insurance coverage is objectively impossible to obtain pursuant to subsection (A)(4) of this section, the applicant shall submit a statement from at least two (2) independent licensed insurance brokers demonstrating the insurance is unavailable in the market place.

D. Even in the event that insurance is reduced, the City Attorney or Risk Manager shall require the event organizer of a special event to defend, indemnify and hold the City harmless from any claim or liability arising from the intentional or negligent acts or omissions of the event organizer. (Ord. 004-10 C.S. § 1, eff. 3-4-10; Ord. 007-07 C.S. § 2; prior code 5-631)

### **12.72.230 Revocation of special event permit.**

A. Any special event permit issued pursuant to this chapter is subject to revocation pursuant to this section.

- B. A special event permit may be revoked if the City Manager determines that:
1. The event cannot be conducted without violating the standards or conditions for special event permit issuance; or
  2. The event is being conducted in violation of any condition of the special event permit; or
  3. The event poses a threat to health or safety; or

4. The event organizer or any person associated with the event has failed to obtain any other permit required pursuant to this code; or
5. The special event permit was issued in error or contrary to law; or
6. False or misleading statements were made on the application; or
7. The event organizer fails to provide adequate proof of insurance covering the event.

C. Except as provided in subsection D of this section, notice of revocation shall be in writing and shall specifically set forth the reasons for the revocation.

D. If there is an emergency requiring immediate revocation of a special event permit, the City Manager, or designee, may notify the permit holder verbally of the revocation.

E. An appeal from a revocation shall be handled in the same manner and under the same time requirements as denials of special event permits pursuant to Section 12.72.190. (Ord. 007-07 C.S. § 2; prior code 5-632)

#### **12.72.240 Cost recovery for special events.**

A. For any special event (except spontaneous events for the purpose of expressive activity), the City Manager shall charge for the actual cost of:

1. The salaries of City personnel involved in permit processing, public safety, event traffic control, fire safety or other facility or event support; and
2. The use of City equipment and other nonpersonnel expenses.

B. The City Manager shall require payment of costs required pursuant to subsection A of this section, at the time the completed application is approved.

C. If the event organizer/host organization fails to comply with Section 12.72.140(M), or any condition referring to the same subject matter, the event organizer/host organization will be billed for actual City costs for clean-up and repair of the area or route occasioned by the event. If the event organizer/host organization fails to comply with Section 12.72.140(M), under a previously issued special event permit, the City Manager may require the event organizer/host organization to deposit adequate surety in the form of cash or bond to assure performance of said requirement and/or condition. (Ord. 004-10 C.S. § 1, eff. 3-4-10; Ord. 007-07 C.S. § 2; prior code 5-633)

#### **12.72.250 Effect of receipt of donations on status of tax-exempt nonprofit organizations.**

A tax-exempt, nonprofit organization who is the host organization sponsoring an event may acknowledge the receipt of cash or in-kind services or goods, donations, prizes or other consideration from for-profit organizations without causing the event to be considered a commercial special event. Such acknowledgment may include use of the name, trademark, service mark or logo of such a for-profit organization in the name or title of the event or the prominent appearance of the same in advertising or on collateral material associated with the event. (Ord. 007-07 C.S. § 2; prior code 5-634)

#### **12.72.260 Revenue sharing.**

A. Unless otherwise specified by a duly approved rate resolution or other formal action of the City Council, an event organizer/host organization of special events shall pay the City a negotiated percentage of gross revenues, a flat fee, or a combination of percentage of gross revenues and a flat fee.

B. Cost recovery under Section 12.72.240, shall not be required of special events where payment for such services has been negotiated by the City Manager within a revenue sharing agreement with the City. (Ord. 004-10 C.S. § 1, eff. 3-4-10; Ord. 007-07 C.S. § 2; prior code 5-635)

#### **12.72.270 Review and accounting procedures.**

A. An event organizer/host organization of a commercial special event, where revenue sharing occurs pursuant to agreement between the event organizer/host organization and the City, shall make payment and provide a final financial statement to the City Manager no later than 30 calendar days after the event. This is required for a determination of fees and revenues to be paid to the City where a negotiated percentage of gross revenues, a combination of percentage of gross revenues and a flat fee, or any other revenue sharing agreement the City Manager deems to be in the best interest of the City.

B. Upon the request of the City Manager, an event organizer/host organization of a noncommercial special event, located on City property, shall provide a final financial statement no later than 30 calendar days after the request.

C. The City Manager is authorized to make determinations as to the commercial status of an event and, with the advice and assistance of the City Auditor, to promulgate additional standards and procedures for cost accounting to implement this section.

D. At any time during normal business hours, and as often as the City Manager or City Auditor deems necessary, all data and records pertaining to the event shall be made available to the City for examination at reasonable locations within the City. The City shall be allowed to audit, examine, and make excerpts or transcripts from the records. The records shall be retained for a period of not less than three (3) years following the event unless the City agrees to an earlier disposition. (Ord. 007-07 C.S. § 2; prior code 5-636)

#### **12.72.280 Authorized special event vendors.**

A. The issuance of a special event permit confers upon the permit holder or event organizer/host organization the right to control and regulate the sale of goods, food and beverages within the special event venue in accordance with the terms and conditions of the special event permit.

B. Vendors authorized to sell goods, food, or beverages in the special event venue shall display their authorization in the manner required by the City Manager. Only vendors displaying the required authorization shall be allowed to sell goods, food, or beverages in the special event venue. (Ord. 007-07 C.S. § 2; prior code 5-637)

#### **12.72.290 Authorized security vendors and/or specialized “event staff.”**

A. Security vendors and/or specialized “event staff” must be an approved security provider. All City venue sites must use a list authorized by the City Manager’s office.



B. Private events that may impact City services will be required to use security from the City approved security list, the number of security or event staff shall be determined by the Chief of Police or designee. (Ord. 007-07 C.S. § 2; prior code 5-638)

**12.72.310 Unlawful to conduct or promote attendance at special event without permit.**

It is unlawful to conduct, promote or manage any special event without a duly issued special event permit as required pursuant to this chapter. (Ord. 007-07 C.S. § 2; prior code 5-640)

**12.72.320 Other permits and licenses.**

A. The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to this code or by any other public entity with jurisdiction over the event.

B. The issuance of any other permit or license issued pursuant to this code does not relieve any person from the obligation to obtain a special event permit pursuant to this chapter. (Ord. 007-07 C.S. § 2; prior code 5-641)

**12.72.330 Unlawful to sell/furnish goods in special event venue without authorization.**

It is unlawful for any person to sell, resell, offer to sell, furnish, provide any goods, food or beverages in a special event venue, except:

- A. From any building; or
- B. From any tent, booth or temporary structure expressly authorized pursuant to a special event permit; or
- C. As authorized pursuant to a conditional use permit pursuant to Title 16 of this code. (Ord. 007-07 C.S. § 2; prior code 5-642)

**12.72.340 Unlawful selling of tickets to special event or merchandise within three hundred feet of a special event venue.**

It is unlawful for any person to sell for profit, or offer to sell for profit, any ticket of admission to a special event or merchandise, including but not limited to food and beverages within 300 feet of the special event venue, except those pre-approved by the City Manager. (Ord. 007-07 C.S. § 2; prior code 5-643)

**12.72.350 Unlawful to display signs or distribute handbills in a special event venue.**

A. It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any sign or advertising in violation of those provisions of this code, regulating signs and advertising displays.

B. It is unlawful for any person to distribute handbills, leaflets, flyers, or any other forms of advertisement unless express authorization is given by the event organizer/host organization. (Ord. 007-07 C.S. § 2; prior code 5-644)

**12.72.360 Unlawful to use City name without authorization.**

It is unlawful for any event organizer/host organization to use in the title of an event the words “The City of Stockton,” “City of Stockton,” “Stockton, All America City” or a facsimile of the seal of the City or the City’s logo without the City’s written authorization. Prior authorization from the City Manager is required for any event organizer to use the words “The City of Stockton,” “City of Stockton,” or “Stockton, All America City” in the name of a special event. Additionally, use of the City Seal or a facsimile of the seal of the City requires approval from the City Clerk. Permission will only be granted when the City co-sponsors the event. Use of the City logo and guidelines for graphic standards shall be obtained from the City Public Information Officer. (Ord. 007-07 C.S. § 2; prior code 5-645)

**12.72.370 Unlawful to interfere with special event or demonstration.**

It is unlawful for any person to obstruct, impede or interfere with any authorized assembly, person, vehicle or animal participating in a demonstration or an event for which a special event permit has been issued. (Ord. 007-07 C.S. § 2; prior code 5-646)

**12.72.380 Cost recovery for unlawful special event.**

Whenever a commercial or noncommercial special event is conducted without a special event permit when one is required, or an event is conducted in violation of the terms of an issued special event permit, the event organizer/host organization shall be responsible for all City costs incurred. The City Manager shall charge and bill the event organizer/host organization for personnel and equipment in any public safety response caused by or necessitated by the adverse impacts of the event, or the violation of the special event permit upon public safety. (Ord. 007-07 C.S. § 2; prior code 5-647)