

ORDINANCE NO. 24-2409-U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADDING CHAPTER 12 (INTERFERENCE WITH SPECIAL EVENTS) TO ARTICLE III (PUBLIC SAFETY) OF THE CARSON MUNICIPAL CODE TO PROHIBIT INTERFERENCE WITH SPECIAL EVENTS

WHEREAS, the City holds numerous City-sponsored events every year for the benefit of the City's residents and the public welfare, such as City-budgeted events that the City hosts and makes available for free to members of the public to celebrate various holidays, promote community togetherness and tolerance, or provide entertainment or recreational services to the City's residents. The City also issues permits for use of City facilities such as the Carson Event Center and rooms at City parks for various events, functions or gatherings held by members of the public, and in some cases the City waives or subsidizes the facility use fees for such events, such as where the entity holding the event is a nonprofit community organization serving Carson residents. Additionally, the City issues permits for Temporary Events, as defined in Chapter 11 of Article III of the Carson Municipal Code, to the extent required by that Chapter.

WHEREAS, the City does not currently have any regulations in effect specifically addressing what constitutes prohibited interference with such special events, and now sees fit and intends to adopt such regulations pursuant to its police power for the purpose of protecting public health, safety and welfare. The regulations set forth in this ordinance are intended to: (i) protect against bodily injury or harm that could arise from physical obstructions or interferences with events or event participants; (ii) protect the rights and investments of event permittees against actions that preclude them from carrying on their events as planned or permitted; (iii) prevent actions that cause or amount to theft, misappropriation or unauthorized expenditure or use of City resources devoted to events; (iv) protect the right of the public to free access to City-sponsored events that the City provides free of charge to the public, and from being deceived by any third party into thinking a charge is required for such events; (v) prevent potential gifts of public funds under Charter Section 917, which could occur where City resources devoted or allocated for an event are diverted or otherwise applied or used for non-City purposes and without consideration to the City; and (vi) prevent violations of Government Code Section 8314 related to use of City resources for a campaign activity, or personal or other purposes which are not authorized by law. The regulations set forth in this ordinance are necessary for the immediate preservation of public peace, health or safety, as detailed below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals are true and correct, and are incorporated herein by this reference as findings of fact.

SECTION 2. URGENCY FINDING. The City Council hereby declares this ordinance as an urgency measure necessary for the immediate preservation of public peace, health or safety pursuant to Section 313(F) of the City's Charter, and finds that this ordinance is necessary as an urgency measure for the immediate preservation of public peace, health or safety for the following reasons, which constitute findings of fact:

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A. Special events, as defined in this ordinance, are held year-round in the City, particularly during the late Spring and Summer months of each calendar year. Commission of any of the acts interfering with a special event as proscribed by this ordinance would have an immediate adverse impact on public peace, health and/or safety, including the potential for bodily injuries and economic harm to the City and members of the public and disruption of important public services. Numerous special events will take place between the time when this ordinance, if it were considered on a non-urgency basis, would have been introduced for first reading and the time when it would have taken effect. Commission of any of the acts interfering with a special event as proscribed by this ordinance would be less likely to occur following effectiveness of this ordinance, because this ordinance penalizes and deters such conduct. Therefore, immediate adoption and effectiveness of this ordinance will decrease the risks of such acts being committed during said time period. Additionally, if such conduct does occur following effectiveness of this ordinance, it would be less harmful in the long-term as compared to conduct occurring prior to effectiveness of this ordinance, because this ordinance will provide the City with better means to redress the harm resulting from such conduct.

B. The City has become aware of multiple occurrences, which the City has reason to believe would amount to interference with special events as proscribed by this ordinance. Such occurrences have involved facts indicating attempts of individuals to misappropriate City-sponsored events at City facilities for their own profit by (i) using social media or other means to advertise, market or promote City-sponsored events as something they are not, (ii) retaining or purporting to retain third-party performers or vendors to provide services at City-sponsored events without City approval, (iii) selling or purporting to sell tickets or otherwise charge people for entry into such events (despite City policy providing that City-sponsored events shall be free to the public), (iv) taking other actions that drastically increase the number of attendees or transforming the event from what was permitted or approved for funding by the City or impede the City's or the original permittee's ability to deliver the intended event, and/or (v) manipulating, pressuring or otherwise convincing rank-and-file City Communities Services Department staff to take last-minute actions to permit or facilitate changes to planned or permitted events without the proper oversight or approvals. These actions, among other things, can cause or result in misappropriation or theft of City and/or third party resources devoted to the event, gifts of City public funds, and can result in personal injuries and property damage resulting from inadequate planning and review of such transformed events and other potential liabilities for the City.

C. The City anticipates that such occurrences will continue to arise and recur with increasing frequency if the City does not take action to prevent and deter them by this ordinance, as failure to act will only embolden the bad actors, particularly given the upcoming late Spring/Summer season in which many City-sponsored events are held.

SECTION 3. AMENDMENT. A new Chapter 12 (Interference with Special Events) is hereby added to Article III (Public Safety) of the Carson Municipal Code to read in its entirety as follows:

**“CHAPTER 12
INTERFERENCE WITH SPECIAL EVENTS**

31201 Definitions.

For purposes of this chapter, the following words, terms and phrases shall have the meaning given herein:

A. “Special Event” shall mean and include any of the following:

1. A “temporary event,” as defined in Section 31102 of this Code, that is permitted or exempt from the permitting requirement pursuant to Chapter 11 of Article III of this Code.

2. A City-sponsored Event.

3. A Rental Event.

B. “City-sponsored Event” shall mean an event for which the City Council has duly and affirmatively approved City financial support, including but not limited to Rental Events where the City waives or subsidizes facility use or other permit fees for the Rental Event.

C. “Rental Event” shall mean an event, function or gathering for which a room or facility use rental, reservation or permit is required in the Carson Event Center or any City park, irrespective of whether reservation or facility use fees apply or are waived for the event, function or gathering.

31202 Interference with Special Event Prohibited.

It shall be unlawful for any person to commit any of the following acts for the purpose of interfering with, disrupting or impeding the ability of a Special Event host (including the City) or permittee to carry on a Special Event, or to commit any of the following acts with knowledge that an effect of the act is to interfere with, disrupt or impede the ability of the permittee or host to carry on the Special Event:

A. To physically block, obstruct or impede the passage of participants, vehicles or animals in, to or from the Special Event;

B. To drop, roll, throw, toss, squirt or propel any gaseous, liquid, semisolid or solid substance or object toward or among the participants, vehicles or animals in the Special Event;

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C. To grab, take hold of, strike, hit, pull or push any participant, vehicle or animal in the Special Event, or to mount any vehicle in the Special Event, except with the permission of the Special Event permittee or host or in cases of bona fide emergency;

D. To generate, amplify or broadcast any noises or sounds using any loudspeaker, amplifier, instrument or device other than sounds generated solely by the human voice or body unaided by any such amplifier, device or instrument upon any sidewalk or public place, except with the permission of the Special Event permittee or host;

E. To enter upon the grounds, stage, floor, or any other area set apart for the participants, performers, officials, attendants or service personnel of the Special Event, unless authorized so to do by event security, City Community Services Department staff, public safety personnel, or the permittee or host of the Special Event;

F. To remove, relocate, reallocate, reappropriate, or tamper with any City resources, supplies, materials or equipment devoted to the Special Event without prior authorization from the City Manager or designee;

G. For any person other than the City to retain or engage, or promise or purport to retain or engage, or make any representation or warranty of retention or engagement, of any third party entertainer, performer, presenter, speaker, vendor, or other person to perform or provide services at the Special Event without obtaining the prior express permission of the Special Event permittee or host and any necessary City approvals or permits;

H. To place, maintain or use any of the following in a public place in order to reserve space to observe a Special Event or while observing a Special Event, after being requested by event security, City Community Services Department staff, or public safety personnel to cease doing so, except as authorized pursuant to a valid permit or license issued by the City: any bulky item or any items fastened together in a location or manner that would impede pedestrian ingress or egress within, to or from the Special Event in the event of an emergency;

I. With respect to City-sponsored Events, for any person other than the City to charge or purport to charge fees for entrance, admission, attendance or participation at the event, including but not limited to selling or purporting to sell tickets for the event;

J. With respect to City-sponsored Events, for an elected City officer to use or permit others to use City resources for a campaign activity, or personal or other purposes which are not authorized by law, including by engaging in campaign activities at a City-sponsored Event or misusing a designated ceremonial or other role as a City official in the event for such purposes.

31203 Violations

Violation of this section shall be punishable as misdemeanor or infraction in accordance with Chapter 2 of Article I of this Code, and via issuance of administrative citations in accordance with Chapter 2.5 of Article I of this Code. In addition, if the City or any other person suspects that a violation of this Chapter may also constitute a violation of any applicable State or Federal law, then the City or such other person may report the matter to the appropriate authorities for investigation and prosecution, and if the violation constitutes a crime, then the City may be entitled to criminal victim restitution to the extent provided by applicable law.”

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect immediately upon its adoption, pursuant to Section 313(F) of the City’s Charter.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

[signatures on the following page]

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PASSED, APPROVED and ADOPTED by a two-thirds affirmative vote of the City Council at a regular meeting of the City Council on this ____ day of _____, 2024.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney