

ORDINANCE NO. 21 - 2118

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADDING CHAPTER 11 (TEMPORARY EVENTS) TO ARTICLE III (PUBLIC SAFETY) OF THE CARSON MUNICIPAL CODE TO ESTABLISH A REGULATORY PERMIT PROCESS FOR TEMPORARY EVENTS

WHEREAS, the City has the police power pursuant to the California constitution and the City's Charter to make and enforce ordinance and regulations to protect the public health, safety and welfare; and

WHEREAS, temporary events that entail large gatherings or processions of people on public property such as City parks, streets and sidewalks have the potential to obstruct pedestrian and vehicular traffic and parking, to cause accidents involving bodily injury to event participants or others making use of public property, and to conflict or interfere with other lawful uses of such areas, and often require traffic control and closure of portions of the public right of way to safely facilitate the event.

WHEREAS, the City Council now intends to establish a regulatory permitting framework for temporary events to protect the public health, safety and welfare of the residents and visitors of the City of Carson from the foregoing risks while respecting and preserving the rights of all persons to engage in constitutionally-protected speech and expression.

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 as findings of fact.

SECTION 2. AMENDMENT. A new Chapter 11 (Temporary Events) is hereby added to Article III (Public Safety) of the Carson Municipal Code, to read in its entirety as follows:

“CHAPTER 11 – TEMPORARY EVENTS

31101 Intent and Purpose.

The intent of this chapter is to provide a regulatory framework for permitting temporary events. Temporary events shall be conducted so as not to cause any detrimental effects to health, safety or welfare of the surrounding properties or the community, and shall not violate any other ordinance or regulation of the City. It is the intent of this chapter to ensure that temporary events, when conducted, are done in a manner that does not unduly impede, obstruct, impair or interfere with the free use of the public streets, sidewalks, or other public property of the City, and to ensure that there is a mechanism in place to regulate the competing use of public forums, while respecting and preserving the rights of all persons to engage in constitutionally-protected speech and expression. It is also the intent of this chapter to provide a mechanism to meet the expenses incident to the administration of this chapter. The provisions set forth in this chapter shall establish criteria for characterizing

events as "temporary events" and standards and conditions for approving and permitting such temporary events.

31102 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative Authority shall mean the City Manager or his or her designee, or, in the case of miscellaneous temporary events, the director of the department having the responsibility for and control over the event, or his or her designee.

City business days shall mean days of normal City business operations (Monday through Thursday excluding holidays as of the effective date of this ordinance).

City-sponsored event means a temporary event for which the City Council or City Manager (as applicable) has duly and affirmatively approved City financial support. For the avoidance of doubt, waiver of a City fee does not render a temporary event a "City-sponsored event" for purposes of this definition, but all City of Carson-budgeted temporary events are "City-sponsored events" for purposes of this definition.

Expressive Activity shall mean 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. Expressive activity includes, but is not limited to, public oratory and the distribution of literature.

Expressive Event shall mean a temporary event involving a gathering of people for a common purpose to engage in expressive activity which enjoys protection under the United States or California constitutions. "Expressive event" includes, but is not limited to, "spontaneous expressive event."

Parade shall mean a parade, procession, march, pageant, review, ceremony, rally or exhibition which is conducted in, on, upon or along any portion of any public street, sidewalk, or other public property owned or controlled by the City, so as to impede, obstruct, impair or interfere with the free use of such public street, sidewalk, or other public property of the City.

Spontaneous Expressive Event shall mean an expressive event occasioned by news or affairs coming into public knowledge within ten (10) City business days prior to the event.

Temporary event shall refer to any event or activity which is temporary in nature and which (i) involves an organized formation, gathering or assemblage of persons, animals or vehicles, or any combination thereof, on public property for a common purpose (including a parade), or (ii) is inconsistent with either the zone in which the subject property is located, the uses to which the property may legally be put, or the occupancy levels permitted thereon. "Temporary event" shall also refer to any activity that may result in the closure or obstruction of any public streets or sidewalks, or any activities which may temporarily

require the installation of materials or devices using building, electrical, mechanical, plumbing, flammable or similar materials. "Temporary events" may include, but are not limited to, certain outdoor, short-term events such as parades, walkathons, marathon runs, cycling events, block parties, and sporting events, or any combination thereof. All "temporary events" shall be classified under one of the following categories:

- A. *Major temporary events* shall mean those events that impact multiple City departments and have attendance or participation by 750 or more persons, or will have a substantial impact on City roadways or rights-of-way, as determined by the Administrative Authority.
- B. *Minor temporary events* shall mean those events that impact multiple City departments and have attendance by less than 750 persons, or will have impact on City rights-of-way, as determined by the Administrative Authority.
- C. *Miscellaneous temporary events* shall mean those events which impact only one City department, as determined by the Administrative Authority, and are therefore to be handled solely by that department.

The above notwithstanding, a temporary event that is classified within any of the three foregoing classifications may also constitute an "expressive event."

31103 Permit Required

Except as otherwise provided in this chapter, no person or organization shall conduct or permit its premises to be used for a temporary event without first obtaining a temporary event permit as required by this chapter. Temporary event permits for events which fall into the "major," "minor," and "miscellaneous" temporary event categories shall be approved by the Administrative Authority and issued prior to the commencement of the temporary event. No permit issued under the provisions of this chapter shall be transferable or movable to another location or another permittee.

31104 Application for Permit

- A. Applications for permits to conduct temporary events shall be filed with the Administrative Authority within the time frames listed below:
 - 1. *Major temporary events*: Applications shall be filed no more than 18 months nor less than six (6) months prior to the opening date of the event.
 - 2. *Minor temporary events*: Applications shall be filed no more than six (6) months nor less than 30 days prior to the opening date of the event.
 - 3. *Miscellaneous temporary events*: Applications shall be filed not less than 20 days prior to the event and in accordance with the policies or guidelines set forth by the respective City department. For events under this classification, the involved department will be responsible for the issuance of the permit.
 - 4. *Expressive Event*: The above notwithstanding, an application for a permit to conduct an expressive event other than a spontaneous expressive event shall be

provided to the City at least five (5) City business days before the scheduled event, except to the extent application requirements are waived pursuant to CMC 31105(C).

5. *Spontaneous Expressive Event:* The above notwithstanding, an application for a permit to conduct a spontaneous expressive event shall be provided to the City at least one (1) day or as soon as practicable before the scheduled event, except to the extent application requirements are waived pursuant to CMC 31105(C).

- B. The applicant shall pay an application fee in the amount determined by resolution of the City Council, which may be amended from time-to-time, including the traffic control fee as required by CMC 31106. The fees shall be established at a rate to cover the City's actual costs of processing the application and to pay the City for all City department service charges (excluding costs of standard sheriff protection, which are not encompassed in CMC 31106) the City incurs in connection with or due to the permittee's activities under the permit. These costs are for the direct impacts caused by the participants in the event, not actions of onlookers. At least five (5) City business days before the event is planned to begin, or one (1) City business day in advance for expressive events other than spontaneous expressive events, the applicant shall submit to the City a deposit in an amount sufficient to cover the total City departmental charges estimated to be incurred in connection with the permit. No deposit shall be required for spontaneous expressive events. City departments shall submit the final invoices and billings for each department, which shall be totaled into a final invoice and provided to the permittee, who shall pay any unpaid balance within 30 days of receipt of the invoice.

If City property is damaged or destroyed by reason of the permittee's use, event or activity, the permittee shall reimburse the City for the actual cost of replacement or repair of the damaged or destroyed property, except to the extent such obligation may be limited as set forth in CMC 31108 and 31009 for expressive events. All such costs shall be included into the invoice referenced above, unless an accurate cost for replacement or repair of one or more items of City property cannot then be ascertained, in which case, the City may bill the applicant when such information becomes available.

31105 Contents of Application Form

Applications shall be completed in writing on a form provided by the City and contain full, complete and detailed information, including, but not limited to, the following temporary event information:

- A. All events (other than exempt events per CMC 31114):
1. The name, address, and telephone number of the applicant and an alternative contact person.
 2. If the event is proposed to be sponsored by an organization, the name, address and telephone number of the organization, and the authorized head of the

organization and Administrative Authority written authorization to apply for the temporary event permit by an officer of the organization.

3. The name, address, and telephone number of the person who will be present and in charge of the event on the day of the event.
4. The nature/purpose of the event.
5. Date and estimated start and ending time of the event.
6. Location of the event, including its boundaries, with specific emphasis on an explanation of the street, or other public property and the specific area or areas thereof which are proposed to be utilized in connection with the proposed use, event or activity.
7. Estimated number of participants and spectators in the event, including a list of all vendors and contractors involved with the event.
8. The type and estimated number of vehicles, animals, and structures which will be used at the event.
9. The size, shape, and material of signs or banners to be posted along the route, if any, and the method of posting.
10. Whether there will be water, toilets, and first aid stations at the event.
11. Description of any sound amplification equipment which will be used at the event.
12. Whether any food, beverages, or merchandise will be sold at the event.
13. Whether any alcoholic beverages will be sold or dispensed at the event.
14. Whether volunteers to monitor the route will be employed at the event.
15. Parking needs or requirements for the event.

B. Additional information required for events traversing City rights-of-way (e.g., parades):

1. The assembly point for the event, the time at which units of the event will begin to assemble.
2. The route to be traversed.
3. Whether the event will occupy all or only a portion of the streets proposed to be traversed.
4. The intervals of space to be maintained between units of the event.

5. The number, types, and size of floats, if applicable.
 6. Material and maximum size of any signs or banners to be carried along the route.
- C. The Administrative Authority may waive application completeness requirements for expressive events to the extent the incompleteness does no harm to the policies furthered by the application requirements.

31106 Traffic Control Fees

- A. *Prepayment of fees.* Upon approval of an application for a temporary event permit, the Administrative Authority shall provide the applicant with a statement of the estimated cost of providing traffic-control services for the event. The charges shall include estimated costs for providing overtime sheriff deputies for traffic control and overtime public works personnel and equipment charges for road closures at the event unless exempted. The applicant/sponsor of the event shall be required to prepay the estimated traffic-control fees prior to the issuance of a temporary event permit, except for spontaneous expressive events. Traffic control by officers includes clearing the route or site of unauthorized vehicles, diversion of traffic around the event, and directing pedestrian and vehicular traffic along the route of an event. In the event the actual costs incurred by the City, including overhead costs, exceed the amount of the prepaid estimated traffic-control fee, the applicant/sponsor may be billed by the Administrative Authority for any additional, actual costs incurred by the City.
- B. *Computing traffic-control fees.* The traffic-control fees will be computed by determining the number of sheriff deputies and public works personnel that will be required for traffic control in addition to those who would otherwise be on duty at the time, the number of hours City personnel and sheriff's deputies will be required to be on duty for the event, and the City's full cost of providing personnel on an hourly basis at rates established in accordance with City personnel system and any applicable memoranda of understanding between the City and employee labor organizations. Every effort shall be made to incorporate the use of barriers, traffic cones, police explorers, and other devices which are less expensive than actual police officers whenever reasonably possible.
- C. *Refunds.* If the actual cost for traffic control on the date of the event is less than the estimated cost pursuant to Subsection A above, the applicant/sponsor will be promptly refunded the difference by the City.
- D. *Pre-established event routes and fees.* Except for spontaneous expressive events, the Public Works Department, in consultation with the Sheriff's Department, will pre-establish several event routes within the City of Carson. These routes shall specify the number of deputies and public works personnel required for the route. The pre-established routes and the fee schedule for traffic-control services shall be made available to the public.

31107 Payment for Cleanup

- A. The applicant shall submit an agreement on a form provided by the City and signed by the applicant stating that, within 48 hours after the conclusion of the temporary event, the applicant will be responsible to clean and restore or cause to be cleaned or restored to its pre-event condition the property upon which the temporary event is to occur. With regard to parades, this section is interpreted to require the permittee to clean up or pay to the City all costs associated with the cleaning up of all debris and items left in the area of the temporary event by all participants in the temporary event. Except with regard to spontaneous expressive events, such agreement shall be secured by a cash deposit or a surety bond payable to the City. The Administrative Authority shall determine the amount of the security deposit using the following criteria:
1. Five hundred dollars for every 1,000 people expected to attend; or
 2. Five hundred dollars for every mile of City right-of-way involved.
- B. The security deposit shall be refundable on compliance with the provisions and requirements of this chapter, including, but not limited to, the removal of trash and debris, temporary signs, temporary circulation improvements, temporary fencing, and appurtenant accessory facilities and structures and the cleanup of the site. In the event the applicant fails to comply with the terms of this chapter and remove all temporary facilities and structures or clean the site in a manner satisfactory to the Administrative Authority, the City may do so or cause the same to be done following a notice to the applicant requesting removal and cleanup within seven days, and the reasonable costs thereof shall be charged against the applicant and its cash deposit or bond. In the event the City removes or causes to be removed any temporary improvements, notice shall be given to the applicant indicating that the City has removed such temporary facilities or structures and that they will be destroyed and/or will become the property of the City within 30 days of such notice if neither the applicant nor any representative of the same has contacted the City prior to the expiration of the 30-day period. All notices shall be sent to the applicant's address as provided on the temporary event permit application unless the applicant supplies the City a substitute address in writing.

31108 Liability and Property Damage Insurance

The applicant shall, prior to the issuance of the temporary event permit, submit to the Administrative Authority a certificate and endorsement of insurance issued by an insurance company authorized to do business in the State of California and having a policyholder's rating of "A" (excellent) or better, and a financial rate of "X" or better in "Best's Insurance Reports—Fire and Casualty," or by a company approved in writing by the Risk Manager, which shall evidence the fact that the applicant has in full force and effect a comprehensive general liability and property damage insurance policy covering every activity of the proposed temporary event in amounts to be determined by the City's Risk Manager, based on the nature and liability potential of the event. Said documents shall name the City, its officers, agents, employees and volunteers as additional insureds and shall indicate that the

insurance is primary and any insurance which may be carried by the City shall be considered as excess thereto. The certificate and endorsement shall also indicate that the policy of insurance cannot be modified or canceled by the insurance carrier without at least 30 days' prior written notice to the City. Any certificates and endorsements shall be subject to approval by the City as to form, content, and financial ability of the insurer.

Applicants for temporary event permits for expressive events shall not be required to comply with the requirements of the foregoing paragraph provided they agree to redesign or reschedule the permitted event to respond to any specific risks, hazards and dangers to the public health and safety identified by the Administrative Authority as being reasonably foreseeable consequences of the permitted event.

31109 Hold Harmless Agreement

Prior to the issuance of a temporary event permit, the applicant shall provide the City with an executed hold-harmless agreement on a form provided by the Administrative Authority, which shall substantially state that the applicant agrees to indemnify, defend and hold the City of Carson and its officers, employees, and agents harmless and free from any liability, penalty, expense or loss of any nature, including, but not limited to, liability for damage or injury to any persons or property caused by any participant to the temporary event.

Notwithstanding the foregoing, the hold harmless agreement required of applicants for temporary event permits for expressive events shall be subject to the following additional limitations: (1) the agreement shall not require the applicant to waive or release any of its own claims as against the City, but rather shall apply only to claims of third parties; (2) the agreement shall not require the applicant to indemnify, defend or hold harmless the City for any liability, penalty, expense or loss of any nature arising from the reaction of any person to expressive activity engaged in during the expressive event; and (3) the applicant's agreement to indemnify, defend and hold harmless the City shall not apply to liabilities, penalties, expenses or losses arising from any person who is not part of the applicant or applicant's group or organization.

31110 Posting Permit

The temporary event permit and all business permits relating to the temporary event must be posted on the premises of the event in a conspicuous place, and a copy thereof must be in the possession of the individual responsible for the supervision or conduct of the operation at all times during the event.

31111 Approval; Conditions of Approval

The Administrative Authority shall approve, conditionally approve or deny applications for temporary event permits based on compliance or noncompliance with the provisions set forth within this chapter. The Administrative Authority shall make its determination on the permit within the following timeframes: (i) in the case of an application for a major temporary event permit, within 60 days of receipt of a completed application; (ii) in the case of an application for a minor temporary event permit, within 15 days of receipt of a completed application; (iii) in the case of an application for a miscellaneous temporary

event permit, within 10 days of receipt of a completed application or as determined by applicable department policies or regulations; (iv) the above notwithstanding, in the case of an application for an expressive event other than a spontaneous expressive event, within three (3) City business days of receipt of a completed application (except to the extent application completeness requirements are waived pursuant to CMC 31105(C)); and (v) the above notwithstanding, in the case of an application for a spontaneous expressive event, by the scheduled date and time of the event, provided a completed application has been received (to the extent practicable pursuant to CMC 31104(A)(5), and except to the extent application completeness requirements are waived pursuant to CMC 31105(C)).

A. The application shall be approved and the permit issued unless the Administrative Authority finds that:

1. Information contained in the application, or supplemental information requested from the applicant, is false or fraudulent in any material detail.
2. The applicant fails to complete the application form prior to the submittal deadline after having been notified of additional information or documents required.
3. Another temporary event permit application has been received prior in time, or has already been approved, to hold another event at the same time and/or place requested by the applicant, or so close in time and/or place as to cause undue traffic congestion, or the City is unable to meet the personnel needs for both events.
4. The time, route, or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to traffic congestion.
5. The concentration of persons, animals and vehicles at the site of the event or the assembly and disbanding areas around an event will prevent proper police, fire, or ambulance services to areas contiguous to the event.
6. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along City streets, or a previously granted encroachment permit.
7. The event will occur at a time when a school is in session, at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class thereof.
8. The event will occur at a route or location adjacent to a hospital or fire station, and the noise or other disruptions created by the event would negatively affect the activities of said hospital or fire station.

B. When the grounds for denial of an application for permit specified in Subsections A.3 through A.8 above can be corrected by altering the date, time, duration, route,

or location of the event, the Administrative Authority shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed event as are necessary to achieve compliance with Subsections A.3 through A.8 above. Such conditions would include, but may not be limited to:

1. Alteration of the date, time, route or location of the event proposed on the event application to ensure that the event does not close more than one lane of a street to through traffic during work days.
2. Conditions concerning the area of assembly and disbanding of parade or other events occurring along a route to ensure that the event does not unduly interfere with pedestrian or vehicular traffic.
3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street traversed.
4. Requirements for the use of traffic cones, delineators or barricades to provide for the safety of both participants and traffic.
5. Requirements for the provision of first aid or sanitary facilities.
6. Requirements for use of event monitors, and providing notice of permit conditions to event participants.
7. Restrictions on the number and type of vehicles, animals, or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for safety purposes only.
8. Requirements for use of trash containers, cleanup, and restoration of City property or right-of-way.
9. Restrictions on use of amplified sound.
10. Notification to businesses and residences along the affected street(s).
11. Compliance with any relevant ordinance or law and obtaining any legally required permit or license.
12. Restrictions on the consumption of alcoholic beverages.

31112 Appeals

Either the denial of an application for a temporary event permit or the imposition of conditions not acceptable to the applicant may be appealed to the City Council by filing both a written notice of appeal and the required fee to be established by resolution of the City Council with the City Clerk within 10 days after the Administrative Authority's action on the permit. The City Council shall consider such appeal at its first regularly scheduled Council meeting

occurring three (3) or more City business days after receipt of the appeal by the City Clerk, with or without a public hearing as deemed appropriate, and may affirm, overrule, or modify the Administrative Authority's determination.

31113 Revocation of Permit

- A. A temporary event permit may be revoked if the Administrative Authority finds that one or more of the following conditions exists:
 - 1. Circumstances have changed to such a degree that one or more of the findings required for issuance of the permit pursuant to this chapter can no longer be made in the affirmative.
 - 2. The temporary event permit was obtained in a fraudulent manner.
 - 3. The applicant fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of the permit.
 - 4. The applicant violates or attempts to violate any law of the State, or the provisions of this chapter, or any other law, ordinance or policy of the City.
- B. Such revocation shall become effective immediately upon order by the Administrative Authority.

31114 Violations

Any intentional violation of any provision of this chapter shall constitute a misdemeanor which, upon conviction, shall be punishable in accordance with CMC 1200. Temporary events conducted in violation of this chapter also constitute public nuisances which may be enjoined or abated by City as authorized by law, and are subject to issuance of administrative citations pursuant to CMC 1203 *et seq.*

31115 Exemptions

The following events or activities are exempt from the requirements of this chapter:

- A. Expressive events that will not involve more than 75 people gathered, assembled or organized at any public place, property or facility, unless they will affect a public street or sidewalk in a manner that would not comply with applicable traffic regulations.
- B. Filming activity that is permitted pursuant to CMC 63127.5-63127.12.
- C. Activities conducted by a governmental agency acting within the scope of its authority, including all City of Carson-budgeted events.
- D. City-sponsored events.”

SECTION 3. 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 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 5. 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 OF FOLLOWING PAGE]

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this _____ day of _____, 2021.

Lula Davis-Holmes, Mayor

ATTEST:

John W. Carroll, Sr., Chief Deputy City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney