



Legislation Text

File #: 2024-0342, Version: 1

Report to Mayor and City Council

Tuesday, May 07, 2024

Discussion

SUBJECT:

CONSIDER ADOPTING AN URGENCY ORDINANCE AND INTRODUCING A REGULAR 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 (CITY COUNCIL)

I. SUMMARY

This item is on the agenda at the request of Mayor Lula Davis-Holmes and transmits an urgency ordinance and an identical non-urgency ordinance for City Council approval to prohibit interference with City-sponsored special events.

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 case 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. Additionally, the City issues permits for Temporary Events, as defined in Chapter 11 of Article III of the Carson Municipal Code (CMC), to the extent required by that Chapter.

The City does not currently have any regulations in effect specifically addressing what constitutes prohibited interference with such special events. Adoption of the proposed ordinances by the City Council would enact such regulations pursuant to the City's police power for the purpose of protecting public health, safety and welfare.

II. RECOMMENDATION

1. ADOPT, by a two-thirds affirmative vote of the City Council, 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;” and

2. INTRODUCE for first reading, by title only and with further reading waived, Ordinance No. 24-2410, “AN 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.”

III. ALTERNATIVES

TAKE another action the City Council deems appropriate and that is consistent with applicable laws.

IV. BACKGROUND

The regulations set forth in the proposed 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 ordinance defines “Special Event” as any of the following:

1. A “Temporary Event” as defined in CMC 31102, meaning 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” also refers 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.
2. A “City-sponsored event,” meaning an event for which the City Council or City Manager (as applicable) has duly and affirmatively approved City financial support, including Rental

Events where the City waives or subsidizes facility use or other permit fees for the Rental Event.

3. A “Rental Event,” defined as 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.

The ordinance provides that it is unlawful for any person to commit any of the following 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 such 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;

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. 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, public safety personnel, or the permittee or host of the Special Event 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.

Violations of the proposed ordinance would be punishable as misdemeanor or infraction in accordance with Chapter 2 of Article I of the CMC, and via issuance of administrative citations in accordance with Chapter 2.5 of Article I of the CMC. The City Council may, by resolution in a separate future agenda item, adopt heightened administrative fines for violations of this ordinance pursuant to Chapter 2.5 of Article I of the CMC. In addition, the ordinance provides that if the City or any other person suspects that a violation of the ordinance 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.

The proposed urgency ordinance would require a two-thirds affirmative vote of the City Council for adoption pursuant to Section 313(F) of the City's Charter, and if adopted, it would take effect immediately. Per Charter Section 313(F), an urgency ordinance must be declared necessary by the City Council for the immediate preservation of public peace, health or safety, and must contain a statement of the reasons for its urgency.

The urgency ordinance is necessary for the immediate preservation of public peace, health or safety, because the City has become aware of multiple occurrences in recent months which the City has reason to believe would amount to interference with special events as would be proscribed by this ordinance, as detailed in Section 2.B of the urgency ordinance, and the City's event season is rapidly approaching. Failure of the City to act swiftly could embolden bad actors, and in the absence of the ordinance such occurrences are more likely to recur in the near future, potentially resulting in misappropriation or theft of City and/or third party resources devoted to the event, gifts of City public funds, personal injuries and property damage resulting from inadequate planning and review of transformed events, and other potential liabilities for the City. The proposed ordinance gives the City better tools to redress such acts of interference if they do occur, and has a potential deterrent effect.

Section 2 of the urgency ordinance contains a proposed statement of urgency to the effect of the foregoing and with inclusion of further detail, and is in compliance with Charter Section 313(F). The regular ordinance is proposed as a back-up in the event of a challenge to the urgency finding.

V. FISCAL IMPACT

There is no direct fiscal impact associated with this report.

VI. EXHIBITS

1. Proposed Urgency Ordinance No. 24-2409-U (pgs. 6 -11)
2. Proposed Ordinance No. 24-2410 (pgs. 12 - 16)

Prepared by: Office of the Mayor