

SPECIAL EVENTS ORDINANCE—DRAFT – As of 3/1/05
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SPECIAL EVENTS ORDINANCE
DRAFT—DRAFT—DRAFT

ENACTMENT SECTION—REPEAL/ENACT NEW ORDINANCE

NEW TEXT

Sec. 5-610 Title

This ordinance shall be known as the “Special Events Ordinance.”

Sec. 5-611 Purpose

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. 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.

Additionally, it is recognized that Tax-exempt Non-profit Organizations that benefit the community are central to the quality of life in the City of Stockton and that they often develop through their Special Events the resources to provide essential services to the citizens of the City and the County.

By recognizing Special Event Venues, it is further intended to supplement land use regulations; to provide a coordinated process for the regulation of certain activities to be conducted in conjunction with Special Events; to ensure the health and safety of patrons of Special Events; to prohibit illegal activity from occurring within a Special Event Venue, whether on private or city property; and to protect the rights and interests granted a Special Event Permit holder.

It is further intended to create a mechanism for cost recovery and revenue sharing for Commercial Special Events without having an adverse effect on those Special Events that contribute to the community. It is also the intent of the Council to protect the rights of its citizens to engage in protected free speech expression activities and yet allow for the least restrictive and reasonable, time, place and manner regulation of those activities within the overall context of rationally regulating Commercial Special Events that have an impact upon public facilities and services.

Sec. 5-612 Special Event Permit Required

- a. Except as provided in this ordinance, for any person to conduct, promote, manage, aid, or solicit attendance at a Special Event, the person shall obtain a Special Event Permit from the City Manager or his designee.

- b. The City Manager is authorized to issue permits for Special Events occurring within the city limits of the City pursuant to this ordinance and any other administrative procedure adopted by the City Manager. 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 is authorized to coordinate the issuance of a Special Event Permit with other public agencies through whose jurisdiction or property the Event or portion thereof occurs and to issue a Special Event Permit upon the concurrence of other public agencies involved.

Sec. 5-613 Exceptions to Special Event Permit Requirement

- a. A Special Event Permit is not required for any activity listed in this Section 5-613.

- b. Although not required to get a Special Event Permit, an Event Organizer of an activity exempted pursuant to section 5-612, above, is required to comply with general regulations governing public safety or health.

- c. The following activities are exempt from the Special Event Permit requirement:
 - (1) funeral processions by a licensed mortuary;

 - (1) activities conducted by a governmental agency acting within the scope of its authority;

 - (3) lawful picketing on Sidewalks;

 - (2) Demonstrations that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment (other than sound equipment), 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 at least *Seventy-Two (72)* hours in advance of the commencement of the Demonstration.

Sec. 5-614 Issuance of a Special Event Permit Does Not Obligate City Services

- a. Issuance of a Special Event Permit pursuant to this ordinance does not obligate or require the City Manager to provide City services, equipment or personnel in support of an Event.
- b. Subject to approval of the City Council, the City Manager may provide City services, equipment, or personnel for Commercial Special Events. Approval of the City Council is not required for the City Manager to provide City services, equipment, or personnel for a Commercial Special Event, if the City Manager makes provisions with the Event Organizer for cost recovery or revenue sharing, or both, from the Event.
- c. Without Council authorization, the City Manager may provide City Services, equipment or personnel in direct support of a Non-commercial Special Event, if the cost is within budget limitations, and if the City Manager finds that a public purpose will be served. The City Manager may find that a public purpose is served if all four of the factors provided in the Section 5-614 c, (1)—(4) are met:
 - (1) The Event is organized and conducted by a Tax-exempt Non-profit Organization which operates from or provides services within the City of Stockton; and;
 - (2) the Event provides a benefit to the general public; and,
 - (3) the Event includes participation by the general public (notwithstanding an admission or participation fee); and,
 - (4) provision of City services will result in improved crowd or Event control and general public safety.

Sec. 5-615 Priority of Special Event Permit Issuance

Except for Events sponsored by the City, and whenever possible, priority shall be given for the issuance of a Special Event Permit to local Tax-exempt Non-profit Organizations operating in and providing services to the citizens of the City of Stockton.

Sec. 5-616 Use of City Seal or Name

- a. The City Manager is authorized to issue a Special Event Permit for any Event, the title or theme of which will use the City seal or the words “The City of Stockton,” “City of Stockton,” “Stockton, All America City,” or any

similar combination or facsimile that would reasonably imply an official endorsement of the Event by the City, provided that revenue sharing by the Event Organizer is required as a condition of such approval.

- b. Prior authorization from the City Manager is required for any Event Organizer to use the words “The City of Stockton,” “City of Stockton,” “Stockton, All America City,” or a facsimile of the seal of the City of Stockton, in the title of a Special Event.

Sec. 5-617 Time for Filing Application for Special Event Permit; Time for Notifying City Manager of Demonstration

- a. Special Events at the Civic Auditorium, Weber Point Events Center, *Downtown Plaza’s*, and/or any other City Park or Facility, an application for a Special Event Permit shall be filed with the City Event Manager not less than *thirty (30) calendar days*, nor more than *one (1)* year, prior to the date(s) when the Special Event is proposed to be conducted.
- b. Applications for Special Events at the Bob Hope Theatre, the Ballpark (*proper name inserted here*) and the Stockton Events Center shall be submitted in accordance with the time limits and procedures established by the City Manager for such facilities.
- c. Any Person organizing a Demonstration shall notify the City Event Manager not less than three (3) calendar days before the time when it is proposed to conduct the Demonstration.

Sec. 5-618 When Application for Special Event Permit Is Deemed Complete

An application for a Special Event Permit is deemed completed when the applicant has provided all of the information required in Section 5-620, below, including any additional information required by the City Manager, and the application has been approved by the City Manager or a designee or designee department.

Sec. 5-619 Date of Special Event Not Confirmed Until Permit Issued

Notwithstanding the City Manager’s acceptance of a completed application, no date shall be considered confirmed until a Special Event Permit is actually issued.

Sec. 5-620 Content of Special Event Permit Application and Permit

- a. The application for a Special Event Permit may include, by way of illustration and without limitation, the following:
 - 1. the name, address and telephone number and date of birth of the applicant; and,

- 2.. a certification that the applicant will be financially responsible for any City fees or costs that may be imposed for the Event; and,
3. 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; and,
4. 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; and,
5. 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:
 - (a) authorizing the applicant to apply for the Special Event Permit on its behalf; and,
 - (b) certification that the applicant will be financially responsible for any costs or fees that may be imposed for the Event; and,
6. a copy of the tax exemption letter with tax ID number issued for any applicant claiming to be a Tax-exempt Non-profit Organization; and,
7. a statement of the purpose of the Special Event; and,
8. a statement of fees to be charged at the Special Event; and,
9. the proposed location for the Special Event; and,
10. the date(s) and times when the Special Event is to be conducted; and,
11. the approximate times when assembly for, and disbanding of, the Special Event is to take place; and,
12. the proposed locations of the assembly or production area; and,
13. the specific proposed site or route, including a map and written narrative of the route; and,
14. the proposed site of any reviewing stands; and,
15. the proposed site for any disbanding area; and,

16. proposed alternate routes, sites or times, where applicable; and,
 17. the approximate number of Persons, animals and/or vehicles that will constitute the Special Event; and,
 18. the kinds of animals anticipated to be part of the Special Event; and,
 19. a description of the types of vehicles to be used in the Special Event; and,
 20. the number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise; and,
 21. the number and location of portable sanitation facilities; and,
 22. other equipment or services necessary to conduct the Event with due regard for participant and public health and safety; and,
 23. the 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; and,
 24. provisions for first aid or emergency medical services *will be determined by the Fire Chief or designee* based on Event risk factors; and,
 25. insurance and/or surety bond information; and,
 26. any special or unusual requirements that may be imposed or created by virtue of the nature or operation of the proposed Event activity; and,
 27. any other information required by the City Manager.
- b. A Special Event Permit may contain the following information or conditions:
1. the location of the Special Event Venue identified by a map attached to the Special Event Permit;
 2. the dates, assembly area, times for assembly, starting and ending time of the Special Event;
 3. the specific route plan to the Special Event;
 4. the minimum and maximum speeds of the Special Event;

5. 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;
6. the maximum interval of space to be maintained between booths or other structures to be used for the Special Event;
7. 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;
8. the number and location of traffic controllers, monitors, other support personnel and equipment and barricades to be furnished by the Special Event Organizer,
9. the area and time for disbanding;
10. 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;

(a) proof that an ABC license to dispense alcohol must be shown if alcohol is sold

11. provisions for any required emergency medical services;
 - (a) *Any person or agency providing such service will be approved by the Fire Chief or designee.*
 1. such other information and conditions as are reasonably necessary for the conduct of the Special Event and the enforcement of this ordinance, including the requirement for the on-site presence of the Event Organizer or its designated representative for all Event coordination and management purposes.
12. 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.

Sec. 5-621 Conditions Affecting the Issuance of a Special Event Permit

- a. The City Manager may issue a Special Event Permit, when all of the conditions listed in this Section 5-621, are met. No event is confirmed or approved until all requirements are met and the City Manager's office signs off on the event. The City Manager may exempt certain requirements if mitigating factors are addressed.
- (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 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. *on any of the following Streets: Without approval from the Public Works Director.*
 - ~~(A) Streets designated as "Primary Arterials" or "Major Streets" on the City Engineering Department's Intercommunity Street System Map and as defined in Council Policy 600-04, "Standards System Map and as defined in Council Policy 600-04, "Standards for Rights-of-Way and Improvements Installed Therein."~~
 - ~~(B) Streets designated as "Preferred Streets" on the Preferred Street System Map pursuant to Council Policy 600-32, "Preferred Street System for Stockton."~~
 - ~~(C) Streets or portions of Streets determined to be "principal commuter routes" by the City's traffic engineering staff, based on historic traffic density and congestion during peak commuter hours or based on an average daily trip (a.d.t.) basis of five thousand (5,000) vehicles or more.~~
 - (5) The Event will not require the diversion of a great number of police employees, *that will significantly impact the Police Department's ability to respond appropriately to police related calls throughout the remainder of the community*, from their normal duties, thereby preventing reasonable police protection to the remainder of the City.
 - (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 unmitigatable adverse impacts upon residential or business access and traffic circulation in the same general venue.
 - (10) If the Event is a marathon, it will not occur within thirty (30) calendar days of another marathon. **(Why 30 days apart?)**
- b. To make the determination under this Section 5-622, 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 5-622 are met, the City Manager may place conditions on the Special Event Permit.

Sec. 5-622 Reasons for Denial of a Special Event Permit

- a. The City Manager may deny a Special Event Permit to an applicant who has not:
 - (1) provided for the services of a sufficient number of traffic controllers trained, certified and appointed pursuant to Section **81.03**; 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; or
 - (5) met all of the requirements for submitting an application for a Special Event Permit; or
 - (6) selected a location in which conduct of the Event will cause the Event to be a menace to public order or safety or which will unreasonably disrupt the surrounding uses and/or inhabitants.

- b. The City Manager may 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,
 - (2) the Event will violate public health or safety laws; or,
 - (3) the Event fails to conform to the requirements of law or duly established Council policy; or,
 - (4) the applicant demonstrates an inability or unwillingness to conduct an Event pursuant to the terms and conditions of this ordinance; or,
 - (5) *the applicant makes materially false statements or omits relevant information in his/her application, or,*
 - (6) the applicant has failed to conduct a previously authorized or exempted Special Event in accordance with law or the terms of a permit, or both; or,
 - (7) the Event will require the exclusive use of any City Building, Facility, or park areas during any period from Memorial Day through Labor Day in a manner which will adversely impact upon the reasonable use or access to those areas by the general public; or,
 - (8) the applicant has not obtained the approval of any other public agency within whose jurisdiction the Special Event or portion thereof will occur, or
 - (9) the applicant has failed to provide an adequate first aid or emergency medical services plan based on Event risk factors.
- c. The City Manager may deny a Special Event Permit to an applicant who has failed to comply with any term of this ordinance, or with any condition of a Special Event Permit previously issued to the applicant.

Sec. 5-623 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 5-622, above, the City Manager shall notify the applicant in writing as soon as is reasonably practical.
- b. The denial of a Special Event Permit may be appealed to the Committee on Public Safety and Neighborhood Services of the City Council, or successor committee.

- c. An appeal shall be made in writing within five (5) calendar days of the date of the written denial. **Filing a written petition with the City Clerk setting forth the grounds for appeal makes an appeal.**
- d. The Public Safety and Neighborhood Services Committee, or successor committee, shall hear an appeal as soon as is reasonably practicable.
- e. The decision of the Public Safety and Neighborhood Services Committee, or successor committee, to grant or deny that appeal shall constitute the exhaustion of the applicant's administrative remedy.

Sec. 5-624 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.

Sec. 5-625 City Manager's Action on Special Event Permit Application

- a. Except as provided in subsection (b), the City Manager shall take final action upon a completed application for a Special Event Permit as soon as practicable.
- b. The City Manager is not required to take final action upon any Special Event Permit application prior to one hundred–eighty (180) calendar days before the Event.
- c. The City Manager is not required to take final action on an incomplete or untimely Special Event Permit application.
- d. The City Manager is not required to process more than one (1) application for a Special Event Permit per applicant during any two–week period.
- e. The City Manager is not required to take final action upon two (2) or more Special Event Permit applications submitted by the same applicant unless two (2) or more weeks shall have elapsed between the respective dates of submission of each.
- f. Final action on a completed Special Event Permit application shall consist of one (1) 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.

Sec. 5-626 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 of \$1,000,000 General aggregate and Each Occurrence 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 of Stockton, 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 of Stockton by the carrier and the Event Organizer.
- b. If the Special Event is of a demonstrated high or low risk, according to recognized insurance and risk management standards and/or City policy, the City Manager may require a greater or authorize a lesser amount of coverage than required by Subsections a and b, or may require a particular type of insurance coverage different from that specified in Subsection (a).
- c. The insurance required by Subsection (a) 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.
- d. 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 Management Office at least thirty (30) calendar days before the Event, or purchased through Risk Management, or event will be cancelled unless the City Manager for good cause modifies this filing requirement.

Sec. 5-627 Waiver of Insurance Requirements

a. Except for Special Events where attendance will exceed 250 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 shall be used or for traffic control permits issued in conjunction with a Special Event pursuant to *Section 81.03* of this Code, the insurance requirements of Section 5-626 may be waived by the City Manager, *with written notification to Risk Management*. In making the determination of whether to waive insurance, the City Manager shall consider the degree of risk and/or exposure to the City as well as the factors provided in Subsections (1)—(6), below:

- (1) whether the Special Event is Expressive Activity protected by the First Amendment;
 - (2) whether the applicant or an officer of the sponsoring organization of a non-athletic 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), above, 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), above, 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 waived, the City Manager may require the Event Organizer of a Special Event to defend, indemnify and hold the City harmless from any claim or liability arising from the Event or require any other form of security as deemed necessary by the City Manager to protect the City.

Sec. 5-628 Revocation of Special Event Permit

- a. Any Special Event Permit issued pursuant to this ordinance is subject to revocation pursuant to this Section 5-628. City reserves the right to cancel any event.
- b. A Special Event Permit may be revoked if the City Manager determines:
 - (1) that 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 material misrepresentation of information by applicant.
- c. Except as provided in Subsection (d), below, 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 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 5-623, above.

Sec. 5-629 Cost Recovery for Commercial Special Events

- a. Except as otherwise provided in this ordinance, or when funded or waived by Council resolution or ordinance, for any Commercial Special Event, the City Manager may 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 non-personnel expenses.
- b. The City Manager shall require payment of fees required pursuant to Subsection (a), above, or a reasonable estimate thereof, at the time the

completed application is approved, unless the City Manager for good cause extends time for payment.

- c. If the Event Organizer/Host Organization fails to comply with Section 5-625, subsection (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 failed to comply with Section 5-625~~(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.

Sec. 5-630 Effect of Receipt of Donations on Status of Tax-Exempt Non-Profit Organizations

A Tax exempt Non-profit 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 (i.e. KWIN Summer Splash; STAND/MC Entertainment).

Sec. 5-631 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 Commercial Special Events shall pay the City a negotiated percentage of Gross Revenues, a flat fee, 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. Cost recovery under Section 5-629, above, shall not be required of Commercial Special Events where payment for such services has been negotiated by the City Manager within a revenue sharing agreement with the City.
- c. An Event Organizer/Host Organization of a Commercial Special Event shall not be required to enter into a revenue sharing agreement with the City where the City has funded or waived cost recovery pursuant to Section 5-629, above, or where the City Manager determines that it is in the best interest of the City not to require a revenue sharing agreement.

Sec. 5-632 Audits and Accounting Procedures

- a. An Event Organizer/Host Organization of a Commercial Special Event shall make payment and provide a final financial statement audited by a certified public accountant to the City Manager no later than forty-five (45) 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 Non-commercial Special Event, located on City of Stockton property, shall provide a final financial statement audited by a certified public accountant no later than forty-five (45) 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 5-632.
- 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 of Stockton. 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.

Sec. 5-633 Delegation of City Manager's Authority

The City Manager may delegate any or all of his or her functions under this Ordinance to designated ~~deputies~~ *Deputy City Managers* and/or subordinates.

Sec. 5-634 City Manager Authorized to Adopt Rules and Regulations

The City Manager is authorized to promulgate additional rules and regulations, with just cause, that are consistent with and that further the terms and requirements set forth within this ordinance and the provisions of law that pertain to the conduct and operation of an Event, Special Event or Demonstration.

Sec. 5-635 Enforcement Authority

The City Manager is authorized to administer and enforce the provisions of this ordinance. The City Manager and/or designee(s) may exercise any enforcement powers of the City.

Sec. 5-636 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.
- c. *The Vendors current effective insurance information by means of a certificate of insurance, along with the necessary endorsement, shall be filed with the Risk Management Office at least thirty (30) days before the Event, or purchased through Risk Management, or vendor will not be able to participate at the Event unless the City Manager, for good cause, modifies this filing requirement.*

Sec. 5-637 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. Certain private events that may impact City services will be required to use security from the City approved security list.

Sec. 5-638 Strict Liability Offenses

Violations of this ordinance shall be treated as strict liability offenses regardless of intent.

Sec. 5-639 Unlawful to Conduct or Promote Attendance at Special Event without Permit

- a. **It is unlawful to conduct a Special Event without a duly issued Special Event Permit as required pursuant to this ordinance.**
- b. **It is unlawful for any Person to conduct, promote or manage any Special Event for which a Special Event Permit has not been duly issued. (Questioning if this is duplicate)**

Sec. 5-640 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 ordinance.

Sec. 5-641 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 or ~~resell~~, 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, (Feels these are unclear)**
- c. as authorized pursuant to a conditional use permit pursuant to Chapter 16 of this Code.

Sec. 5-642 Unlawful Selling of Tickets to Special Event within 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 within a Special Event Venue, except:

- a. from any ticket office, booth, or other similar place established and maintained for the purpose of selling tickets; and,
- b. with the express authorization of the City Manager pursuant to a Special Event Permit.

Sec. 5-643 Unlawful to Display Signs or Distribute Handbills in a Special Event Venue

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.

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.

Sec. 5-644 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 of Stockton, without the City’s express authorization.

Sec. 5-645 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.

Sec. 5-646 Cost Recovery for Unlawful Special Event

Whenever a Commercial or Non-commercial 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 **in the following circumstances. (Nothing listed)**

Sec. 5-647 Definitions

As used in this ordinance:

- a. “Building” means any fully enclosed permanent structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. It includes pushcarts and mobile vendors (see section 7-001, et.seq.) or sidewalk cafes (see section 9-910, et.seq.) _____, for which the sale of Goods, food or beverages has been authorized.
- b. “Commercial Special Event” means any Special Event organized and conducted by any Person that does not qualify as a Tax-exempt Non-profit Organization.
- c. “Dance” means a gathering of Persons, consisting of more than twelve (12) 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.
- d. “Demonstration” means any formation, procession or assembly of seventy-five (75) 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.

- e. "Event" includes a Special Event or a Demonstration.
- f. "Event Organizer" means any Person who conducts, manages, promotes, organizes, aids or solicits attendance at a Commercial or Non-commercial Special Event.
- g. "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 public oratory and distribution of literature.
- h. "Facilities" means any City owned or operated property or property interest.
- i. "Goods" means goods, wares, personal property, merchandise or any other similar items that are generally sold.
- j. "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.
- k. "Highway" is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- l. "Host Organization" means the sponsoring organization that has overall authority of the Special Event Venue.
- m. "Non-Commercial Special Event" means any Special Event organized and conducted by a Person that qualifies as a Tax-exempt Non-profit organization.
- n. "Private Sector" means any individual, group, or organization that does not qualify as a government entity.
- o. "Private Property" means any property other than that which the City of Stockton owns or operates or has property interest.
- p. "Services" means the use of City employee time required for safe operation of an Event.
- q. "Sidewalk" means that portion of a highway, other than the roadway, set

apart by curbs, barriers, markings or other delineation for pedestrian travel.

- r. "Sign" means any sign, pennant, flag, banner, inflatable display, or other attention-seeking device.
- s. "Special Event" means:
 - (2) 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 within or use of the Street or Facility;
 - (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 the event will result in substantial impact on City resources, Facilities or public safety services in response thereto.
 - (3) Examples of Special Events include, by way of illustration and without limitation, concerts, dances, assemblages, processions, parades, circuses, fairs, festivals, block parties, community events, mass participation sports (such as, marathons and running events, bicycle races or tours, sports tournaments), spectator sports (such as, football, basketball and baseball games, golf tournaments or boat races), or other organized activity conducted for a common or collective use.
 - (4) Special Events do not include normal City of Stockton sponsored programs or activities.
- t. "Special Event Permit" means a permit issued under this ordinance.

- u. “Special Event Venue” means that area for which a Special Event Permit has been issued.
- v. “Street” means a way or place of whatever nature, publicly maintained and open to use of the public for purposes of vehicular travel. Street includes highway, alley, and other public ways.
- w. “Tax–exempt Non–profit 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 of Stockton or provides services directly to the residents of the City of Stockton; and (4) plays a major role in event production and/or receives not less than eighty percent (80%) of the Event profit.
- x. “Vendor” means any person/persons who sells or offers to sell, any goods, food, or beverages within a Special Event Venue.

SEVERABILITY SECTION

EFFECTIVE DATE SECTION