

ARTICLE 111/2. REGULATORY PERMITS FOR SPECIAL EVENTS

Sec. 9-205. Special event; definition; permit required; hours of operation.

- (1) Special event means a single event or a series of events, to which the public is invited to watch, listen or participate, including, but not limited to, the following:
- (a) Motorized vehicle races or contests.
 - (b) Carnivals, circuses, mechanical amusement ride, nondomesticated animal act or exhibition, and similar activities.
 - (c) Any public amusement or event that will take place on a public right-of-way within the boundaries of the City of Costa Mesa or on other property owned or occupied by the City of Costa Mesa.
 - (d) Outdoor shows, concerts and exhibitions.
 - (e) Races, block parties, craft fairs, parades, soap box derbies, rallies, or other similar events.
 - (f) Any public event requiring street closure which occurs on a city street, sidewalk, alley or other street right-of-way, and which is likely to obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic.
 - (g) Special event does not include the following:
 - 1. Any religious activities taking place on premises regularly used for religious purposes;
 - 2. Any activities or events held or conducted by or on behalf of the City of Costa Mesa, a public or private school, college, or school district, or the State of California conducted on property owned, used, or leased by the entity or its sponsor.

3. Any activity or event that comes within the provisions of this article solely by reason of its taking place on property owned or occupied by the City of Costa Mesa where the persons or organizations holding or conducting the event shall have obtained a permit pursuant to title 12 from the department of community services, except when one hundred (100) or more persons are in attendance at the event.

4. An activity which may involve free speech for which a permit has been obtained pursuant to section 9-208(9).

(2) It shall be unlawful for any person to hold, engage in, or conduct, within the City of Costa Mesa, any special event subject to the provisions of this article and not expressly exempt hereunder without having obtained a valid permit issued pursuant to the provisions of this article, for the specific event.

(3) It shall be unlawful for any person to hold or conduct any special event subject to the provisions of this article after 11:00 p.m. and before 7:00 a.m., unless under roof.

(4) The holding or conducting of any special event subject to the provisions of this article without a valid permit issued therefor pursuant to the provisions of this article, unless expressly exempt hereunder, is hereby declared a public nuisance.

(Ord. No. 95-14, § 2, 9-18-95)

Sec. 9-206. Application for permit; action by city manager upon application; notice.

(1) An application for a permit pursuant to this article shall be filed with the city manager or his/her designee and shall comply with the application requirements set forth in section 9-194.

(2) Upon the filing of a completed application, the city manager or his/her designee shall conduct an appropriate investigation with the police, fire, public services,

development services, community services, and legal departments, and risk manager and inspection of the premises, as needed, and the permit shall be issued by the city manager with or without conditions unless the city manager makes any of the findings set forth in section 9-195(1).

(3) Any action by the city manager on an application shall comply with and notice to the applicant of action on application shall be given as set forth in section 9-196.

(Ord. No. 95-14, § 2, 9-18-95)

Sec. 9-207. Appeals; notice and hearing; city council action upon appeal.

An application may appeal any action on an application for a permit under this article may be appealed as set forth in section 9-197. An appeal shall be heard and decided as set forth in sections 9-197 and 9-198.

(Ord. No. 95-14, § 2, 9-18-95)

Sec. 9-208. Issuance of permit; conditions.

(1) After the permit application has been granted and the applicant notified, the city manager or his designee shall issue the permit for the period requested but not to exceed one (1) year.

(2) The permit shall be issued upon such conditions as may be required to ensure compliance with city regulations governing the matters contained in the application or as are reasonably necessary to protect the peace and tranquility of any residential area, mitigate traffic impacts, protect other uses in the area, or to protect the public health and safety.

(3) Any event or activity which occurs on a city street, sidewalk, alley or other city right-of-way is required to make a security deposit in an amount to be determined by the

city manager to assure proper clean up and replacement of public property to its original condition and cost of city services.

(4) The permit shall not relieve or waive the requirement that a special event or public entertainment, including, but not limited to, automobile races, bicycle races, foot races, block parties, craft fairs, parades, soap box derbies, rallies or other activities which require street closures, must obtain a permit or other approval from the public services department for the encroachment on, use or closure of such street or city right-of-way pursuant to title 15 of this Code.

(5) Any event or activity which occurs on a closed city street, sidewalk, alley or other city right-of-way and which is likely to obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic, shall provided written notice to all businesses and residences affected by such special event at the time of application for a permit or other approval for such closure and shall provide a list of those to be notified and form of notification at the time of application.

(6) Where the city manager determines based on recommendations from applicable city departments that the cost of city services incident to the staging of the permitted activity will be increased, because of the permitted activity under this article, the city manager may require the permittee to make payment into the general fund of the city in an amount to the increased cost of city services attributed to the permitted activity.

(7) For all events or activities which will take place on premises owned or occupied by the City of Costa Mesa, the city manager shall require as a condition of the issuance of a permit and the applicant shall obtain, furnish proof of and maintain insurance in a form reviewed and approved by the city attorney or his designee as set forth herein. The

insurance policy shall be endorsed to name the City of Costa Mesa and its elected and appointed boards, officers, agents, and employees as additional insured, and shall provide that any other insurance maintained by the City of Costa Mesa shall be in excess and not contributing with the insurance coverage provided to the City of Costa Mesa under the permittee's policy. The minimum limits of liability shall conform to the schedule which shall be adopted by resolution of the city council; provided, however, that in no case shall the minimum limits of liability be lower than one million dollars (\$1,000,000.00) combined single limits, per occurrence and in the aggregate. Any applicant who is unable to obtain liability insurance in the amount required by the city council resolution may apply to the city council for approval of a lesser amount. An indemnity agreement, signed by the applicant in a form approved by the city attorney, may be required.

(8) Where the city manager determines that there is a substantial danger of injury or damage to the public and/or property because of the permitted activity on non-city owned property the city manager may require a policy of insurance and indemnity agreement as specified in subsection (7) of this section.

(9) Notwithstanding the provisions of this article, where the city manager determines that the application is for an activity that involves free speech, including, but not limited to, protest rallies, parades, demonstrations, pickets, political campaign events, boycotts and similar free speech activities, the time period for the granting or denial of a permit for such activity or event shall be two (2) calendar days after acceptance of a complete application and application fee. A permit for activities covered by this paragraph shall be issued by the city manager, with or without reasonable conditions, unless he finds that the proposed activity or event will occur under the circumstances specified in subsection (1)

of section 9-195. Where a permit application for activities covered by this subsection is denied, or approved with conditions, the applicant shall have the right to appeal the denial or approval with conditions to be heard at the next public hearing of city council, provided, however, where such hearing will not occur within three (3) calendar days after the [decision,] the police chief or his designee shall immediately hear and decide the appeal in lieu of city council. The decision on the appeal by the city council or the police chief shall be based on written findings, shall be final and conclusive on the matter, and subject to California Code of Civil Procedure section 1094.6.

(Ord. No. 95-14, § 2, 9-18-95)

Sec. 9-208.1. Renewal of permit.

An unrevoked permit issued pursuant to this article may be renewed as set forth in section 9-200.

(Ord. No. 95-14, § 2, 9-18-95)

Sec. 9-208.2. Revocation or suspension of permit.

A permit issued under this article shall be revoked or suspended as set forth in section 9-201.

(Ord. No. 95-14, § 2, 9-18-95)

Sec. 9-208.3. Severability.

If any section, subsection, clause, phrase, or portion of this article 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 article. The city council of the City of Costa Mesa hereby declares that it would have adopted this article and each section, subsection, sentence, clause, phrase, or portions thereof,

irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

(Ord. No. 95-14, § 2, 9-18-95)