

TITLE 5 PUBLIC WELFARE, MORALS AND CONDUCT

Chapter 12 - EVENTS ON PUBLIC PROPERTY

5-12.010 Purpose; Definitions.

The purpose of this Chapter is to protect the First Amendment rights of the people of Watsonville to peaceably assemble and/or protest in the City's public places and to establish the least restrictive and reasonable time, place and manner regulation of these activities. It is further intended to provide a coordinated process for managing special events to ensure the health and safety of event patrons, residents, workers, and other visitors, to prohibit illegal activities from occurring at special events, and to create mechanisms for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of special events.

Whenever the following words and phrases are used in this chapter they shall have the meanings ascribed to them in this Section:

- (a) "Applicant" means any person who seeks a permit under this Chapter to organize a Special Event.
- (b) "Application" means a form approved by the City Manager which an Applicant must submit pursuant to Section 5-12.030.
- (c) "Assembly" means the assembling or coming together of a number of persons for a particular purpose.
- (d) "City" refers to the City of Watsonville, California.
- (e) "City Property" means all real property and improvements owned, operated, or controlled by the City. City property includes, but is not limited to, City Hall, police and fire facilities, recreational facilities, parks, libraries, streets, and sidewalks.
- (f) "Park" means a park, playground, recreation center or any other area, building or grounds in the City, owned or used by the city and devoted to active or passive recreation.
- (g) "Chief of Police" means the Chief of Police or designee.
- (h) "City Manager" means the City Manager or designee.
- (i) "Expressive Activity" means conduct, the sole or principal object of which is the expression of opinion, views, or ideas, protected by the First Amendment of the U.S. Constitution. Expressive activity includes, but is not limited to, public oratory and distribution of literature.
- (j) "Organize" means to organize, operate, manage, stage, promote, sponsor or carry on a special event.
- (k) "Organizer" means the person who organizes, operates, manages, stages, promotes, sponsors or carries on a Special Event.

(l) "Permittee" means any person that has been issued a Special Event permit in accordance with this Chapter.

(m) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

(n) "Special Event" means any of the following:

1. Any organized assemblage of more than two hundred (250) persons at any public place, public property, or public facility which is to gather for a common purpose under the direction or control of a person; or

2. Any organized assemblage at any public place, public property, or public facility which is to gather for a common purpose under the direction or control of a person or organization and that requires closure of a City street; or

3. Any other organized assemblage conducted by a person for a common or collective use, purpose or benefit which shall require extensive use of City public services for police regulation, monitoring or control, erecting barriers, or traffic control, parking needs that will exceed the capacity of the venue, or that will significantly interfere with normal use and operation of public right-of-way for travel;

For illustrative purposes, examples of special events include, but are not limited to, concerts, parades, circuses, fairs, festivals, block parties, street fairs, community events, on the water activities (such as boat races) with spectators on public land, mass participation sports (such as marathons and other running events), athletic or sporting events, and community celebrations and observances conducted on public property or public rights of way.

(o) "Special Event Venue" means the area for which a Special Event permit has been issued.

(p) "Vehicle" has the same definition as California Vehicle Code section 415, but excludes vehicles in the service of the City.

5-12.020 Permit—Required—Activities designated.

(a) Except when expressly provided pursuant to the terms of a permit, lease, or contract which has been specifically authorized by the City Council, no person shall conduct a Special Event or cause or permit the same upon any public street, alley, park, dedicated open space, or any other public building or grounds in the city unless there has first been obtained from the City Manager a special event permit to do so, and such permit shall be carried by the person heading or leading such activity.

A. Exempt Activities:

1. Any Expressive Activity on City owned, controlled, or maintained property not otherwise considered a Special Event, provided that the Expressive Activity will conform with applicable traffic regulations, laws or controls. If practicable, the organizers should give notice to the City Manager at least

four (4) hours prior to the event informing the City of the date and time of the event and provide an estimate of the approximate number of persons who will be participating.

2. Activities on school grounds, which are exempt from the requirements of this Chapter.
3. Spontaneous events which are occasioned by news or affairs coming into public knowledge less than forty-eight hours prior to such event may be conducted on City property without the Organizers or Sponsors having to obtain a Special Event Permit if all of the following factors are satisfied:
 - i. The spontaneous event does not impede vehicular traffic or violate regulations regarding pedestrian and vehicular traffic;
 - ii. The Organizer or Sponsor provides the police chief or designee with at least four (4) hours of prior notice of the spontaneous event; and
 - iii. The location where the spontaneous event is to be conducted has not been previously rented, reserved, or otherwise obligated to another use in accordance with established City policies and procedures for use and/or rental of City facilities.
4. Activities conducted by a governmental agency acting within the scope of its authority.

(b) Additional permits and requirements. In addition to a Special Event Permit pursuant to this Chapter, organizers are responsible for obtaining all other relevant permits and approvals for events on public property, including, but not limited to:

- (1) Use of parks, public facilities and parking facilities will also require an Exclusive Use/ Facility Use Permit as described in Section 10-1.110.b.
- (2) Events involving the closure of streets require a traffic control plan certified by an traffic engineer.
- (3) Events or activities, which require a special use permit as described in Part 5 of Chapter 14-12 of this Code.
- (4) Amplified Sound permit pursuant to Chapter 5-34.
- (5) Any permits required by other governmental agencies including, but not limited to the Department of Alcoholic Beverage Control, Fire Marshal, County Health or CalTrans.

5-12.030 Permit—Application.

Any person desiring to Organize a Special Event pursuant to Section 5-12.020, shall file an Application with the City Manager at least sixty days before the date of the proposed Special Event, however applications may not be submitted more than one year before the date of the proposed Special Event. The City Manager shall create a form

Application which shall include, and Applicants shall be required to provide, the following information:

- (a) The name of the person or responsible organization requesting a permit to conduct the special event or activity, use a sound amplifying system, or to serve and/or sell alcohol;
- (b) If the special event or activity is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and the authorized and responsible head of such organization;
- (c) The name, address and telephone number of the person who will be responsible for the conduct of the Special Event;
- (d) The name, address and telephone number of the person or organization to whom the permit is desired to be issued;
- (e) The date or dates when the Special Event is to be conducted;
- (f) The location or the route to be traveled, the starting point and the termination point;
- (g) The approximate number of persons, and the number and nature of any animals and vehicles, which will participate in the Special Event;
- (h) The time when such Special Event will start and terminate;
- (i) Whether such Special Event will occupy all or a portion of the width of any City street;
- (j) The location by streets of any assembly area or areas for the Special Event;
- (k) The time at which the Organizer will begin to set-up and will complete tear-down activities at the Special Event Venue;
- (l) The names of individuals and/or corporations duly registered in the state who will agree in writing to hold the City harmless and indemnify City, pursuant to Section 5-12.050(b);
- (m) Such other information as may be required by the City to enable the City Manager to make adequate and appropriate arrangements for proper policing of the proposed special event or activity or public use of a sound amplifying system, need for City services, or service and/or sale of alcohol.
- (n) A traffic control plan, certified by a traffic engineer if the Applicant requests closure of City streets for the proposed Special Event.

5-12.040 Permit—Issuance conditions.

- (a) In deciding whether to approve an Application, no consideration may be given to the message of the proposed Special Event, the content of speech, or the identity or associational relationships of the Applicant(s) or Organizer(s). The City Manager shall issue a Permit if the City Manager determines the following:
 - 1. The Application includes all information required by this Chapter and no evidence suggests that the Applicant has knowingly made a false, misleading, or fraudulent statement to the City in the application process;

2. The conduct of such Special Event will not substantially interrupt the safe and orderly movements of pedestrian or vehicle traffic, particularly the traffic contiguous to its route;
3. The conduct, nature or location of the Special Event will either not require the dedicated use of police personnel as determined by the Chief of Police, or the Applicant provides for the required police personnel and/or private security personnel, licensed by the state of California, that the Chief of Police determines is necessary to ensure the proper movement of traffic and preserve the safety and security of the community including those attending or participating in the Special Event;
4. The concentration of persons, animals and vehicles during the Special Event will not unduly interfere with fire and police protection of, or emergency medical response to, Special Event Venue or areas contiguous thereto;
5. The conduct of the Special Event will not unduly interfere with the movement of firefighting or other emergency equipment en route to an emergency;
6. The proposed Special Event will not present substantial safety, noise, environmental, or traffic hazards considering the number of participants and proposed location, such as to endanger the health or safety of the event participants, general public or city employees, which cannot be adequately remedied by reasonable traffic control and other safety measures.
7. The Applicant has applied for or obtained all required permits, licenses, insurance coverages, or other authorizations or entitlements required for the Special Event. No permit will be issued by the City, or if first issued any issued permit will be revoked, if any required permit, license, policy or other authorization or entitlement is not obtained or is revoked after initially being issued;
8. The Applicants have entered into a hold harmless agreement for the protection of City as specified in subsection (b) of Section 5-12.050 of this chapter;
9. Payment, if applicable, of any and all related deposits and/or fees.
10. The Special Event is not scheduled to occur at a location and time in conflict with another Special Event already permitted or that can be permitted to another Application that submitted an Application first in time, or is in conflict with City-sponsored programming.

5-12.050 Permit—Terms.

(a) The permit, if issued by the City Manager, shall set forth the pertinent information required by Section 5-12.040 of this chapter, and shall be signed by the Organizer who will be responsible for the conduct of the Special Event.

(b) Each Permittee shall execute a hold harmless agreement in a form approved by the City agreeing to defend, indemnify, and hold harmless the City against losses and liabilities incurred from the willful or negligent acts or omissions of the permittee or its officers, employees, and agents. If City property is destroyed or damaged by reason of permittee's special event and the damage or destruction is directly attributable to the permittee, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed or damaged property. Nothing in this provision shall require a permittee to indemnify the City from claims or losses occasioned by the reaction of third parties to Expressive Activity at the Permittee's Special Event.

(c). Except as otherwise prohibited by law, the Permittee shall procure and maintain in full force and effect during the term of the permit a policy of insurance from a reliable insurance company authorized to do business in the state, which policy includes the City, its boards, officers, agents, employees, and volunteers as either named insureds or additional named insureds and which provides the coverage that the City Manager determines to be commercially reasonable and adequate under the circumstances. The City Manager shall maintain a list of applicable insurance limits and coverages required that is determined solely on the size of the event, the use of vehicles, and the nature of the facilities involved. If the City Manager determines that a particular use, event, or activity which is for a permit period of no more than one day does not present a substantial or significant public liability or property damage exposure for the City or its officers, agents, employees, or volunteers, the City Manager may give a written waiver of the insurance requirements of this Section.

5-12.060 Permit—Notice of rejection.

The City Manager shall act upon the Application for a permit within 10 business days after the filing thereof. If the City Manager disapproves the Application, the City Manager shall mail to the Applicant within ten days after the date upon which the Application was filed, a notice of the disapproval, including a statement of the reasons for the denial. Such notice shall be mailed or emailed to the Applicant at his/her email address or physical address as given on his/her Application.

5-12.070 Right to appeal.

Any person who has been denied a permit pursuant to this Section may appeal the denial pursuant to Chapter 1-4 of this Code.

5-12.080 Late Application approval.

The City Manager may consider any Application for a permit to conduct a Special Event which is filed less than sixty days before the date of the Proposed Special Event if time and City resources permit. The City Manager shall not consider the content or viewpoint of the speech or conduct proposed by the Application and Special Event in determining whether to consider a late Application under this Section.

5-12.090 Interference.

It is unlawful for any person to obstruct, impede or interfere with any authorized assembly, person, vehicle or animal participating in a Special Event for which a Special Event permit has been issued.

5-12.100 City Manager Authority.

The City Manager is authorized to take any action, including to promulgate policies or procedures, in furtherance of the administration of this Chapter.

5-12.110 Violation.

- (a) It is unlawful for any person to violate any of the provisions of this chapter.
- (b) Anyone violating, or refuses to abide by, any provision of this chapter shall be subject to the penalties set forth in Chapter 2 of Title 1 of this Code and will be held financially responsible to the maximum extent provided by law for any and all damage caused.

In addition to fines, for any subsequent violations within any consecutive twelve-month period, the City Manager may order the exclusion of the violator from the use of any Park or Public Facility for a period of time as determined at his or her reasonable discretion.

5-12.120– Applicable fees.

Special Event Permit Application fees pursuant to this Chapter may be established by Resolution of the City Council. Applicants shall pay Application fees upon submittal of the Application to the City for review. Where a Special Event requires street closure, barriers, or other infrastructure, the Applicant shall pay such fees as may be established by resolution of the City Council for traffic control and relating municipal expenses, including but not limited to public safety, services, solid waste and recycling services, building inspections, traffic control, and any other applicable fees. Additionally, use of City buildings or facilities shall be subject to any use or rental fees established by the City.