

ORDINANCE NO. 2005 - \_\_\_\_\_ **DRAFT**

TEMPORARY EVENTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

**SECTION I. SUMMARY.** This ordinance establishes procedures for evaluating, permitting, and regulating short-term activities and events that are conducted on or upon public property or public rights-of-way, or that are conducted on private property and generate or invite considerable public participation or spectators.

**SECTION II.** Chapter 82-44 is added to the County Ordinance Code, to read:

**Chapter 82-44**  
**TEMPORARY EVENTS**

**Article 82-44.2**  
General Provisions

**82-44.202 Title.** This chapter is known as the Temporary Events Ordinance of Contra Costa County. (Ord. 2005- \_\_\_\_ § 2.)

**82-44.204 Purpose.** The purpose of this chapter is to establish procedures for evaluating, permitting, and regulating short-term activities and events that are conducted on or upon public property or public rights-of-way, or that are conducted on private property and generate or invite considerable public participation or spectators. Because these land uses are temporary, they have negligible or no permanent effect on the environment, and their potential impact on adjoining properties is either minimal or can be offset by conditions. The procedures authorize the zoning administrator to approve permits for temporary events and to require permit conditions or deny permits when necessary to protect the public. The procedures are necessary to protect and promote the health, safety, and welfare of the public, temporary event participants, and nearby residents. The procedures are intended to minimize the impacts of temporary events on the normal free flow of vehicular and pedestrian traffic, to provide the County with adequate time to logistically accommodate temporary events, and to place responsibility on the holder of a temporary event permit to clean up trash and debris associated with the temporary event. The procedures are also intended to allow for content-neutral time, place and manner regulation of temporary events while protecting the rights of citizens to engage in free speech expressive activities that are protected by the First Amendment of the United States Constitution and Article 1, Section 2 of the California Constitution. (Ord. 2005- \_\_\_\_ § 2.)

**82-44.206 Definitions.** For purposes of this chapter, the following words and phrases have the

following meanings:

- (a) “Athletic event” means an occasion in which a group of persons collectively engage in a sport, or form of physical exercise on a County street or right-of-way, that obstructs, delays, or interferes with the normal flow of vehicular traffic, or does not comply with traffic laws and controls. Athletic events include bicycle and foot races.
- (b) “Demonstration” means any formation, procession or assembly that is organized for the purpose of expressive activity, and assembles or travels in unison on any street in a manner that does not comply with normal or usual traffic regulations or controls or gathers at a public park or other public forum.
- (c) “Event” means an occasion organized for a particular and limited purpose and time and is either: (1) open to the public; or (2) an organized outdoor assemblage that exceeds 50 or more invited persons at a venue in a residential zoning district or 150 or more invited persons at a venue in any other zoning district. Events include athletic events, arts and crafts shows, block parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, parades, street fairs, and swap meets.
- (d) “Expressive activity” means conduct protected by the First Amendment of the United States Constitution and Article 1, Section 2 of the California Constitution, the sole or principal object of which is the expression, dissemination or communication of opinion, views or ideas by verbal, visual, literary or auditory means of opinion, views or ideas. It includes public oratory, distribution of literature, and lawful picketing on sidewalks.
- (e) “Noise level” means the ‘A’ weighed sound pressure level in decibels obtained by using a sound level meter at slow meter response with a reference pressure of 20 micropascals.
- (f) “Parade” means a march or procession of people on any County street or right-of-way that obstructs, delays, or interferes with the normal flow of vehicular traffic, or does not comply with traffic laws or controls.
- (g) “Sound level meter” means an instrument that meets or exceeds American National Standard Institute’s Standard S1.4-1971 for Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment that will provide equivalent data.
- (h) “Temporary event” means an event that occurs for up to one day at a residence or up to three consecutive days at any other location.
- (i) “Venue” means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, route, or facility for which an event is held or is proposed to be held. (Ord. 2005- \_\_\_\_ § 2.)

**Article 82-44.4**  
**Permits**

**82-44.402 Temporary Event Permit Required.** The following uses are allowed in any zoning district only after the issuance of a temporary event permit:

- (a) A temporary event.
- (b) A parade of 50 or more persons that assembles or travels in unison on any County street or other right-of-way and that obstructs, delays, or interferes with the normal flow of vehicular traffic, or does not comply with traffic laws and controls.
- (c) Retail sales of Christmas trees between Thanksgiving and December 26.
- (d) Retail sales of pumpkins between October 1 and October 31. (Ord. 2005- \_\_\_ § 2.)

**82-44.404 Exemptions.** The following activities are exempt from the temporary event permit requirement:

- (a) A funeral procession by a licensed mortuary.
- (b) An activity conducted by a governmental agency acting within the scope of its authority.
- (c) A demonstration.
- (d) A parade that:
  - (1) Involves pedestrians who march only on sidewalks, cross streets only at pedestrian crosswalks, and comply with all applicable traffic regulations and controls; and,
  - (2) Does not involve the use of vehicles, animals, fireworks, or pyrotechnics.
- (e) Weddings, birthday parties, graduation parties, or other family-oriented events held at a private residence, provided that no more than four of these events are held within a 12-month period.
- (f) An event held at a members-only non-residential facility where the only participants are members and their guests.
- (g) An event sponsored by a religious entity held at the religious entity's facility.
- (h) An event held at an East Bay Regional Park District facility that is subject to existing

permit application procedures adopted by the East Bay Regional Park District.

- (i) A film-making activity for which a filming permit has been obtained in accordance with Chapter 56-8 of this code.
- (j) Car washes for fund raising purposes, provided that the car washes are held on private property other than a residence, are limited to a maximum of two days each month for each sponsoring organization, and are sponsored by an educational, charitable, religious, or nonprofit group.
- (k) Garage sales held at a private residence, provided that sales occur no more than four times within a 12-month period per residence, for a maximum of two consecutive days each.
- (l) A real estate open house. (Ord. 2005- \_\_\_\_ § 2.)

#### **82-44.406 Application and Review.**

- (a) Any person, entity, business, or group wishing to hold, sponsor, conduct, operate or maintain a temporary event shall submit a completed temporary event permit application to the community development department. The application form shall be signed and verified by the applicant, if an individual; a general partner authorized to sign on behalf of a partnership; an officer or director authorized to sign on behalf of a corporation; or a participant authorized to sign on behalf of a joint venture or association. The applicant must be a qualified applicant pursuant to Section 26-2.1604.
- (b) An applicant for a temporary event permit shall provide the following information:
  - (1) The name, address, and telephone number of the applicant and an alternate 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 the name of any other person or entity benefiting from the event.
  - (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 type of event (e.g., a concert or arts and crafts show).
  - (5) Date and estimated starting and ending time of the event, including the time required to prepare and cleanup the venue.

- (6) Location of the event including its street address and boundaries.
- (7) Estimated number of attendees and participants at the event.
- (8) The type and estimated number of vehicles and structures that will be used at the event, if any.
- (9) Description of any sound amplification equipment or fireworks proposed for use at the event.
- (10) Whether any food will be served or sold at the event and, if applicable, the time and manner in which caterers and catering trucks will be used.
- (11) Whether any beverages, including alcoholic beverages, will be served or sold at the event, and whether any such sales will be wholesale or retail.
- (12) Whether unarmed security or event monitors will be employed at the event.
- (13) Parking, traffic and crowd control measures proposed for the event.
- (14) The number and type of events held at the venue in the preceding 24 months.
- (15) A site plan showing the size and location of property lines, sidewalks, streets, and improvements on adjacent properties, clearly labeled and drawn to scale.
- (16) The time and acts required to prepare the venue for the event and the time and acts required following the event to clean up and restore the regular use of the venue.
- (17) Provisions made for first aid and sanitary facilities.
- (18) If the event is to occur along a route:
  - (A) The assembly point for the event;
  - (B) The time when participants will begin to assemble;
  - (C) The route to be traveled; and
  - (D) The number, types, and size of floats, band, or marching units, if any.
- (19) Such other information as may be deemed necessary by the community

development director relative to the event for purposes of managing traffic, parking, public health and safety, or minimizing any disturbance or inconvenience to the neighbors and the neighborhood.

- (c) An application for a temporary event permit must be submitted at least 45 days before the proposed event. The community development director may, for good cause, reduce the number of days in the deadline for a particular application, provided that, in the community development director's opinion, a reasonable time is allowed to conduct the necessary analysis and give adequate notice to the public. Examples of good cause include, but are not limited to: (1) the proposed temporary event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application, and (2) the imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.
- (d) An application may be made for one permit that allows up to four events in a calendar year at a venue, provided the application includes the required information for each proposed event.
- (e) Once filed, the application shall become and remain a public record and open to the inspection of all persons.
- (f) The community development department shall review the application for completeness, and if deemed incomplete, the applicant shall have five (5) calendar days from the date of notification of insufficiency, to provide additional information as requested by the community development department.
- (g) Except as provided by section 82-44.406(g)(3)(Grounds for Mandatory Denial), the zoning administrator may approve, conditionally approve or deny an application for a temporary event permit based on the grounds specified in sections 82-44.406(g)(1) and (g)(2). The zoning administrator shall determine from a consideration of the application or other evidence whether grounds for approval, conditional approval or denial exist.
  - (1) Grounds for Approval or Conditional Approval
    - (A) The temporary event will not create an unreasonable impact on nearby neighbors' or property owners' use of their property.
    - (B) The temporary event will not be detrimental to property or improvements in the area adjacent to the temporary use.
    - (C) The temporary event will not otherwise unreasonably affect the public health, safety and welfare.

(2) Grounds for Denial

- (A) Information contained in the application, or supplemental information requested from the applicant is found to be false in any material detail.
- (B) The applicant fails to timely file the application form under section 82-44.406(c) or fails to complete and submit the application form within five (5) calendar days after having been notified of the additional information or documents required under section 82-44.406(f).
- (C) A violation of any term or condition of a temporary event permit previously issued within the preceding 24 months to the applicant or for the private property venue.
- (D) 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 place requested by the applicant, or so close in time and place as to cause undue traffic congestion.
- (E) The time, route, characteristics 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, or be detrimental to property or improvements in the surrounding area, or otherwise unreasonably affect nearby neighbors' use of their property. In making a determination under this subsection, the zoning administrator will consider the public health, safety and welfare of the neighbors and the applicant, and will strive to achieve a reasonable balance among these factors.
- (F) The concentration of persons, animals and/or vehicles at the venue, or the assembly and disbanding areas around an event, will prevent proper police, fire, or ambulance services to the venue and contiguous areas.
- (G) The location of the event will substantially interfere with a previously granted encroachment permit or with any previously scheduled construction or maintenance work scheduled to take place upon or along County streets.
- (H) When the grounds for denial of an application for permit specified in subsections (2)(D) through (2)(G) above can be mitigated by altering the date, time, duration, size, route, or location of the event, the zoning administrator shall conditionally approve the application upon the applicant's acceptance of conditions for permit issuance instead of

denying the application. If the grounds for denial cannot be mitigated by imposing conditions, the permit shall be denied.

- (3) Grounds for Mandatory Denial. Notwithstanding sections 82-44.406(g)(1) and (g)(2), the zoning administrator shall deny an application for a temporary event permit when any of the following occur:
  - (A) A temporary event permit previously issued within the preceding 24 months to the applicant or for the specific private property venue was revoked.
  - (B) The zoning administrator has made a finding of non-compliance with regard to a temporary events permit previously issued within the preceding 24 months to the applicant or for the specific private property venue for any of the following permit violations:
    - (1) Exceeding the allowable exterior noise limits.
    - (2) Duration of an event in a residential district extends at least 30 minutes beyond the permitted time.
    - (3) Exceeding the maximum number of occupants or attendees specified in the permit.
- (h) At least 15 days before the zoning administrator's decision on a temporary event permit application, the community development department will mail to the applicant and to property owners within 300 feet of the venue a notice of tentative decision including the proposed permit conditions, if any. The tentative decision may be appealed to the board of supervisors within 15 days of the mailing date of the notice. An appeal must be in writing, state the grounds for appeal, and include an appeal fee. Upon receipt of a properly filed appeal, the community development department will schedule the appeal for the next available board of supervisors meeting and notify the appellants and applicant of the hearing date and time. A tentative decision becomes final if no appeal is timely filed. (Ord. 2005- \_\_\_ § 2.)

**82-44.408 Conditions.**

- (a) The zoning administrator may condition the issuance of a temporary events permit by imposing reasonable requirements concerning the time, place, and manner of the event, and any requirements that are necessary to protect the health, safety and welfare of the public, temporary event participants, and nearby residents, to protect the safety of property, and maximize the control of traffic. The zoning administrator may consult with public works, fire, and law enforcement officials and impose reasonable conditions requested by those officials. Conditions shall not restrict expressive activity or the content of speech. Conditions may include, but are not limited to:

- (1) Alteration of the date, time, size, route or location of the event proposed on the application.
- (2) Conditions concerning the area of assembly and disbanding of parade or other events occurring along a route.
- (3) Conditions concerning accommodation of pedestrian or vehicular traffic, including, but not limited to, restricting the event to only a portion of a street transversed.
- (4) Conditions concerning parking, including but not limited to, requirements for the use of shuttles from parking areas to the venue.
- (5) Conditions concerning traffic control, including but not limited to, requirements for the use of traffic cones or barricades.
- (6) Requirements for provision of first aid or sanitary facilities.
- (7) Requirements for use of event monitors and unarmed security responsible for crowd control, fire watch, general security, and evacuation of occupants.
- (8) Conditions concerning maximum occupancy and number of attendees, based on the size of the venue and for the purposes of minimizing impacts on traffic, parking, public health and safety, and minimizing disturbance or inconvenience to the neighbors and neighborhood.
- (9) Requirements for providing notice of permit conditions to event participants and requirements for providing notice of the temporary event to properties within 300 feet of the venue.
- (10) 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 fire safety by the fire department.
- (11) Compliance with animal protection ordinances and laws.
- (12) Requirements for use of garbage containers, cleanup and restoration of County property.
- (13) Conditions limiting the duration of time and hours of the event (including the time to prepare and cleanup the venue) in order to minimize impacts on traffic, parking, public health and safety, and minimize disturbance or inconvenience to

the neighbors and the neighborhood.

- (14) Conditions concerning the serving or sale of alcoholic beverages at the event and, if necessary to protect the public health, safety or welfare, restricting or prohibiting the sale or service of alcoholic beverages.
  - (15) Time, place and manner restrictions on the use of amplified sound. The use of amplified sound at a temporary event is prohibited in a residential district unless specifically allowed as a condition of a temporary event permit.
  - (16) Any other conditions deemed appropriate by the zoning administrator to minimize impacts on traffic, parking, public health and safety, and to minimize disturbance or inconvenience to the neighbors and neighborhood.
- (b) When a temporary event permit is granted for any event in a residential zoning district, it is granted subject to the following noise control conditions:
- (1) The event shall not generate or emit any noise or sound that exceeds any of the levels specified in the table below measured at the exterior of any dwelling unit located on another residential property. The noise generated or emitted shall not exceed the levels specified in the table for the duration of time specified in the table. When exterior noise levels are taken, they shall be measured with a sound level meter. The permit shall incorporate the applicable “allowable exterior noise levels” specified in the table into the permit conditions only for the duration of time allowed for the event by the permit. (e.g., if the permit provides that an event shall end by 7 p.m., the “allowable exterior noise levels” under 9 a.m. to 8 p.m. shall be incorporated into the conditions but the event must end by 7 p.m.).

**ALLOWABLE EXTERIOR NOISE LEVELS**

Cumulative Duration of Noise	9 a.m. – 8 p.m. Sundays through Thursdays	8 p.m. – 10 p.m. Fridays, Saturdays, and Holidays
30 minutes per hour	60 dBA	55 dBA
15 minutes per hour	65 dBA	60 dBA
5 minutes per hour	70 dBA	65 dBA
1 minute per hour	75 dBA	70 dBA
Level not to be exceeded at any time	80 dBA	75 dBA

- (2) Amplified sound is prohibited after 8 p.m. Sundays through Thursdays and after 10 p.m. Fridays, Saturdays, and holidays. A temporary event permit shall not allow the use of amplified sound after these hours.
- (c) Permittees are subject to the terms and conditions of the permit, and to all applicable local, state, and federal laws. (Ord. 2005- \_\_\_\_ § 2.)

**82-44.410 Duration.**

- (a) A temporary event permit is valid for the time or times specified in the permit. A temporary event permit lapses if not used within the time or times specified.
- (b) A single temporary event permit may be granted for up to four events at a single venue in a calendar year. (Ord. 2005- \_\_\_\_ § 2.)

**82-44.412 Other Permits and Licenses.**

- (a) The issuance of a temporary event permit does not relieve anyone from the obligation to obtain any other permit or license required by this code or state law, including but not limited to encroachment permits, environmental health permits, and state Alcoholic Beverage Control permits.
- (b) The issuance of any other permit or license does not relieve anyone from the obligation to obtain a temporary event permit pursuant to this chapter. (Ord. 2005- \_\_\_\_ § 2.)

**82-44.414 Land Use Permit Required.**

- (a) An event under any of the occurrences below shall not be eligible for a temporary event permit and a land use permit is required for an event if any of the following occur:
  - (1) Four events that required a temporary event permit were previously held at a venue in the same calendar year.
  - (2) More than four events will be held at a venue in a calendar year.
  - (3) More than two events will be held at a venue within a 45-day period.
  - (4) An event will last more than one day at a residence or more than three consecutive days at any other location.
  - (5) More than 300 people will attend an event in a residential district.
  - (6) More than two events, with 200 or more attendees at each event, will be held at a

venue in a residential district within a calendar year.

- (7) An event will be held at a venue in the current calendar year within six months of any event held at the venue in the previous calendar year, when in the previous calendar year four or more events were held at the venue.
  - (8) A temporary event permit previously issued to the applicant or for the private property venue was revoked within the preceding 24 months or the zoning administrator has made a finding of non-compliance for a violation under section 82-44.406(g)(3)(B) with regard to a temporary event permit previously issued to the applicant or for the private property venue within the preceding 24 months.
- (b) An application for a land use permit will be decided in accordance with article 26-2.20 of this code and the provisions of section 82-44.414(a) shall not change the requirements for a land use permit under Article 26-2.20. (Ord. 2005- \_\_\_ § 2.)

#### **82-44.416 Enforcement.**

- (a) An event may be monitored by law enforcement and code enforcement officials to determine compliance with the terms and conditions of the permit.
- (b) A temporary event permit may be revoked for any violation of any term or condition that occurs at an event or for any other reason specified in Section 26-2.2022. A revocation may be appealed to the board of supervisors within 15 days of the revocation.
- (c) The County may enforce this division by any remedy allowed under this Ordinance Code or any other remedy allowed by law. (Ord. 2005- \_\_\_ § 2.)

#### **Article 82-44.6 Fees and Costs**

**82-44.602 Application Fee.** A nonrefundable application fee for a temporary event permit shall be paid when the application is submitted. An application for a temporary event permit is not complete until the application fee is paid. (Ord. 2005- \_\_\_ § 2.)

**82-44.604 Cleanup.** If County property has not been properly cleaned or restored after an event held on the property, the permittee will be billed for the County's actual cost of cleanup and restoration. (Ord. 2005- \_\_\_ § 2.)

#### **82-44.606 General.**

- (a) Permit application fees, appeal fees, and cleanup fees will be in amounts established by the board of supervisors in the community development department's fee schedule.

- (b) Fees required under this chapter are in addition to any other fee required under any other chapter of this code or any other county, state or federal law or regulation. (Ord. 2005-\_\_\_\_§ 2.)

**SECTION III.** Chapter 56-2 of the County Ordinance Code is repealed in its entirety.

**SECTION IV. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: JOHN SWEETEN,  
Clerk of the Board of Supervisors  
and County Administrator

\_\_\_\_\_  
Board Chair

By: \_\_\_\_\_  
Deputy

[SEAL]