

ORDINANCE NO. 2005-25

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 private property and generate or invite considerable public participation, invitees, 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. 2005-25 § 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 private property and generate or invite considerable public participation, invitees, 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 minimize the impacts of noise from temporary events, to protect the safety of property, and to minimize disturbance and inconvenience to neighbors, neighboring properties and neighborhoods. (Ord. 2005-25 § 2.)

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

- (a) “Event” means an occasion on private property 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 75 or more persons at a venue in a residential zoning district or at a residence in any other zoning district, or 150 or more persons at a venue in any other zoning district. Events include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.

- (b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods or services. An event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.
- (c) "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.
- (d) "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.
- (e) "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.
- (f) "Temporary event" means an event that occurs for up to one day at a residence or in a residential zoning district, or up to three consecutive days at any other location.
- (g) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility for which an event is held or is proposed to be held. (Ord. 2005-25 § 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) Retail sales of Christmas trees between Thanksgiving and December 26.

- (c) Retail sales of pumpkins between October 1 and October 31. (Ord. 2005-25 § 2.)

82-44.404 Exemptions. The following activities are exempt from the permit requirements of this chapter:

- (a) An event held on public property, in a public facility, or in a public park, provided all other permits and licenses required by this code or state law are obtained, including encroachment permits, environmental health permits, and state Alcoholic Beverage Control permits.
- (b) An event held in a public right-of-way, including a funeral procession or parade, provided all other permits and licenses required by this code or state law are obtained, including encroachment permits, environmental health permits, and state Alcoholic Beverage Control permits.
- (c) An activity conducted by a governmental agency acting within the scope of its authority.
- (d) Weddings, birthday parties, graduation parties, or other family events held at a private residence, provided that no more than four of these events are held within a 12-month period.
- (e) An event held at a members-only non-residential facility where the only participants are members and their guests.
- (f) An event held at a school, provided the event is consistent with the underlying land use entitlement.
- (g) An event held at a religious entity's facility, provided the event is consistent with the underlying land use entitlement.
- (h) A film-making activity for which a filming permit has been obtained in accordance with Chapter 56-8 of this code.
- (i) 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.
- (j) 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.

- (k) A real estate open house, where a property is for sale, lease or rent. (Ord. 2005-25 § 2.)

82-44.406 Restrictions.

- (a) No two events shall be held at the same venue with fewer than seven days between events.
- (b) No commercial event shall be held in a residential zoning district or at a residence in any other zoning district. (Ord. 2005-25 § 2.)

82-44.408 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 clean up the venue.
 - (6) Location of the event, including its street address and boundaries.
 - (7) Estimated number of attendees or 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 that is 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 security or event monitors will be employed at the event.
 - (13) Parking, traffic control, 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 property or venue.
 - (17) Provisions made for first aid and sanitary facilities.
 - (18) Other information as 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) A complete 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) Once filed, the application is a public record open to the inspection of all persons.
- (e) 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.
- (f) Except as provided by section 82-44.408(f)(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 82-44.408(f)(1) and (f)(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 82-44.408(c) or fails to complete and submit the application form within five calendar days after having been notified of the additional information or documents required under section 82-44.408(e).
 - (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 great traffic congestion, or be detrimental to property or improvements in the surrounding area, or otherwise unreasonably and adversely 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, or vehicles at the site of the event, or the assembly and disbanding areas around an event, will prevent proper police, fire, or ambulance services to the venue and areas contiguous to the event.
 - (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) The proposed event conflicts with an underlying land use entitlement for the property.
 - (I) 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 will be denied.
- (3) Grounds for Mandatory Denial. Notwithstanding sections 82-44.408(f)(1) and (f)(2), the zoning administrator shall deny an application for a temporary event permit for either of the following reasons:
- (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) Failure to pay an outstanding fine owed for an event previously held at the venue or owed by the applicant for any event held at any location.

- (g) Following the community development department's receipt of a temporary event permit application, the department will mail to property owners within 500 feet of the venue a notice that an application has been received and that the zoning administrator will decide whether to issue a permit. The notice will solicit comments on the proposed event. Following the zoning administrator's decision on the permit application, the decision will be mailed to property owners within 500 feet of the venue. The decision may be appealed to the community development director within seven calendar days of the mailing date of the notice. A decision is final if no appeal is filed within seven calendar days after the decision is mailed. 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 before the community development director and notify the appellants and applicant of the hearing date and time. The community development director's decision following an appeal hearing is final for purposes of exhaustion of administrative remedies. (Ord. 2005-25 § 2.)

82-44.410 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 by imposing 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 to 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, route or location of the event proposed on the application.
 - (2) Conditions concerning the area of assembly.
 - (3) Conditions concerning accommodation of pedestrian or vehicular traffic.
 - (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 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 purposes of minimizing impacts on traffic, parking, public health and safety, and minimizing disturbance or inconvenience to neighbors and the neighborhood. In imposing conditions concerning maximum occupancy and number of attendees, the zoning administrator may consider the lot size of the event venue, proximity of surrounding residences, density of the underlying zoning district, and the location and size of any buildings between the venue and surrounding properties.
- (9) Requirements for providing notice of permit conditions to event participants and requirements for providing notice of the temporary event to properties within 500 feet of the venue.
 - (10) Restrictions on the number and type of vehicles, animals, or structures at the event, and inspection and approval of structures.
 - (11) Compliance with animal protection ordinances and laws.
 - (12) Requirements for use of garbage containers and cleanup.
 - (13) Requirements for reducing, reusing and recycling solid waste materials generated at a large event or large venue. "Large event" and "large venue" have the meaning set forth in Public Resources Code section 42648.
 - (14) Conditions limiting the duration of time and hours of the event (including the time to prepare and clean up 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.
 - (15) Time, place, and manner restrictions on the use of amplified sound. The use of amplified sound is prohibited in a residential district unless allowed as a condition of a temporary event permit.
- (b) When a temporary event permit is granted for any event in a residential zoning district or at a residence in any other zoning district, it is granted subject to the following 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. Exterior noise levels 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. For example, if the permit provides that an event shall end by 7 p.m., the “allowable exterior noise levels” allowed between 9 a.m. and 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.	8 p.m. – 10 p.m.
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. 2005-25 § 2.)

82-44.412 Duration. A temporary event permit is valid only for one event. A temporary event permit is valid only for the time or times specified in the permit. A temporary event permit lapses if not used within the time or times specified. (Ord. 2005-25 § 2.)

82-44.414 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. 2005-25 § 2.)

82-44.416 Land Use Permit Required.

- (a) A land use permit is required for an event if any of the following occur:
 - (1) Three events that required a temporary event permit were previously held at a venue in the same calendar year.
 - (2) Four or more events will be held at a venue in a calendar year.
 - (3) Three or more 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 in a residential zoning district, or more than three consecutive days at any other location.
 - (5) More than 300 people will be present at an event in a residential zoning district or at a residence in any other zoning district.
 - (6) Two or more events, with 200 or more people present at each event, will be held at a venue in a residential zoning district or at a residence in any other zoning district within a calendar year.
 - (7) A temporary event permit previously issued to the applicant or for the venue was revoked within the preceding 24 months.
- (b) It is a violation of this section if the number of people present at an event exceeded a size threshold specified in subsection (a) above, and a land use permit was not obtained before the event. For purposes of this section, “the number of people present at an event” means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at the event venue.
- (c) If a land use permit or building permit is required for a structure associated with a temporary event, then no event may be held at the venue without a land use permit.
- (d) An application for a land use permit will be decided in accordance with article 26-2.20 of this code. (Ord. 2005-25 § 2.)

82-44.418 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 seven 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. 2005-25 § 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. 2005-25 § 2.)

82-44.604 General.

- (a) Permit application fees, regulatory fees, inspection fees, and appeal 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. 2005-25 § 2.)

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

SECTION IV. Section 82-34.804 of the County Ordinance Code is repealed in its entirety.

SECTION V. 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]

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