

ORDINANCE NO. NS-502.10

AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
AMENDING CERTAIN SECTIONS OF CHAPTER VII OF DIVISION B3
OF THE SANTA CLARA COUNTY ORDINANCE CODE RELATING TO
SPECIAL EVENTS ON COUNTY ROADS

Summary

This ordinance amends sections of Chapter VII of Division B3 regarding special events on County roads in the unincorporated territory of Santa Clara County.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA
CLARA ORDAINS AS FOLLOWS:

SECTION 1: Section B3-147(c) of Chapter VII of Division B3 of the Ordinance Code of the County of Santa Clara is amended to read as follows (with additions identified in double underline and deletions identified in ~~striketrough~~):

Section B3-147. Permits required.

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- (c) Spontaneous events that are occasioned by news or affairs coming into public knowledge fewer than 48 hours prior to such events may be conducted at the James P. McEntee, Sr. Plaza at the County Government Center, 70 West Hedding Street, San Jose, California, without organizers first having to obtain a Special Event Permit. If practicable, the organizers should give notice to the Office of the County Executive at least four hours prior to the event, informing the Office of the County Executive of the date and time of the event and providing an estimate of the approximate number of persons who will be participating. Events that require advance planning, such as, recreation events, competition/spectator sports, fairs, festivals, carnivals, ticketed events or events that require a permit from the Planning Department or ~~Santa Clara County Fire Department~~ Fire Marshal's Office for the placement of structures shall not be considered to be spontaneous events.

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SECTION 2: Section B3-150(c)(4) of Chapter VII of Division B3 of the Ordinance Code of the County of Santa Clara is amended to read as follows (with additions identified in double underline and deletions identified in ~~striketrough~~):

Section B3-150. San Antonio Valley “Good Neighbor” Standards.

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- (c) The remoteness and treacherous terrain of the Valley coupled with the limited and difficult access to the Valley for residents and visitors, fire protection and law enforcement services, and emergency medical responders support “Good Neighbor” Standards (“Standards”) for events occurring on San Antonio Roads and subject to this chapter, including those events governed by Section B3-148(b). In addition to complying with all other requirements of this chapter, events in the Valley should meet the following Standards, when applicable:
- (1) All users of the road should be cautious of one another and operate motorized and non-motorized vehicles safely.
 - (2) Unless the road is closed or special traffic controls are in effect participants in events in the San Antonio Valley, and all other road users, are expected to obey all traffic regulations and controls.
 - (3) All users of the road should be aware of slow moving objects and make adjustments to travel speed. Slow moving objects usually travel 25 mph or less and include, but are not limited to, farm tractors, horse trailers, bicycles, and road maintenance vehicles.
 - (4) Notice of the event will be posted at The Junction Bar & Grill location(s) accessible to Valley residents prior to the event by the County.
 - (5) Avoid trespassing on private property.
 - (6) Clean up litter and debris from event.
 - (7) The Standards identified in B3-150(c)(1)-(6) are not intended to abrogate any rights, responsibilities, and duties that activities must follow on any County road.

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SECTION 3. Section B3-151(a) of Chapter VII of Division B3 of the Ordinance Code of the County of Santa Clara is amended to add a new Section B3-151(a)(8) as follows (with additions identified in double underline):

Section B3-151. Permit review.

- (a) Subject also to Section B3-153, the Director must issue a special event permit for a minor or major special event or block party, if it is determined that all of the following criteria have been met:
- (1) The proposed use of the road is not governed by or subject to any other permit procedures provided elsewhere in this Code or applicable laws, rules, or regulations.
 - (2) The preparation for or the conduct of the proposed event will not unreasonably or unfeasibly burden County resources necessary to preserve the public's use of the road, the area contiguous to the road, or other public property.
 - (3) The preparation for or the conduct of the proposed event will not unduly impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the particular permit area or adversely affect the County's ability to perform County functions or furnish County services in the vicinity of the permit area.
 - (4) The proposed event does not otherwise present a substantial or unwarranted safety, noise, or traffic hazard.
 - (5) For events that will result in a road closure and traffic diversion, a Temporary Traffic Control Plan has been prepared addressing the proposed detour routes to the extent such a plan is required.
 - (6) The applicant has explained the manner of providing notice of permit conditions to businesses and residents who may be directly affected by the conduct of the event.
 - (7) The proposed event will not cause adverse impacts on health or safety to surrounding residential or commercial uses, which cannot be effectively mitigated.
 - (8) The proposed event does not overlap in time and physical location with another event where the overlapping events would result in conflicting and incompatible traffic control measures.

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SECTION 4. Section B3-153(j) of Chapter VII of Division B3 of the Ordinance Code of the County of Santa Clara is amended to read as follows (with additions identified in double underline and deletions identified in ~~striketrough~~):

Section B3-153. Permit conditions.

The Director may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place, or manner of holding such event as is necessary to coordinate multiple uses of roads which are necessary to protect the health, safety, and welfare of persons and property, and to provide for adequate control of vehicular, bicycle, and pedestrian traffic at and around the event, provided that such requirements must not be imposed in a manner that will unreasonably restrict expressive or other activity protected by the California or United States constitutions. Such conditions may include, but not be limited, to the following:

- (a) Alteration of the date, time, and route or location of the event proposed on the application.
- (b) Conditions concerning the area of assembly and disbanding of the event.
- (c) Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event on only a portion of the road.
- (d) Requirements for use of temporary traffic control devices, including traffic cones, barricades, signs, pavement markings, and traffic control officers.
- (e) Requirements for provision of first aid, sanitary or emergency facilities, including provisions for handicap accessible sanitary facilities.
- (f) Requirements for use of event monitors and some method for providing notice of permit conditions to event participants.
- (g) Requirements to notify businesses and residents who may be directly affected by the conduct of the event within a reasonable amount of time prior to the event.
- (h) Requirements for showing proof of consent by a private property owner to place a structure on private property.
- (i) Conditions concerning pre-event activities impacting the road.
- (j) Restrictions on the number and type of vehicles, animals, or structures at the event and inspection and approval of structures for fire safety by the ~~Santa Clara County Fire Department~~ Fire Marshal's Office.
- (k) Compliance with animal protection ordinances and laws.

- (l) Compliance with the County's National Pollutant Discharge Elimination System stormwater compliance program.
- (m) Requirements for use of garbage containers, clean-up, and restoration of roads and public property.
- (n) Restrictions on use of amplified sound or public address systems.
- (o) Compliance with all portions of this chapter, and any relevant ordinance or law in obtaining any legally required permits or licenses.
- (p) Requirements to obtain any necessary permits issued by the Santa Clara County Department of Environmental Health for the sale and/or distribution of food and/or beverages at the event.
- (q) The manner by which alcohol sales and services, if any, shall be conducted at the event and the obtaining of any necessary permits to sell and serve alcohol.

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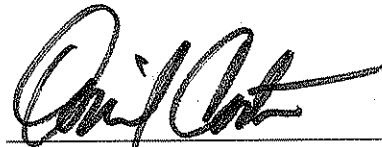
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SECTION 5. Section B3-163 of Chapter VII of Division B3 of the Ordinance Code of the County of Santa Clara is deleted in its entirety.

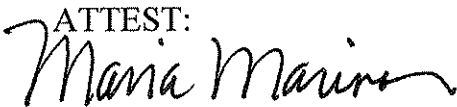
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on **OCT 25 2011** by the following vote:

AYES: **CORTESE, KNISS, SHIRAKAWA, WASSERMAN, YEAGER**
NOES: **NONE**
ABSENT: **NONE**
ABSTAIN: **NONE**



DAVE CORTESE, President
Board of Supervisors

ATTEST:



MARIA MARINOS
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



09/27/2011

Elizabeth G. Pianca
Deputy County Counsel

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