

**ORDINANCE NO. 477**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUSA,  
CALIFORNIA, ADDING ARTICLE V, "PARADES AND SPECIAL EVENTS" TO  
CHAPTER 3, "AMUSEMENTS" OF THE COLUSA CITY CODE**

WHEREAS, the City Council desires to protect the rights of people to engage in expressive activities in the City's public places and to establish reasonable time, place and manner regulation of these activities; and

WHEREAS, It is further intended to create mechanisms for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of the events.

WHEREAS, the City Council desires to establish a special event permit program and review process for the City; and

WHEREAS, California Vehicle Code sections 21100(a) and 21101(e) provide the City Council the authority to regulate or prohibit processions or assemblages on City streets or close streets for celebrations, parades, local special events, and other purposes; and

WHEREAS, the City Council finds this amendment to the Colusa City Code not to be a project as defined by the California Environmental Quality Act; and

WHEREAS, all permits issued under the City's special event ordinance and permit program will be administered and approved by the City Manager or authorized designee, unless such permits require street closures which must be approved by the City Council; and

WHEREAS, all special event permits will be approved and issued by the City Manager, and the purpose of this permit to protect public health, safety and welfare as outlined under Chapter 3, Article V of the Colusa City Code.

WHEREAS, the purpose of this Article is to provide a coordinated process for managing community events to ensure the health and safety of the event patrons, residents, workers and other visitors, to prohibit illegal activities from occurring at the community events, and to protect the rights of the special event permit holders. It is also the intent of the Council to protect the rights of people to engage in expressive activities in the City's public places and to establish reasonable time, place and manner regulation of these activities. It is further intended to create mechanisms for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of the events.

**NOW THEREFORE, the City Council of the City of Colusa, does hereby ordain as follows:**

**SECTION 1.** Amendment to Chapter 3 "Amusements"

Article V, "Parades and Special Events" is hereby added to Chapter 3, "Amusements" of the City of Colusa City Code, and shall read as follows:

### **3-10 Purpose and Intent**

The City Council of the City of Colusa wishes to establish clear time, place and manner regulations for the issuance of a permit for special events to use the City of Colusa ("City") streets, parks and facilities. The City intends for its regulations to provide a coordinated process for managing activities on property owned or controlled by the City, including, but not limited to, the traffic, noise and aesthetic impacts of the activities and to ensure the health and safety of event patrons, residents, workers, and other visitors and to prohibit illegal activities from occurring at events. It is also the purpose of this Ordinance to protect the rights of people to engage in communicative activities.

It is further intended to create mechanisms for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of the events.

### **3-20 Definitions**

As used in this Article, the following definitions shall apply:

A. "Applicant." Means any person, group, organization or entity who seeks a special event permit from the City Manager or designee to conduct or sponsor a special events governed by this Chapter. An applicant must be eighteen years of age or older.

B. "City Manager" means the City Manager of the City of Colusa or his/her designee.

C. "Indigent Natural Person" means a person who is receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplemental Payments (SSP) programs (California Welfare and Institutions Code §§ 12200-12205), the California Work Opportunity and Responsibility to Kids Act (CalWORKs) program (California Welfare and Institutions Code § 11200 *et seq.*), the Food Stamp program (7 U.S.C. § 2011 *et seq.*), California Welfare and Institutions Code § 17000, or whose monthly income is one hundred twenty-five percent or less of the current monthly poverty line annually established by the Secretary of Health and Human Services pursuant to the Omnibus Budget Reconciliation Act of 1981, as amended from time to time.

D. "Parade" means any march, procession, or assembly consisting of persons, animals or vehicles, or any combination thereof, which is to assemble or travel in unison on a City street, highway, sidewalk, alley or other public place, which is likely to either 1) impede, obstruct, impair or interfere with the free use of such public street, highway, sidewalk, alley or other public place, or 2) which does not comply with normal and usual traffic regulations or controls.

E. "Permit Application Fee." The fee to be paid by the special events permit applicant at the time the application is filed with the Recreation Services Department, pursuant to application fee schedule established by resolution by the City Council.

F. "Permittee." Any person or organization issued a special events permit by the City Manager.

G. "Special Event" means:

(1) Any activity involving one hundred (100) or more persons on City owned, controlled, or maintained property which does not meet the definition of a Parade, including, but not limited to, recreational events, competitions and contests, spectator sports, athletic events, circuses, fair and carnivals, farmer's markets, food-related events, sales, trade shows, and business promotions, and training activities; or

(2) Any event on public property which requires the placement of a tent, canopy, or other temporary structure if that placement requires a permit from the City's Fire Department or Building Department.

H. "Special Event Permit" means a permit issued for a Parade or Special Event in accordance with this Article.

I. "City owned, controlled or maintained property" shall also include all property owned by the City of Colusa, including but not limited to, any streets, highways, alleys or public right-of-ways.

### **3-30 Special Event Permit Required**

A. Any person intending to conduct, organize or set-up a special event in the City of Colusa shall first obtain a special event permit from the City Manager.

B. Except as otherwise provided in this Article or other applicable law, rule or regulation, no person shall conduct, manage or participate in any Parade or Special Event without a Special Event Permit from the City.

### **3-40 Exemptions to Special Event Permit Requirement**

Special Event Permits shall not be required under this Chapter for the below-listed activities. An exempted activity is required to comply with general regulations governing public health and safety.

A. Funeral processions by a licensed mortuary or funeral home;

B. Activities sponsored, conducted or implemented in their entirety by a government agency, including the County, City, School District, acting within the scope of its authority.

C. Spontaneous events which are occasioned by news or affairs coming into public knowledge less than forty-eight (48) hours prior to such event may be conducted on City owned property without the organizers first having to obtain a Special Event Permit. City service

charges and fees, including but not limited to cleanup costs, may still be incurred for spontaneous events.

(1) 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 providing an estimate of the approximate number of persons who will be participating.

(2) A spontaneous event does not include an event which requires advance planning including, but not limited to, recreation events, sports contests or competitions, fairs, festivals, carnivals, ticketed events, sales or trade shows, or events which require permits from Building and Safety or the Fire Department for the placement of a tent, canopy, or other temporary structure.

D. Events on school district grounds and other ancillary property owned by the Colusa Unified School District.

E. Park Facility Reservations: A special event permit is not required in conjunction with a park facility reservation request through Parks and Recreation for facilities and picnic areas unless the proposed activity is expanded into other areas of the City park facility for exclusive use beyond the park facility reserved area and is reasonably likely to infringe on the rights of others to use the public property.

F. Motion Picture and Television filming activities governed by Chapter 10A of this code.

### **3-50 Special Event Permit Application Procedures**

A. A person wishing to sponsor a Parade or Special Event, not otherwise exempt by this Chapter, must complete and file with the City a verified Special Event Permit application on the City's application form.

B. Applications shall be submitted to the City at least thirty (30) calendar days but no more than one (1) year prior to the commencement of the Parade or Special Event. The City may waive the timing requirement, but recommends that applicants file applications at least thirty (30) days in advance to ensure adequate time for City review.

C. Fully completed applications shall be reviewed on a first come, first served basis.

D. If a Special Event is to be held by or on behalf of any organization other than the Applicant, the Applicant shall file a statement in writing from the organization authorizing the Applicant to apply for the permit on the organization's behalf.

### **3-60 Special Event Permit Application Fees**

A. Any applicant for a Special Event Permit shall pay a fee, as established by resolution of the City Council, at the time of filing any application for a Special Event Permit.

B. Any Indigent Natural Person who cannot apply for a permit because of an inability arising from such indigence to pay the application fee shall not be required to pay the fee. Proof of Indigent Natural Person status shall be made at the time of permit application.

### **3-70 Indemnification Agreement**

Prior to the issuance of a Special Event Permit, the Applicant must sign an 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, its officers, employees, agents or any person who is under the Permittee's control, to the extent permitted under the law.

### **3-80 Insurance Requirements**

Except as otherwise prohibited by law or an exemption is obtained as provided in this Chapter, the permittee shall procure and maintain in full force and effect during the term of the permit a policy of insurance from an insurance company authorized to do business in the State of California, which policy includes the City, its boards, officers, agents, employees, and volunteers as named insureds or additional named insureds and which provides the coverage consistent with the City's policies. Proof of insurance shall be submitted to the City prior to issuance of the permit and maintenance of this insurance shall be a condition of the permit.

### **3-90 Service Charges**

A. In addition to the payment of the non-refundable permit application fee, a permittee shall pay the City for City departmental service charges, including but not limited to police, fire, and public works costs, incurred in connection with or due to the permittee's use, event or activity. If City property is destroyed or damaged by reason of the permittee's use, event or activity, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed or damaged property.

B. City departments shall submit an invoice and billing for departmental charges to the permittee no later than ninety (90) days after the expiration date of the permit.

C. A permittee shall be required to pay for police services for crowd and/or traffic control. However, no permittee shall be required to provide for or pay for the cost of public safety personnel to provide for the protection of a Special Event and its attendees from hostile members of the public or counter-demonstrations or for general law enforcement in the vicinity of the event.

D. A permittee who claims an inability to pay the departmental service charges due to their status as an Indigent Natural Person shall not pay departmental service charges. Application for indigent status shall be made at the time of the Special Event Permit application.

and shall be accompanied by such relevant information and documentation as may reasonably be necessary to verify such status. A nonprofit organization in which a majority of the members meet the criteria for indigent status, as established in this Chapter, may also be eligible for a waiver of departmental service charges.

### **3-100 Conditions of Granting Special Event Permit**

A. The City Manager may condition any permit issued pursuant to this Chapter with reasonable requirements concerning the time, place, and manner of holding such event as is necessary to coordinate multiple uses of public property, assure the preservation of public property and public places, prevent dangerous, unlawful or impermissible uses, protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue, provided that such requirements shall not be imposed in a manner that will unreasonably restrict expressive or other activity protected by the California or United States constitutions. Condition may include, but are not limited to the following:

- (1) The establishment of the starting time, route (including portions of streets to be traversed) and assembly or disbanding area for a Parade.
- (2) The minimum and maximum speeds, the maximum number of platoons or units, the maximum length in miles or fractions thereof, and the number of vehicles (if any) for a Parade.
- (3) The accommodation of a Parade or Special Event's pedestrian and vehicular traffic, including restricting events to City sidewalks, portions of a City street, or other public right-of-way.
- (4) Conditions designed to avoid or lessen interference with public safety functions and/or emergency service access.
- (5) The number and type of animals, vehicles, or structures to be displayed or used in the Parade or Special Event.
- (6) The inspection and approval by City personnel of stages, booths, floats, structures, vehicles, or equipment to be used or operated in the event to ensure that such structures or vehicles are safely constructed and can be safely operated and conform to the requirements of all applicable codes.
- (7) A cleaning deposit if the event includes using structures, displaying or using horses or other large animals, operation of water stations, food distribution or sales, beverage distribution or sales, and/or sale of other goods and services.
- (8) The provision and use of traffic cones or barricades.
- (9) The provision or operation of first aid stations or sanitary facilities, including handicap accessible sanitary facilities.

(10) The provision of a waste management plan, and the clean up and restoration of the site of the event.

(11) The use of sound amplification equipment, and restrictions on the amount of noise generated by motors and other equipment used in the course of the event.

(12) The manner of providing notice of permit conditions to permit participants and those businesses or residents who may be directly affected by the conduct of the Parade or Special Event.

(13) The provision or use of emergency services.

(14) The reasonable designation of alternate sites, times, or routes.

(15) The granting of any and all business licenses or other necessary permits required by the Colusa City Code for the sale of food, beverages or other goods or services at the event.

(16) The manner by which alcohol sales and services, if any, shall be conducted at the event.

(17) Additional security requirements if alcohol will be sold or served at the Special Event.

B. All conditions must be in writing and Permittees must agree, in writing, to comply with all conditions for a Special Event Permit.

C. In case of Special Events requiring road closures, if sufficient time exists before the date of the event, the City Manager may decide to forward the application to the City Council for consideration. With Special Events that require road closures, all remaining portions of this Ordinance related to approval or denial should be read to mean City Council as opposed to City Manager.

### **3-110 Grant of Special Event Permit**

A. Subject to Section 3-120, the City Manager shall issue a Special Event Permit, if it is determined that all of the following criteria have been met:

(1) The preparation for or the conduct of the proposed use, event or activity will not unreasonably or unfeasibly burden City resources necessary to preserve the public's use of streets, highways, sidewalks, alleys or other public spaces in the area contiguous to the location of the use, event or activity.

(2) The proposed use, event or activity will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its location.

(3) The preparation for or the conduct of the proposed use, event or activity 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 City's ability to perform municipal functions or furnish City services in the vicinity of the permit area.

(4) The proposed use, event, or activity does not present a substantial and unwarranted safety, noise, or traffic hazard which would unreasonably burden City fire and safety protection services.

(5) The proposed use, event or activity will be of a nature and size appropriate to the proposed venue, location, or site, and will occur during a time period approved for that venue, location, or site.

(6) The proposed use, event or activity will not cause adverse impacts on health and safety and/or access and traffic circulation to surrounding residential or commercial uses, which cannot be effectively mitigated.

(7) The proposed use, event or activity will not conflict with construction or development in the public right of way or at a public facility.

(8) The proposed use, event or activity will not unduly impede, obstruct, or interfere with the operation of public safety employees or emergency vehicles or equipment in or through the Special Event area or adversely affect the City's ability to perform public safety and emergency functions or furnish adequate levels of public safety or emergency services in the vicinity of the Special Event area.

(9) The proposed use, event or activity will not adversely affect the City's ability to reasonably perform municipal functions or furnish City services.

(10) The proposed use, event or activity will not unreasonably interfere with:

(a) Any other event for which a Special Event Permit has already been granted;

(b) Any other event that has been scheduled pursuant to a reservation, lease or rental agreement with the City; or,

(c) The provision of City services in support of other scheduled events or government functions.

(11) The Special Event complies with this Chapter, and City, State, Federal or otherwise applicable codes, rules and regulations.

B. In deciding whether to approve an application for a Special Event Permit, no consideration may be given to the message of the event, the content of the speech, the identity or the associational relationships of the applicant, or to any assumptions or predictions as to the

amount of hostility which may be aroused in the public by the content of speech or message conveyed by the proposed use, event or activity.

### **3-120 Denial or Revocation of Special Event Permit**

A. The City Manager shall deny an application for a Special Event Permit or shall revoke a permit if he or she finds based on substantial evidence that any of the following conditions exist:

- (1) The applicant will not agree to one or more of the conditions of approval .
- (2) The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process.
- (3) The application does not contain the information required by this Article.
- (4) The application does not satisfy the requirements of this Article .
- (5) The applicant fails to comply with any conditions of approval.
- (6) The applicant is a minor or is otherwise legally incompetent to contract or to sue or be sued.
- (7) The applicant or the person or entity on whose behalf the application was made has on prior occasions damaged City property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City.
- (8) The applicant has not complied or cannot comply with the applicable licensure requirements, ordinances or regulations of the City concerning the sale, offering for sale, or distributions of any good or service.
- (9) The proposed use, event or activity will violate any federal or state law or regulation.
- (10) The proposed use, event or activity will present an unreasonable danger to the health or safety of the applicant, spectators, City employees, or members of the public.

B. An applicant whose permit application is denied, or whose permit is revoked pursuant to this subsection shall be notified in writing of the denial of his/her application. Such notification shall contain a statement setting forth the reasons for said denial or revocation as well as a reference to the appeal provisions set forth in Section 3-130 of this Chapter.

C. If the City Manager determines that an application should be denied for one of the reasons identified in this section, the City Manager shall work with the applicant to revise the application so that the use, event or activity will occur on a date, at a time, in a manner, at a

location, or over a route different than that originally proposed by the applicant. The alternate permit shall, to the extent practicable, authorize a use, event or activity that will have comparable public visibility and a similar route, location, manner and date to that of the proposed use, event or activity.

### **3-130 Appeals**

A. Any applicant aggrieved by the issuance, denial or revocation of a permit, or the determinations regarding indigent status, indemnification, insurance or departmental service charges of this Chapter may appeal such decision to the City Council by filing a written notice of such appeal with the City Clerk within ten (10) business days of the decision of the City Manager giving rise to said appeal.

B. Such appeal shall explain, with particularity, the facts upon which the appeal is made. The City Council shall hold a hearing on the matter at the next regularly scheduled City Council Meeting. . At the hearing, the aggrieved party shall be given the opportunity to be heard and to present evidence on his/her behalf. The City Council or its designee shall determine the merits of the appeal and shall issue its decision in writing within forty-eight (48) hours of the hearing. The written decision shall be delivered to the applicant within two (2) days of the decision by United State mail, certified mail, return receipt requested, and addressed to the applicant at the address shown on the permit application. The written decision may also be transmitted to the applicant by facsimile and electronic mail at the same time the decision is placed in the United States mail.

C. The City Council's determination to grant or deny the appeal shall be final except for judicial review.

### **3-140 Officials to be Notified**

Upon granting the Special Event Permit, the City Manager shall send notice of the Special Event and conditions of Special Event Permit to relevant City Staff, including but not limited to, the Public Works Director, the Fire Chief, the Police Chief and the Recreation Services Director.

### **3-150 Interference with Special Event Prohibited**

It shall be unlawful for any person to interfere with a special event permitted under this Chapter by engaging in the following acts when done with the intent to cause interference:

A. Blocking, obstructing or impeding the passage of participants, vehicles or animals in the special event along the event route;

B. Walking or running, driving a vehicle, riding a bicycle or skateboard, or using any similar device through, between, with or among participants, vehicles or animals in a special event;

C. Dropping, throwing, rolling, or flying any object toward, among, or between participants, vehicles, or animals in the permitted event.

### **3-160 Display of Special Event Permit**

A copy of the Special Event Permit shall be displayed at the Parade or Special Event site and shall be exhibited upon demand of any City official.

### **3-170 Use of City Name or Logo Without City Authorization**

It shall be unlawful for any Special Event organizer to use in the title of the event the words "the City of Colusa" or "City of Colusa," to suggest or indicate that the Special Event is sponsored by the City, or to use a facsimile of the official seal or logo of the City of Colusa in the promotional materials or advertising for the event without the written authorization of the City Manager.

### **3-180 Other Permits and Licenses**

The issuance of a Special Event Permit does not relieve any person or entity from the obligation to obtain other permit or licenses required pursuant to the Colusa City Code.

### **3-190 Penalties**

Any person who intentionally violates any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one-thousand dollars (\$1,000) or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment.

## **SECTION 2. STATUTORY SEVERABILITY**

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall continue in full force and effect without being impaired or invalidated in any way.

## **SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")**

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") because the Ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) for it has no potential for resulting in physical change in the environment, directly or ultimately, the Ordinance is categorically exempt from CEQA under Section 15308 as a regulatory action taken by the City pursuant to its police power authorized in Article XI, Section 7 of the California Constitution to assure the health, safety, and welfare of the City, and the Ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, either directly or indirectly.

**SECTION 8. Effective Date**

This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and/or posted as required by law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Colusa, California, held on March 6, 2012, and was passed and adopted at a regular meeting of the City Council held on March 20, 2012 by the following vote:

AYES: Reische, Critchfield, Kelleher, Hosmer, Landreth.

NOES: None.

ABSENT: None.

ABSTAIN: None.

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PATRICK W. LANDRETH, MAYOR

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Shelly Kittle, City Clerk