

**ARTICLE II. SPECIAL EVENTS**

**Sec. 95.15 Purpose and findings.**

(A) *Purposes.* The purposes of this chapter are:

- (1) To protect the residential, rural atmosphere of the Town and its small commercial area;
- (2) To protect the safety of persons using the Town's public roads;
- (3) To assure traffic circulation in compliance with the Town's general plan;
- (4) To maintain the quality of life for the residents of the Town; and
- (5) To prevent excessive burdens on the Town's staff and emergency personnel.

(B) *Findings.* The Council finds that:

- (1) Town roads are being used by large groups of persons for various special events, including running, bicycling, and equestrian events;
- (2) Traffic circulation has been impeded, there have been full and partial Town road closures, and the safety of persons using the roads has been affected by such events;
- (3) The residential, rural atmosphere of the Town has been adversely affected; and
- (4) It is necessary to adopt regulations controlling the use of the Town's streets for special events. (1975 Code, § 4-4.01) (Ord. 1988-358, effective 4-7-88)

**Sec. 95.16 Definitions.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Encroachment permit.* A permit to hold a special event issued pursuant to this chapter.

*Intermittent traffic break.* The slowing down of traffic for a period of time in excess of three minutes.

*Road closure.* Any closure of any road or lane of any road or path or trail within the public right-of-way or a stoppage of traffic which exceeds three minutes in duration. An intermittent traffic break shall be considered a road closure.

*Special event.* An organized procession or assemblage in which in excess of 50 people take part on a public road under the jurisdiction of the Town which procession or assemblage would interfere with the unrestricted movement of public traffic, require special traffic control, or create a safety problem. Examples of special events include, but are not limited to, parades, wedding processions, funeral processions, demonstrations, marches, races, marathons, bikeathons, walkathons, other bicycling or jogging events, celebrations, fairs, and other similar activities. Notwithstanding the foregoing, activities which do not interfere with public traffic and safety and which conform to the Vehicle Code of the State shall not be deemed to be special events. A road closure shall be deemed an interference with unrestricted movement of public traffic.

*Special Event Traffic Monitor.* A person who shall monitor a special event and who has completed a traffic control program approved by the California Highway Patrol in accordance with the provisions of Cal. Veh. Code § 21100 subsection (e).

*Sponsor.* A person, organization, association, club, city, corporation, or other entity managing, organizing, or conducting, or planning to manage, organize, or conduct, an event. (1975 Code, § 4-4.02) (Ord. 1988-358, effective 4-7-88)

**Sec. 95.17 Encroachment permit required.**

(A) No person shall conduct a special event unless an encroachment permit has been issued covering such event.

(B) The sponsor of any special event issued a permit shall conduct the event solely in accordance with the terms and conditions shown on the permit and not otherwise.

(C) The Town shall issue no more than two encroachment permits in any calendar month. (1975 Code, § 4-4.03(a)—(c)) (Ord. 1988-358, effective 4-7-88)

**Cross-reference:** *Penalty, see § 10.99.*

**Sec. 95.18 Application process.**

(A) The Council may issue a written encroachment permit for the holding of a special event as defined in this chapter. Before a special event can be carried out, the sponsor thereof shall apply for an encroach-

ment permit on a form prescribed by the Town Clerk. The application shall include the following information:

(1) The name, address, and telephone number of the sponsor of the event and the address and telephone number of all officers of any entity which is managing or sponsoring the event;

(2) The proposed date and hours of the event;

(3) The proposed route;

(4) The number of persons expected to participate;

(5) The number and types of vehicles, bicycles, or animals expected to participate;

(6) The road closures requested, if any;

(7) The parking plans;

(8) The assembly and dispersal points and plans for parking vehicles;

(9) Whether and to what extent food, beverages, or alcoholic drinks are to be served and the plans for cleanup;

(10) Whether and to what extent toilet facilities will be provided;

(11) The proposed use of sound equipment;

(12) Whether the event is to be conducted for profit;

(13) Whether contributions are being solicited and their purpose;

(14) A description of similar events held by the sponsor anywhere in the United States within the last two years;

(15) Any other information necessary to determine the terms and conditions of the permit as described in Section 95.20 of this chapter; and

(16) The names, addresses and telephone numbers of proposed special event traffic monitors and a statement and proof of their respective qualifications.

(B) All applications for encroachment permits shall be filed with the Town Clerk not less than 120 days nor

more than one year prior to the event. The Council for good cause may waive the requirements of this division.

(C) Applicants shall pay a fee set by Council resolution to cover the cost of processing the application. The Council for good cause may waive the requirements of this division.

(D) A sponsor may file an application for informational purposes only without requesting a permit. (1975 Code, § 4-4.04) (Ord. 1988-358, effective 4-7-88)

#### **Sec. 95.19 Review by Council; approval or disapproval.**

(A) The Council shall review all completed applications made pursuant to this chapter within 45 working days, or a completed application shall be deemed approved.

(B) The Council shall approve, conditionally approve, or disapprove an application in accordance with the purposes and findings of this chapter. If an application is disapproved, the Council shall state the reasons for disapproval.

(C) The Council shall not grant encroachment permits for special events which are expected to be held during periods of high peak traffic flow or during the time period extending from one hour before sunset and one hour after sunrise.

(D) Where an applicant has been approved for an encroachment permit by the Town Council, and applies in the next year (or years) for a new encroachment permit for substantially the same event, the Town Manager shall review and approve, conditionally approve, or disapprove the application in place of Town Council, under this chapter. The action of the Town Manager shall be appealable to the Town Council within ten days of the date of the Manager's decision. (1975 Code, § 4-4.05) (Ord. 1988-358, effective 4-7-88; Am. Ord. 1996-484, effective 7-11-96)

#### **Sec. 95.20 Conditions for permits.**

Encroachment permit terms and conditions, in addition, shall regulate the following matters where applicable:

(A) The event starting and ending times;

(B) The Town roads which will be traveled or closed;

(C) The maximum number of participants allowed;

(D) Advance posting of at least 30 days of the location or route;

(E) The traffic-control signs and barricades;

(F) Event participant monitors;

(G) Whether special event traffic monitors shall be required. The Council shall require such monitors as a condition to granting an encroachment permit only where necessary for the safety of the public and only if a training program is or has been available for the appropriate training;

(H) The parking;

(I) The off-road staging areas;

(J) The sanitation facilities;

(K) The emergency services;

(L) The route signs, markings, directions, or maps;

(M) The provisions to pick up injured or fatigued participants, route signs, barricades, cones, or other traffic-control devices, and litter;

(N) The communication to participants of road use responsibilities;

(O) The return, replacement, or repair of traffic-control devices or other equipment provided by the Town or its officers, employees, or agents;

(P) Any other matter which, in the discretion of the Council, significantly and reasonably affects the safety or welfare of event participants or traffic;

(Q) Adequate detours for road closures in excess of 15 minutes total; and

(R) The plans and routes shall be reviewed by the Sheriff's Department. If a special patrol is needed, an estimate shall be prepared and the amount thereof deposited with the Town to be used for the actual cost of the additional Sheriff's protection.  
(1975 Code, § 4-4.06) (Ord. 1988-358, effective 4-7-88)

**Sec. 95.21 Indemnification.**

As a condition to the issuance of an encroachment permit, all applicants shall indemnify, hold harmless, and defend the Town, and each and all of its

officers, employees, and agents, from any and all liability actions, claims, damages, costs, and expenses, including reasonable attorneys' fees, costs, and expenses of legal actions, which may be asserted by any person or entity, including the permittee, arising out of or in connection with the wilful act or negligence of the permittee.

(1975 Code, § 4-4.07) (Ord. 1988-358, effective 4-7-88)

**Sec. 95.22 Insurance requirement.**

As a condition to the issuance of an encroachment permit, the Council may require an applicant to file a certificate of insurance showing the maintenance of insurance in an amount appropriate to cover the liability of the permittee for property damages and injuries to persons in connection with the activities conducted in accordance with the permit. The amount of insurance shall be based upon the size and nature of the event, the risks foreseeably involved, and the cost and availability of such insurance and shall not exceed \$1,000,000.00. The certificate of insurance shall name the Town, and its agents and employees, as additional insureds.

(1975 Code, § 4-4.08) (Ord. 1988-358, effective 4-7-88)

**Sec. 95.23 Supervision of activities.**

(A) The Town and its officers, employees, and agents assume no responsibility for the supervision of the activities conducted under the authority of the permit required by this chapter. The permittee shall be responsible for the supervision of event activities.

(B) Whenever special event traffic monitors are required as a condition of such permit, the permittee shall provide the name of the person responsible for the monitors.

(1975 Code, § 4-4.09) (Ord. 1988-358, effective 4-7-88)

**Sec. 95.24 Revocation of permit.**

The Council or the Town Manager may revoke the permit required by this chapter or cancel, postpone, interrupt, or terminate a special event in the event of public disaster or disorder, or if conditions are present which significantly affect the safety of event participants or traffic, or if the permittee violates any condition of the permit. Revocation may be oral or written. If in writing, the revocation notice shall be personally delivered to the permittee or mailed by first-class mail to the permittee's address.

(1975 Code, § 4-4.10) (Ord. 1988-358, effective 4-7-88)