

**HAND OUT
ORDINANCE 1247
PARADE, ASSEMBLY OR OTHER
EVENT ON PUBLIC STREETS, SIDEWALKS
PARKS/GROUNDS, BLOCK PARTY**

SECTION VI: Chapter 12.16 of the Manteca Municipal Code is hereby amended to read as follows:

Chapter 12.16 PARADES AND PROCESSIONS

Sections:

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12.16.010 Purpose. This chapter establishes the standards for the issuance of a permit for parades, assemblies and other special events in the city.

12.16.020 Definitions. The following words and phrases whenever used in this chapter shall be construed as defined in this section.

A. "Applicant" means any person or organization who seeks a special event permit from the city clerk to conduct or sponsor an event governed by this chapter.

B. "Assembly" means the gathering of more than ten persons for the purpose of deliberation and/or demonstration.

C. "City council" means the city council of the city of Manteca.

D. "Other special event" means a street fair, art and craft show, carnival, soap box derby, rally and other special events which occur on a city street, sidewalk or other city-owned land and improvements which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls.

E. "Parade" means a march or procession consisting of persons, animals or vehicles, or combination thereof, on any city street, sidewalk or other city-owned land and improvements which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls.

F. "Permit application fee" means the non-refundable fee to be paid by the special event permit applicant to cover the full costs (or a portion thereof) of processing and investigating special event applications, and administering the special event permit program.

G. "Permittee" means any person or organization who has been issued a special events permit by the city council.

H. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

I. "Street" has the same meaning as in subsection G of Section 12.04.010.

12.16.030 Permit--Required--Exceptions. Any person desiring to sponsor a parade, assembly or other special event on a city street, sidewalk or other city-owned land and improvements in the city shall first obtain a special event permit from the city clerk. A special event permit is not required for the following:

- A. Funeral processions;
- B. Parades involving a total of ten or fewer pedestrians marching along a parade route which is restricted to marching on sidewalks, and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls.
- C. Farmer's markets and arts and crafts fairs as defined in Section 5.04.010 of this code.

12.16.040 Permit--Application--Procedure. Any person desiring to sponsor a parade, assembly or other special event not exempted by Section 12.16.030 shall apply for a special event permit by filing a verified application with the city clerk on a form supplied by the city clerk not less than fifteen days nor more than one-hundred eighty (180) days before the event date.

12.16.050 Permit--Application--Contents. The application for a special event permit shall provide the following information:

- A. All events:
 1. The name, address and telephone number of the applicant and an alternative contact person;
 2. If the event is proposed to be sponsored by an organization, the name, address and telephone number of the organization, the authorized head of the organization, and written authorization to apply for the special event permit by an officer of the organization;
 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 nature/purpose of the event;
 5. Date and time (starting and ending) of the event;
 6. Location of the event, including its boundaries;
 7. Estimated number of participants in the event;
 8. The type and number of vehicles, animals and structures which will be used at the event.Whether there will be water aid stations at the event;
 9. Description of any sound amplification equipment which will be used at the event;
 10. Whether any food or beverages will be sold at the event;
 11. Whether monitors will be employed at the event;
 12. Parking requirements for the event;
 13. The attachment of a certificate of insurance complying with the provisions of Section 12.16.110.
- B. Additional information required for parades, and other events occurring along a route:
 1. The assembly point for the event, the time at which units of the parade or other event will begin to assemble;
 2. The route to be traveled;
 3. Whether the parade or other event will occupy all or only a portion of the streets proposed to be transverse;
 4. Maximum length or components of parade in miles or portions thereof;
 5. The number, type, size and material of any floats or banners.
- C. Supplemental Information. Such supplemental information as the city clerk shall find necessary, under the particular circumstances of a special event application, to supply the city clerk with sufficient information to determine whether to approve or conditionally approve an application.

12.16.060 Permit--Approval--Denial. The city clerk shall approve, conditionally approve or deny an application for the grounds specified in Section 12.16.070. Notice of the city clerk's decision shall be mailed to the applicant's address. If the application is denied, the notice shall state the grounds for the denial in writing, or the reasons for a change in the date, time, route or location of the event.

12.16.070 Special event permit--Denial. A. The city clerk shall approve an application for a special event permit unless it determines from consideration of the application, and other pertinent information, that any of the following conditions exist:

1. Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material detail.
2. The applicant fails to complete the application form after having been requested to do so.

3. The sole purpose of the event is advertising of any product, goods, wares, merchandise or event, and is designed to be held for private profit.

4. Another special 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, or the police department is unable to meet the needs for police services for both events.

5. The time, route 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.

6. The concentration of persons, animals and 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 areas contiguous to the event.

7. The size or nature of the event will require the assignment of so great a number of city police officers to properly police the line of movement of an event, or the boundaries or areas contiguous to an event, as to prevent normal police protection to the rest of the city. Nothing in this section authorized denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of event participants with the number of police officers available to police the event.

8. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the city streets or a previously granted encroachment permit.

9. The event shall occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class thereof.

B. When the grounds for denial of an application for permit are any of those specified in subdivisions 4 through 9 of subsection A of this section, can be corrected by altering the date, time duration, route or location of the event, the city clerk shall instead of denying the application conditionally approve the application upon the applicant's acceptance of conditions for permit issuance.

12.16.080 Requirements. The city clerk may condition the issuance of a special events permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety of persons and property, and the control of traffic; provided, that such conditions shall not unreasonably restrict the right of free speech. Such conditions include:

- A. Alteration of the route, time or location of the event proposed on the event application;
- B. Conditions concerning the area of assembly and disbanding of parades or other events occurring along a route;
- C. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street trans versed;
- D. Requirements for the use of traffic cones or barricades;
- E. Requirements for provision of first aid or sanitary facilities;
- F. Requirements for use of event monitors, and providing notice of permit conditions to event participants;
- G. Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats and other decorated vehicles for fire safety by the Manteca fire department;
- H. Requirements for use of garbage containers, cleanup and restoration of city property;
- I. Restrictions on use of amplified sound;
- J. Requiring proof of permission to use private property for a portion of the event.

12.16.090 Permit issuance. The city clerk shall issue the special events permit once the application has been approved, and the applicant has agreed in writing to comply with the terms and conditions of the permit, if any, and the following sections of this chapter have been complied with:

- A. Section 12.16.100, pertaining to indemnification;
- B. Section 12.16.120, pertaining to cleanup deposits;
- C. Section 12.16.130, pertaining to traffic control fees.

12.16.100 Indemnification agreement. Prior to the issuance of a special event permit, the permit applicant and authorized officer of the sponsoring organization (if any), must sign an agreement or reimburse the

city for any costs incurred by it in repairing damage to city property in connection with the event proximately caused by the action of the permittee/sponsoring organization, its officers, employees or agents, or any person who was or reasonably should have been under the permittee's sponsoring organization's control. The agreement shall also provide that the permittee/sponsoring organization shall defend the city against, and indemnify and hold the city harmless from, any liability to any persons resulting from any damage or injury in connection with the event proximately caused by the actions of the permittee/sponsoring organization, its officers, employees or agents, or any person who was or reasonably should have been under the permittee's/sponsoring organization's control.

12.16.110 Insurance. A. The applicant/sponsor of an event must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. Such insurance shall name on the policy or by endorsement as additional insureds the city, its officers, employees, agents and volunteers. Insurance coverage must be maintained for the duration of the event.

B. Coverage shall be provided by a comprehensive general liability insurance policy in the amount of two hundred fifty thousand dollars. If food or nonalcoholic beverages will be sold or distributed at the event, the comprehensive general liability coverage must include products liability coverage. If alcoholic beverage will be sold or distributed at the event, the policy must also include coverage for liquor liability.

C. A certificate of insurance along with all necessary endorsements must be filed with the permit application. A copy of the policy may be requested and shall be submitted prior to approval of application.

D. The insurance requirements of subsections A, B and C of this section shall be waived by the city clerk if the following conditions are satisfied:

1. The applicant or an officer of the sponsoring organization signs a statement verified in compliance with the provisions of California Code of Civil Procedure, Section 2015.0; setting forth the following:
 - a. A current financial statement setting forth the net worth of the applicant/sponsoring organization;
 - b. A current income and expense statement of the applicant/sponsoring organization;
 - c. The following statement:

The least expensive quote for the cost of the insurance required to comply with the provisions of Section 12.16.110 of the Manteca City Code exceeds 5% of the applicant/sponsoring organizations net worth or 2 1/2% of the applicant/sponsoring organizations annual income.

- d. The name, address and phone number of at least three insurance brokers from whom the applicant/sponsoring organization received quotes and the amount of premium quoted by each; and

2. The city clerk finds that waiver of the insurance requirement will not result in the cancellation of any existing city general liability insurance policy or joint power insurance agreement.

12.16.120 Cleanup deposit.- A. The applicant/sponsor of an event involving the sale of food or beverages, the erection of structures, the use of horses or other large animals, or water aid stations will be required to provide a cleanup deposit prior to the issuance of special event permit in an amount set by the director of finance. The cleanup deposit shall be returned after the event if the area used for the permitted event has been cleaned and restored to the same condition as existed prior to the event.

B. If the property used for the event has not been properly cleaned or restored, the applicant/sponsor shall be billed for the actual cost by the city for cleanup and restoration, and the cleanup deposit (or a portion thereof) shall be applied to payment of the bill. If the applicant/ sponsor disputes the bill, he may appeal to the director of finance within five days after the receipt of the bill. Should there be any unexpended balance on deposit after completion of the work, this balance shall be refunded to the applicant/sponsor.

12.16.130 Traffic control fees—Pre-established routes. A. Assignment of Police Officers for Traffic Control. The chief of police may require the assignment of overtime officers to provide traffic control at the event. Traffic control by officers includes clearing the event route or site of unauthorized vehicles, diversion of traffic around the event and direction of pedestrian and vehicular traffic along the route of the event.

B. Payment and Computing of Traffic Control Fees. If overtime officers will be assigned for traffic control at the event, the applicant/sponsor of the event shall be required to prepay the estimated costs of providing the officers prior to the issuance of the event permit. The traffic control fees will be computed by determining the

number of police officers who will be required for traffic control, the number of hours the officers will be on duty, and the city's full costs of providing officers on an hourly basis as established by city fee schedule.

C. An Applicant May Request Assignment of Officers. An applicant may request assignment of overtime officers for policing and/or traffic control at the event. Assignment of overtime officers at the request of an applicant/sponsor is discretionary with the chief of police and is subject to availability of overtime officers. The applicant/sponsor shall be required to prepay the estimated costs of providing the officers prior to the issuance of the event permit.

D. Billing and Refunds. If the actual costs to the city of providing police officers pursuant to subsections B or C of this section on the day of the event is in excess of the applicant/sponsor's police fee deposit, the applicant/sponsor shall be billed for the difference. If the actual costs of providing police services pursuant to subsections B or C of this section is less than the applicant/sponsors deposit, the applicant/sponsor shall be refunded the difference.

E. Pre-established Routes. The city clerk may determine certain pre-established routes for parades and other special events within the city, and predetermine the number of officers required for traffic control along those routes.

12.16.140 Permittee/sponsor duties. A. Each permittee/sponsor of an event shall comply with all terms, and conditions of the special event permit.

B. Each permittee/sponsor of an event shall ensure that the person leading a parade or other event along a route, or the person in charge of any other event carries the special event permit on his person for the duration of the event.

C. Each permittee/sponsor of an event shall ensure the area used for the permitted event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event.

12.16.150 Unlawful acts. It is unlawful and a misdemeanor for any person to sponsor or conduct a parade, athletic event or other special event requiring a special event permit unless a permit has been issued for the event. It is unlawful and a misdemeanor for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued the required permit. It is unlawful and a misdemeanor for any person to interfere with or disrupt a lawful parade, assembly or other special event.

12.16.160 Exceeding scope of permit--Prohibited. The special event permit authorized the permittee/sponsor to conduct only such event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee/sponsor to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof, to willfully violate the terms and conditions of the permit.

12.16.170 Appeal. Any action by the Planning Commission, the Director of Community Development, Fire Chief or the Chief of Police under this chapter may be appealed to the City Council. The city clerk shall publish notice of any decision granting the permit in the Manteca Bulletin no later than five days after it was granted. Any decision granting or denying the permit required this chapter may be appealed to the city council by any person. The appeal must be filed with the city clerk within ten days of permit approval, and must be accompanied by the filing fee established from time-to-time by resolution of the city council. The appeal shall be heard at a public hearing. The decision of the city council shall be final.