

**ORDINANCE NO. 07- 307**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING TITLE 9 OF THE LOS ALTOS MUNICIPAL CODE PERTAINING TO SPECIAL EVENTS**

WHEREAS, the City Council recognizes the social, cultural and economic enrichment that special events and parades bring to the City; and

WHEREAS, the City Council recognizes that special events enhance the City's lifestyle and provide benefits to the City; and

WHEREAS, the City Council finds that it is necessary to establish policies and procedures which allow for the advance planning and management of City personnel and financial resources relating to special events; and

WHEREAS, the City Council finds that it is the intent of this ordinance to protect the rights of its residents by establishing the least restrictive and most reasonable manner of regulation to maximize the benefits and to minimize the burdens of special events; and

WHEREAS, the City Council further finds that it is the intent of this ordinance to be interpreted in a manner compatible with the Constitutions and laws of the State of California and the United States; and

WHEREAS, the ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended ("CEQA"), and the guidelines promulgated thereunder and, further, said Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

The City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF CODE:**

Article 9 entitled "Streets, Sidewalks and Public Places" is hereby amended by adding a new Chapter 9.25 entitled "Special Events" and by adding new Sections 9.25.010 through 9.25.150 to read as follows:

**9.25.010 Definitions.**

A. "City Manager" means the city manager of the city of Los Altos and his/her designee.

B. "Demonstration" means any formation, procession or assembly of persons for the purpose of expressive activity, who intend to or do assemble or travel in unison on any street, sidewalk or other public right of way owned or controlled by the city in a manner that does not comply with normal or usual traffic regulations, laws or controls.

C. "Departmental services charges" means the actual costs which a department of the city incurs in connection with activities for which a permit is required under this chapter, including, but not limited to, costs associated with fire safety, police conducted traffic and/or pedestrian control, the closure of streets or intersections, the diverting of traffic, the salaries of city personnel involved in administration or coordination of city services for the event, the cost to the city to provide

support personnel, equipment, materials and supplies, and related city costs such as fringe benefits or employee overtime. Departmental services charges shall not include costs incurred by the city to provide police protection to those engaged in “expressive activity” as that term is defined in this chapter.

D. “Expressive Activity” means conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas. Expressive activity includes, but is not limited to, public oratory and the distribution of literature.

E. “Event Organizer” means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event.

F. “Event” includes a special event or a demonstration.

G. “Person”, as used in this chapter, means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or manager, lessee, agent, servant, officer or employee or any of them, except where the context clearly requires a different meaning.

H. “Sidewalk” means that portion of a highway, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel.

I. “Special Event” means:

1. Any organized formation, parade, procession, demonstration or assembly which may include persons, animals, vehicles, or any combination thereof, which is to assemble or travel in unison on any street, sidewalk or other public right of way owned or controlled by the city which does not comply with applicable traffic regulations, laws or controls; or

2. Any organized assemblage of one hundred fifty (150) or more persons at any public place or property which is to gather for a common purpose under the direction or control of a person; or

3. Any other organized activity involving one hundred fifty (150) or more persons conducted by a person for a common or collective use, purpose or benefit which involves the use of, or has an impact on, public property and which may require the provision of city public services in response thereto.

4. Examples of special events include, but are not limited to, concerts, parades, circuses, fairs, festivals, block parties, street fairs, community events, , mass participation sports (such as marathons and other running events), athletic or sporting events, and community celebrations and observances conducted on public property or public rights of way.

J. “Special Event Permit” means a permit issued pursuant to this chapter.

K. “Special Event Venue” means that area for which a special event permit has been issued.

L. “Street” means a way or place of whatever nature, publicly maintained and open to use of the public for purposes of vehicular travel. Street includes highways or alleys.

**9.25.020 Permit Required.**

A. Except as provided by this code or pursuant to the terms of a permit, lease or contract which has been specifically authorized by the city council for the use of city facilities which do not require street closure or traffic diversion, no person shall conduct or cause to be conducted, participate or engage in, hold, manage, permit or allow another to conduct a special event, in, on or upon any city street, sidewalk, alley, park, way, public place, public property or public right of way which is owned or controlled by the city without first having obtained a written permit from the city manager.

B. The city manager may also approve and permit the sale or use of alcoholic beverages in public areas in connection with a special event where it is not expressly prohibited by this code provided that such sale or use shall, at all times, comply with all other applicable provisions of law. Any denial by the city manager of approval for a permit to sell or use alcoholic beverages under this subsection may be appealed as provided in section 9.25.130.

C. The city manager is authorized to issue permits for special events pursuant to the procedures established in this chapter.

D. The city manager may condition any permit issued pursuant to this chapter with reasonable requirements concerning the time, place or manner of holding such event as is necessary to coordinate multiple uses of public property, assure 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. Conditions may include, but are not limited to, the following:

1. The establishment of an assembly or disbanding area for a parade or like event;
2. The accommodation of an event's pedestrian and vehicular traffic, including restricting events to city sidewalks, portions of a city street, or other public right of way;
3. Conditions designed to avoid or lessen interference with public safety functions and/or emergency service access;
4. The number and type of vehicles, animals, or structures to be displayed or used in the event;
5. 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;
6. 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 or services;
7. The provision and use of traffic cones or barricades;
8. The provision or operation of first aid stations or sanitary facilities, including handicap accessible sanitary facilities;

9. The provision of a waste management plan, and the clean up and restoration of the site of the event;
10. 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;
11. 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 event;
12. The provision or use of emergency services;
13. The reasonable designation of alternate sites, times, dates, or modes for exercising expressive activity;
14. The obtaining of any and all business licenses or other necessary permits required by this code for the sale of food, beverage or other goods or services at the event; and
15. The manner by which alcohol sales and service, if any, shall be conducted at the event.

E. Issuance of a special events permit pursuant to this chapter does not obligate or require the city to provide city services, equipment or personnel in support of an event although the city manager may provide such services, equipment or personnel if such are reasonably available and the event organizer makes provisions to reimburse the city for the cost thereof.

#### **9.25.030 Exceptions to the Special Event Permit Requirement.**

- A. The following activities are exempt from the special event permit requirement:
1. Funeral processions by a licensed mortuary or funeral home;
  2. Activities conducted by a governmental agency acting within the scope of its authority;
  3. With the exception of organized fund raisers, events which take place on streets, sidewalks, or other public rights of way owned or controlled by the city including, but not limited to, lawful picketing wherein all applicable traffic regulations, laws or controls are complied with and no traffic diversion or street closures are required;
  4. Spontaneous parades, assemblies or demonstrations involving expressive activity and which are occasioned by news or affairs coming into public knowledge within five (5) calendar days of such parade, assembly or demonstration, provided that the organizers thereof give written notice to the city manager at least twenty four (24) hours prior to such parade or assembly.

Such written notice shall contain all of the following information:

- a. The name, address and telephone number of the person or persons seeking to conduct the parade or assembly. This person or these persons shall be considered a permittee for the purposes of this section;

- b. The name, address and telephone number of the headquarters of the organization, if any, and of the organizer or responsible head of such organization by whom or on whose behalf the parade or assembly is proposed to be conducted;
- c. The name, address and telephone number of the person who will chair the parade or assembly and who will be responsible for its conduct;
- d. The location and date of the proposed parade or assembly, including the assembly area, disbanding area, and the route to be traveled;
- e. An estimate of the approximate number of persons who will be participating in the parade or assembly and an estimate of the approximate number of persons who will be observing the parade or assembly;
- f. The time at which the parade or assembly will start and conclude;
- g. The type of security or other arrangements that will be provided to assure that participants are properly directed.

B. The city manager may impose reasonable time, place and manner restrictions on spontaneous parades, assemblies or demonstrations governed by this section whether or not said activities are governed by the permit requirements set forth in this chapter.

C. The city manager may deny permission to conduct a spontaneous parade, assembly or demonstration if the city manager makes a finding requiring denial pursuant to section 9.25.070. Such finding by the city manager shall be made no later than six (6) hours before the scheduled start time for the event. If the city manager makes a finding pursuant to section 9.25.070, the city manager shall immediately provide notice of the denial, including the reason or reasons for the denial, by telephone to the permittee and shall also provide written notice of the denial including the reason for the denial. If the permittee provides a fax number for the purpose of receiving notices, the city manager shall provide written notice of the denial by fax immediately upon making the denial decision. In lieu of denial, the city manager may propose to the applicant an alternative time, route, venue or manner of conducting the activity which alternative would be acceptable to the city and which would obviate any finding made pursuant to section 9.25.070.

#### **9.25.040 Permit Application.**

A. The application for a permit under this chapter to conduct or engage in any special event, which involves the use of city streets, alleys, sidewalks, parks, ways, public property or public right of way owned or controlled by the city shall be filed with the city manager.

B. Applications shall be filed not less than sixty (60) calendar days, nor more than one year before the time it is proposed to conduct the special event except that applications for block party permits shall be filed at least ten (10) business days prior to the event, and except that applications for expressive activities shall be filed in accordance with subsection D of this section.

C. Except as otherwise applicable, the city manager shall, within ten (10) business days, determine whether such application is or is not complete. In the case of an event involving expressive activity, the city manager shall determine whether or not such application is complete

within two (2) business days of said application being submitted to the city manager. Notwithstanding the city manager's acceptance of a completed application, no event date shall be considered confirmed until a special event permit is issued.

D. Unless otherwise specified in this chapter, an application for a special event by a person engaging in expressive activity for which a permit is required pursuant to this chapter shall be filed as follows:

<u>Permitted Activity Involves Use Of</u>	<u>Must Be Filed Within Specified Number Of Business Days Of Prior To The Event</u>
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Streets, highways and thoroughfares	10
Alleys and other rights of way other than sidewalks	5
Sidewalks	3
Parks	3
Other	3

E. Applications for special events involving expressive activity or block parties, for which a permit is required pursuant to this chapter, may be filed in advance of the time periods set forth above but in no event more than one year prior to the event date. If an applicant for an event involving an expressive activity or block party desires to ensure the opportunity for an appeal to the city council in accordance with subsection 9.25.130.A, the application shall be filed with the city manager not less than thirty (30) calendar days, nor more than one year before the time when it is proposed to conduct the event. Failure to file the application at least thirty (30) calendar days prior to the proposed activity shall be deemed to be a waiver of an appeal to the city council and in that event the decision of the city manager shall be final and the event organizer or other aggrieved person may file or cause to be filed a petition for writ of mandate in state court regarding the validity of the city manager's decision to grant or deny the application.

F. Each application shall be accompanied by a nonrefundable permit application fee in an amount established from time to time by resolution of the city council. The city manager shall have the authority, if good cause is shown and the nature of the application reasonably and feasibly lends itself to expedited processing, to consider, grant or deny any application for a permit which is filed later than the time prescribed in this section.

G. Completed applications for a permit authorizing a special event shall be denied, approved, or conditionally approved by the city manager within thirty (30) calendar days after the city manager determines that the application is complete. Completed applications for a permit involving "expressive activity" as defined in this chapter shall be denied, approved, or conditionally approved by the city manager within two (2) business days after the city manager determines that the application is complete. In the case of expressive activity, the city manager shall promptly attempt to notify the applicant orally, and provide written notification to the applicant as soon as it is reasonably practical to do so. Such notice shall provide detailed facts and reasons for any denial or conditional approval. The city manager shall consult with the city attorney before denying or conditionally approving a permit involving "expressive activity" (including all activities wherein the applicant claims or contends that the proposed event involves expressive activity) as that term is defined in this chapter.

H. Applications shall be upon a form which is furnished by or acceptable to the city manager. Each application shall contain full, complete and detailed information including, but not limited to, the following:

1. The name, address and telephone number of the event organizer;
2. A certification that the event organizer shall be financially responsible for any city fees, departmental services charges or costs that may lawfully be imposed for the event;
3. The name, address and telephone number of the event organizer, if any, and the chief officer of the event organizer;
4. If the special event is designed to be held by, on behalf of, or for any organization other than the event organizer, the event organizer for the special event permit shall file a written communication from such organization:
  - a. Authorizing the event organizer to apply for the special event permit on its behalf;
  - b. Certifying that the event organizer and its principal shall be financially responsible for any city fees, departmental services charges or costs that may lawfully be imposed for the event;
5. A copy of the tax exemption letter issued for any applicant claiming to be a tax exempt nonprofit organization;
6. A statement of the purpose of the special event;
7. A statement of any fees to be charged to participants or spectators in connection with the special event;
8. The proposed location of the special event including a plot plan depicting the placement of temporary structures or facilities on public property or public rights of way;
9. The date and times when the special event is to be conducted;
10. The approximate times when assembly for, and disbanding of, the special event is to take place;
11. The proposed locations of the assembly or production area;
12. In the case of a parade, marathon or other similar event, the specific proposed site or route, including a map and written narrative of the route;
13. The proposed site for any disbanding area;
14. Proposed alternate routes, sites or times, where applicable;
15. The approximate number of persons, animals or vehicles that will participate in the special event;
16. The kinds of animals anticipated to be part of the special event;
17. A description of the types of vehicles to be used in the special event;

18. The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise;
19. Other equipment or services necessary to conduct the special event with due regard for participant and public health and safety;
20. The number of persons proposed or required to monitor or facilitate the special event and provide spectator or participant control and direction for events using city streets, sidewalks, or facilities;
21. Provisions for first aid or emergency medical services, or both, based upon event risk factors;
22. Insurance information, if applicable;
23. Any special or unusual requirements that may be imposed or created by virtue of the proposed event activity;
24. Any other information reasonably required by the city manager.

I. The city manager may refer the application to such appropriate city departments as he/she deems necessary from the nature of the application for review, evaluation, investigation and recommendations by the departments regarding approval or disapproval of the application.

J. The city manager shall issue a permit under this chapter if the city manager finds that the following criteria have been met:

1. The proposed use of the property is not governed by or subject to any other permit procedures provided elsewhere in this code or other applicable laws, rules or regulations;
2. The event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its location;
3. The event will not conflict with construction or development in the public right of way or at a public facility;
4. The event will not require the diversion of public safety or other city employees from their normal duties so as to unreasonably reduce adequate levels of service to any other portion of the city;
5. The concentration of persons, animals or vehicles will not unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles on the streets;
6. The event will not unreasonably interfere with any other special event for which a permit has already been granted or with the provision of city services in support of other scheduled events or scheduled government functions;
7. The event will not have an unmitigatable adverse impact upon residential or business access and traffic circulation in the same general venue area;



8. If the event is a marathon, it will not occur within one hundred eighty (180) calendar days of another marathon unless such event receives prior approval by the city council;

9. The event 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 have a significant adverse environmental impact;

11. That in the case of a block party or other similar neighborhood event over one hundred fifty (150) or more persons, the applicants have submitted a neighborhood letter or petition in favor of the event. For block parties or other similar events less than one hundred fifty (150) or more persons, will be required to provide the Los Altos Police department notification and barricade requirements and be subject to a service charge fee;

12. That the provisions of sections 9.25.080 (insurance) and 9.25.090 (departmental service charges), if applicable, have been or will be satisfied.

K. In determining whether to approve a permit application for an event involving expressive activity, no consideration may be given to the message of the event, the content of the speech, the identity or associational relationships of the event organizer or its members or affiliates, or to any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of the speech or the message conveyed during the event.

#### **9.25.050 Permit Application Fee.**

A. Except as otherwise provided by this chapter, or when funded or waived by council resolution or ordinance, or other applicable law, rule or regulation, or by the terms of a permit, license, lease or contract which has been specifically authorized by the city council, any permit fee, application fee, daily fee, and other additional fee (other than departmental services charges) for the use of city streets or other city owned or controlled property pursuant to this chapter shall be established by the city council by resolution.

B. Any indigent natural person who intends to engage in "expressive activity" as defined in this chapter 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. Application for indigent status shall be made at the time of permit application and shall be accompanied by such relevant information and documentation as may, in the opinion of the city manager or his/her designee, be reasonably necessary to verify such status. For purposes of this section, "indigent natural person" includes, but is not limited to, a person eligible for county relief and support as an indigent person under section 17000 et seq., of the California Welfare and Institutions Code or as said section(s) is/are amended from time to time.

#### **9.25.060 Permit Term.**

Any permit issued under this chapter shall not be for a period of more than two (2) consecutive days except as otherwise provided in this code; however, the city manager, upon timely application by a permittee, may extend the duration of any permit, except as otherwise provided in this code, for one additional period of not more than three (3) consecutive days if the city manager finds that all

criteria set forth in subsection 9.25.040.J are being met and will continue to be met during the period of term extension.

**9.25.070 Permit Denial or Revocation.**

A. The city manager may deny any application for a permit or revoke any permit if he/she finds any of the following:

1. The permitted event or activity will unreasonably disrupt traffic within the city; or
2. The permitted event or activity will unreasonably interfere with access to police or fire stations, or other public safety facilities; or
3. The location of the event or activity will cause undue hardship to adjacent businesses or residents; or
4. The permitted event or activity will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the city; or
5. The application contains incomplete, false or misleading information; or
6. The city manager is unable to make all of the relevant findings pursuant to subsection 9.25.040.J; or
7. The applicant fails to comply with all terms of this chapter including failure to remit all fees and deposits, or fails to provide proof of insurance and/or an indemnification agreement as required by this chapter; or
8. The event is proposed for a time and place for which another event permit has been or will be issued to a prior applicant; or
9. The proposed area for the assembly or for the set up or dispersal of a parade or demonstration could not physically accommodate the number of participants expected to participate in the assembly, parade or demonstration; or
10. The parade, assembly or demonstration is proposed to take place on the roadway portion of any street in a commercial or retail zone between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) A.M. or between the hours of four o'clock (4:00) P.M. and six thirty o'clock (6:30) P.M., Monday through Friday, unless the parade, assembly or demonstration will occur on a national holiday; or
11. The parade, assembly or demonstration will violate any federal, state or local law or regulation; or
12. The applicant is legally incompetent to contract or to sue and be sued; or
13. The applicant or the person or entity on whose behalf the application for permit 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; or

14. The proposed event would present an unreasonable danger to the health or safety of the applicant, spectators, city employees, or members of the public; or

15. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the city concerning the sale, offering for sale, or distribution of any goods or services.

B. The city manager may deny any application for a permit or revoke any permit if the city manager determines that the event sponsor or any agent, employee or associate of any such event organizer has willfully made any false or misleading statement in an application or has not fully complied with the requirements of this chapter or has violated any of the provisions of this chapter or the provisions of any other applicable law, rule or regulation.

C. An event organizer whose permit application is denied, or whose permit is revoked, pursuant to this section shall be immediately notified of the action of denial or revocation, which 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 9.25.130. Notification, pursuant to this subsection, shall be deemed satisfied when the notice is placed, postage prepaid, in the United States mail, certified mail, return receipt requested, and addressed to the applicant at the address shown on the permit application. If available, notification pursuant to this subsection, shall be deemed satisfied when the notice is emailed to the applicant at the email address shown on the permit application.

#### **9.25.080 Insurance.**

A. Each permit shall expressly provide that the permittee agrees to defend, protect, indemnify and hold the city, its officers, employees and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of permittee, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the permittee shall, at permittee's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the city, its officers, agents or employees, and that permittee shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the city, its officers, agents or employees as a result of the alleged acts or omissions of permittee or permittee's officers, agents or employees in connection with the uses, events or activities under the permit.

B. Concurrent with the issuance of a permit under this chapter and as a condition precedent to the effectiveness of the permit, the permittee shall procure and maintain in full force and effect during the term of the permit insurance as prescribed by the city manager.

C. If the city manager determines, after consultation with the city's risk manager and the city attorney, that a particular use, event or activity does not present a substantial or significant public liability or property damage exposure for the city or its officers, agents and employees, the city manager may give a written waiver of the insurance requirements of this section.

D. The insurance requirement set forth in this section shall not be construed to apply to parades or special events permitted under this chapter 9.25 involving expressive activity which enjoy protection under the United States or California constitutions except that such parades or special events shall be required to: (1) agree to indemnify, protect, defend and hold harmless the city, its officers and employees against all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of permittee, its officers,

agents or employees in connection with the permitted parade, event or activity; or (2) agree to redesign or reschedule the permitted event to respond to specific risks, hazards and dangers to the public health and safety identified by the city manager as being reasonably foreseeable consequences of the permitted parade or special event; or (3) provide insurance coverage as required by subsection 9.25.080.B.

E. A claim for exclusion and alternative treatment under subsection 9.25.080.D shall be filed with and at the same time as an application for a permit, and an agreement or proof of insurance, as applicable, shall be provided prior to permit issuance. The city manager or his/her designee may require such proof and documentation as he/she may deem reasonably necessary to verify the constitutionally protected status of the parade or event and the applicability of subsection 9.25.080.D.

### **9.25.090 Departmental Services Charge.**

A. In addition to the payment of the nonrefundable permit application fee or daily fee, a permittee shall pay the city for all city departmental services charges incurred in connection with or due to the permittee's activities under the permit unless said departmental services charges are funded, partially funded or waived by action of the city council. Additionally, if city property is destroyed or damaged by reason of 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 the final invoices and billings for departmental services charges to the city manager or no later than twenty (20) business days after the event giving rise to the issuance of a permit.

C. The city manager shall determine the type of permitted parade, event or activity and calculate the final departmental services charge based on the following formulas, depending upon whether or not the event is privately funded or is funded in whole or in part by the city, and provide that Type B and Type C shall be determined by the City Council.

1. **Type A** is an event which is privately funded and the permittee will pay one hundred percent (100%) of the applicable fees or departmental services charges;

2. **Type B** is an event which is cosponsored by the city and the non-city permittee will pay fifty percent (50%) (or a negotiated portion) of the applicable fees or departmental services charges;

3. **Type C** is an event funded by the city and the city will absorb one hundred percent (100%) of the applicable fees or departmental services charges incurred by the city.

D. Unless otherwise authorized by the city manager in writing, at least three (3) business days prior to a parade, event or activity permitted under this chapter, the applicant shall pay to the city a deposit in an amount sufficient to cover the total estimated city departmental services charges which the city manager estimates will be incurred in connection with the permit. Said deposit shall be paid in cash or other adequate security as determined by the city manager. If the deposit is less than the final charges calculated pursuant to section 9.25.090, the permittee shall pay the difference to the city within ten (10) business days of being invoiced for such charges from the city. If the deposit is more than such final charges, the city shall refund the difference to the permittee within the sixty (60) calendar days after the event.

E. Any indigent natural person who intends to engage in "expressive activity" as defined in this chapter who cannot obtain a permit because of an inability arising from such indigence to pay the departmental services charge may request the city manager to recommend an alternative parade, event or activity on a scale and at a time that would result in less costs assessed in accordance with section 9.25.090. Application for indigent status shall be made at the time of permit application and shall be accompanied by such relevant information and documentation as may, in the opinion of the city manager, be reasonably necessary to verify such status. For purposes of this subsection 9.25.090.E, "indigent natural person" includes, but is not limited to, a person eligible for county relief and support as an indigent person under section 17000 et seq., of the California Welfare and Institutions Code or as said code section(s) may be amended from time to time.

F. In the event of any conflicts or inconsistencies between the provisions of this Article and Ordinance No. 03-250 (Fees and Service Charges), or with the provisions of any other chapter(s) of the City Code, the provisions of this Article shall control, unless to do so would be inconsistent with the purpose of this Ordinance.

#### **9.25.100 Refunds.**

If a permittee is unable to hold or conduct a use, event or activity because of inclement weather or due to some other cause not within the permittee's control, and the permittee submits a written request for the refund of such fees to the city manager's office within ten (10) business days after the date that the use, event or activity was to have been held or conducted, the city manager may authorize the refund of the fees or a pro rata portion thereof, except for actual costs incurred by the city at the time of cancellation and the nonrefundable application fees, which have been paid by the permittee to the city in connection with a permit issued under this chapter.

#### **9.25.110 Interfering with Activity Prohibited.**

It is unlawful for any person to obstruct, impede or interfere with any authorized assembly, person, vehicle or animal participating in a special event for which a special event permit has been issued.

#### **9.25.120 Penalty for Violation.**

Any person who intentionally violates any of the provisions of this chapter shall be guilty of a misdemeanor.

#### **9.25.130 Appeals.**

A. Except as provided in this chapter, any person aggrieved by the issuance, denial or revocation of a permit pursuant to 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) calendar days of the decision of the city manager giving rise to said appeal. Such appeal shall set forth, with particularity, the facts upon which the appeal is being made. The city council shall, within sixty (60) calendar days of receiving such notice of appeal, hold a hearing. At such hearing, the aggrieved party is entitled to be heard and present evidence on his/her behalf. The city council shall determine the merits of the appeal, and the city council's determination to grant or deny the appeal shall be final. When the necessity for a timely response so requires, the city council may refer to the matter to a hearing officer in accordance with the provisions of chapter 1.30.

B. Alternatively to the provisions of subsection 9.25.040.E, any applicant for a special event permit who is engaging in or intends to engage in "expressive activity" as defined in this chapter and who is aggrieved by the denial or revocation of a permit pursuant to this chapter may, at his/her election, appeal to the city council in accordance with this section. However, any appeal taken pursuant to this section may, by necessity, involve the postponement or delay of the activity for which a permit is sought.

**9.25.140 Rules and Regulations.**

The city manager is authorized to promulgate additional policies, rules and regulations that are consistent with and that further the provisions set forth within this chapter and the provisions of law that pertain to the conduct and operation of a special event.

**9.25.150 Unlawful to Use City Name Without Authorization.**

It is unlawful for any event organizer to use in the title of the event the words "The City of Los Altos" or "City of Los Altos", or facsimile of the seal or logo of the city of Los Altos without city's written authorization.

**SECTION 2. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 3. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933.

**SECTION 4. EFFECTIVE DATE:** This Ordinance, pursuant to Government Code section 36937, is hereby declared to be necessary as an urgency measure for the preservation of the public peace, health, safety and property in the City, and as such shall take effect immediately and be in full force and effect after its adoption after publication at least once in an official newspaper of the City for the following reasons:


The City wishes to immediately adopt and implement this ordinance because the City currently does not have any formally adopted ordinances, policies or regulations governing special event permit procedures.

The City Council finds that this ordinance must be adopted as an urgency ordinance is necessary to correct a conflict between any existing City policies and this ordinance to avoid confusion and to assure the public what rules, regulations and procedures will apply to special event permits.


In order to accomplish these goals, Los Altos Municipal Code Chapter 9.25, as amended, must adopted by means of this urgency ordinance.

PASSED FOR THE PURPOSE OF PUBLICATION this 13<sup>TH</sup> day of March 2007, by the following vote:

Ayes: PACKARD, CARPENTER, BECKER, COLE  
Noes: NONE  
Absent: NONE

  
Robert C. Cole, MAYOR

Attest:

  
Susan Kitchens, CITY CLERK