

## Chapter 5.40

### LICENSING AND REGULATIONS OF SPECIAL EVENTS

#### Sections:

- 5.40.010 Special Event Defined.
- 5.40.020 Prohibition.
- 5.40.030 Application for License and Fee.
- 5.40.040 Forwarding of Application to Special Event Review Committee.
- 5.40.050 Review of Application and Action.
- 5.40.060 Standards and Conditions.
- 5.40.070 Appeal to City Council.
- 5.40.080 Special Provisions Applicable to Almond Blossom Festival.
- 5.40.090 Exemptions from Application.
- 5.40.100 Revocation.
- 5.40.110 Suspension of Operation.
- 5.40.120 Number of Participants.
- 5.40.130 Advertising Where Admission is to be By Ticket.
- 5.40.140 License Not Transferable.
- 5.40.150 Effect of Zoning and Business License Provisions.
- 5.40.160 Penalty.

#### 5.40.010 Special Event Defined.

“Special Event” means: Category One - a temporary private or public event with less than 500 people contained indoors within an existing structure not already having an assembly occupancy permit or held out of doors on one site impacting such things as public services, police/fire/emergency services, street closure, sanitation, and/or requiring the impartation of such things as bleachers and portable toilets and requiring special circumstances, i.e., extra security, amplified sound, vendors, etc. Included in this definition are Halloween haunted houses, craft fairs, and the like, and block parties, business promotionals and the like. Exempt from this definition are private family events such as weddings, special parties, family reunions, and the like which are held at the family residential property; Category Two - a temporary private or public event with more than 500 people contained

indoors within an existing structure not already having an assembly occupancy permit or held out of doors at one location requiring the impartation of bleachers, open air tents, large equipment, portable toilets, and the like, and/or impacting public services, such as public streets, police/fire emergency services. This definition includes events such as circus, carnival, business promotional, block parties, craft fairs, car shows and the like; or Category Three - a temporary private or public event held out of doors at more than one location requiring special circumstances i.e., amplified sound, road closure, trash containers, etc. and/or impacting police/fire/emergency services. This definition includes the annual Almond Blossom Festival, and Main Street Day, and any parade, music or dance festival, cultural or civic festival or similar activity. (Ord. 627 § 1, 2000)

#### 5.40.020 Prohibition.

It shall be unlawful for any person, group or organization to, conduct any activity related to a special event as defined in Section 5.40.010 of this chapter without first procuring a special event license through the application process defined in Section 5.40.030 of this chapter. (Ord. 627 § 1, 2000)

#### 5.40.030 Application for License and Fee.

Application for a license to conduct a special event shall be made in writing to and on forms prepared by the City Administrator and/or his/her designee.

The appropriate application shall be accompanied by a nonrefundable application fee, indexed annually by the Consumer Price Index, of one hundred dollars (\$100.00) for a special event as defined in Section 5.40.010, Category One; two hundred dollars (\$200.00) for a special event as defined in Section 5.40.010, Category Two; and three hundred dollars (\$300.00) for a special event as defined in Section 5.40.010, Category Three and shall include all of the information submittal requirements as specified on the appropriate special event application form. (Ord. 627 § 1, 2000)

#### **5.40.040 Forwarding of Application to the Special Event Review Committee.**

Upon receipt of a complete application and the application fee, City Administrator and/or his/her designee shall promptly forward the application to the Special Event Review Committee consisting of the Chief of Police, Director of Public Works, Fire Chief and any other impacted department or agency who shall investigate the matter and report to the City Administrator within ten (10) working days with appropriate recommendations concerning the proposed event. (Ord. 627 § 1, 2000)

#### **5.40.050 Review of Application and Action by City Administrator.**

A. The City Administrator and/or his/her designee shall review recommendations of the Special Event Review Committee and within twenty (20) working days of the receipt of the application he shall either:

1. authorize the issuance of the license in accordance with the application;
2. deny the issuance of the license;
3. set conditions which must be met and/or security that such conditions shall be met prior to the issuance of the license; or
4. place on the next regular City Council agenda for Council review and final action.

He shall promptly give written notice of his decision to the applicant by mailing such notice to the mailing address submitted on the application. If he shall deny the license he shall specify in the notice the reasons for such denial.

B. The City Administrator shall not authorize the issuance of a license to any applicant if he or any person associated or connected with him as partner, director, officer, associate or manager has been convicted with the five (5) year period immediately preceding the date of the filing of the application in any court of competent jurisdiction, regardless of whether such person has been released from any resulting penalty or disability pursuant to Chapter 1 of Title 8 of the Penal Code, of

1. Any crime requiring registration under Section 290 of the Penal Code, or
2. Any violation of Chapter 7.5 (beginning with Section 311) of Title 9, Part 1 of the Penal Code, or
3. Any violation of Chapter 7.6 (beginning

with Section 314) of Title 9, Part 1 of the Penal Code, or

4. Any violation of Paragraphs (a), (b), or (d) of Section 647 of the Penal Code, or

5. Any violation of Sections 315, 316, or 318 of the Penal Code, or

6. Any violation of any provision of Division 10 of the Health and Safety Code; or

7. Any offense involving the use of force and violence on the person of another, or

8. Any felony offense.

The legal effect of a plea of nolo contendere, for purposes of this Part, shall be the same as that of a plea of guilty.

c. If conditions are imposed by the City Administrator, the applicant shall furnish proof that all conditions have been met or that security has been given that they will be met before the City Administrator may issue the license. (Ord. 627 § 1, 2000)

#### **5.40.060 Standards and Conditions.**

No license shall be granted unless the City Administrator finds and determines that applicant has adopted a program and plans which he has the reasonable capability of carrying out which provide the necessary protection for the health, safety and general welfare of persons and property in the City, including spectators and participants, the City of Ripon itself, and owners of property adjoining the special event site, which are applicable to and listed on the appropriate special event application form. Applicant shall certify with signature on application that these conditions and terms, as specified on the application, have been read and agreed upon. (Ord. 627 § 1, 2000)

#### **5.40.070 Appeal to City Council.**

A. If the City Administrator denies the license, or if the applicant believes that any condition imposed by the City Administrator is a prerequisite to the issuance of the license is unjust or unreasonable, the applicant may appeal the decision of the City Administrator by filing a written notice of appeal with the City Clerk and one copy of such notice with the City Administrator. Such notice shall be filed not later than ten (10) days from the date of submission of the notice of

the decision of the City Administrator. The notice of appeal shall specify the reasons or grounds for the appeal.

B. Upon receipt of a notice of appeal, the City Clerk shall file the notice with the City Council. At its next regular meeting the City Council shall set the appeal for a public hearing, to be held within ten (10) days of such meeting.

C. The City Council shall consider the documentary and testimonial evidence of witnesses presented at the public hearing, including all reports of investigation submitted to the City Administrator pursuant to Section 5.40.040 hereof. The Council may modify or reverse the decision of the City Administrator, or the portion thereof from which the appeal is made, only if it finds that there is no substantial evidence to justify such decision or portion thereof, provided, however, that the Council shall not waive any mandatory requirement of this Part.

D. The City Council shall render its decision on the appeal not later than the date of its next regular meeting after the day on which the public hearing is held. Upon rendition of the decision of the Council, the City Clerk shall promptly notify the applicant of such decision in writing at the address submitted in the application. The decision of the City Council shall be final and conclusive. (Ord. 627 § 1, 2000)

#### **5.40.080 Special Provisions Applicable to Almond Blossom Festival.**

The Ripon Chamber of Commerce is authorized as the exclusive operator of the annual Ripon Almond Blossom Festival. In coordinating and operating the annual Ripon Almond Blossom Festival, the Ripon Chamber of Commerce shall be subject to the provisions of this Chapter, except that the City Administrator may, in his discretion, waive or modify some or all of the requirements of Section 5.40.060. In addition, the Ripon Chamber of Commerce shall be given authority to issue temporary vending permits to vendors of food and other goods during the Ripon Almond Blossom Festival. It shall be unlawful for any vendor of food or other goods (other than businesses licensed and existing within the City) to conduct any vending activities during the annual Almond Blossom

Festival within the boundaries of the Community Center and Veteran's Park, or within 100 feet of the Almond Blossom Festival Parade Route, or on any property specified in any license issued pursuant to this Chapter, without first obtaining a temporary vending permit from the Ripon Chamber of Commerce. The Chamber of Commerce shall have the responsibility, with the cooperation of the Ripon Police Department, as available, for enforcement of the temporary vending permit requirements of this subsection. The Chamber of Commerce may charge a reasonable processing fee in connection with the issuance of temporary vending permits pursuant to this Chapter. The City shall incur no liability in connection with the issuance of temporary vending permits by the Chamber of Commerce. (Ord. 627 § 1, 2000)

#### **5.40.090 Exemptions from Application.**

Any person or persons engaging in constitutionally protected speech, including, but not limited to, the distribution of printed materials, signs, campaign materials, and the like, shall be exempt from the application and licensing provisions of this ordinance. (Ord. 627 § 1, 2000)

#### **5.40.100 Revocation.**

The City Administrator shall have the right to revoke any license issued pursuant to this Part, not limited to but including the following causes:

A. The licensee fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of a license.

B. Licensee fails, neglects or refuses to fulfill any of the provisions of the approved program or plans.

C. The licensee knowingly permits the special event to be conducted in a disorderly manner or knowingly allows any person to remain on the premises while under the influence of intoxicating liquor or any narcotic or dangerous drug.

D. The licensee violates, or attempts to violate, any law of the State and the provisions of this Part or any ordinance of the City.

E. The licensee has previously made a false, misleading, or fraudulent statement of material fact in the application for license or any other document required pursuant to this Chapter.

Written notice of such revocation shall be forwarded by the City Clerk to the Chief of Police and to the licensee at the address given in the application. Such revocation shall become effective immediately after ordered by the City Administrator. (Ord. 627 § 1, 2000)

#### **5.40.110 Suspension of Operation**

The Chief of Police may suspend operation and close any special event prior to the expiration of the license granted under the provisions of this Chapter in the event of the occurrence of a riot, major disorder, or serious breach of the peace when, in his/her opinion, it becomes necessary to prevent injury to person or persons and/or damage of property. (Ord. 627 § 1, 2000)

#### **5.40.120 Number of Participants.**

If the City Administrator shall, as a condition of issuance of the license, impose a limit on the number of persons to be admitted to the special event and/or require that only holders of tickets shall be admitted to the premises on which the event to be held, it shall be unlawful for the licensee, or any agent or employees of the licensee:

- a. to allow, permit, or suffer the entrance to the premises in which the special event is held, of any person who does not possess a ticket, except a peace officer or other public officer in the performance of his duties;
- b. to sell, give or distribute a greater number of tickets than the number authorized by the City Administrator;
- c. to allow, permit, or suffer the admission of any person to a special event if such admission

would result in a greater number of persons present than authorized by the City Administrator. (Ord. 627 § 1, 2000)

#### **5.40.130 Advertising Where Admission is to be By Ticket.**

If the City Administrator shall require that admission to the special event shall be by ticket only, then it shall be unlawful for any person who advertises such event to neglect, refuse, or fail to cause the advertising to state that admission shall be by ticket only, or to make any statement which might imply any conclusion to the contrary. (Ord. 627 § 1, 2000)

#### **5.40.140 License Not Transferable.**

No license granted under the provisions of this Chapter shall be transferable to another licensee or removable to another location. (Ord. 627 § 1, 2000)

#### **5.40.150 Effect of Zoning and Business License Provisions.**

The use of land for a special event shall not be deemed to be in violation of any provisions of the Ripon Municipal Code restricting the use of land during such time as a license granted pursuant to this Chapter shall be in effect. (Ord. 627 § 1, 2000)

#### **5.40.160 Penalty.**

Any person violating any provision of this Chapter shall be guilty of an infraction, and may be prosecuted pursuant to the infraction provisions set forth in the Ripon Municipal Code Chapter 1.08. In the alternative, the Administrative Adjudication provisions of Ripon Municipal Code Chapter 1.12 may be utilized. (Ord. 627 § 1, 2000)