

ORDINANCE NO. 925

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
RIPON AMENDING CHAPTER 5.40 "LICENSING AND
REGULATIONS OF SPECIAL EVENTS" OF THE RIPON
MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIPON AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE. Chapter 5.40 is hereby amended in its entirety to read as follows:

Chapter 5.40
LICENSING AND REGULATIONS OF SPECIAL EVENTS

Sections:

- 5.40.005 Purpose and Intent**
- 5.40.010 Special Event Defined**
- 5.40.015 Application Eligibility**
- 5.40.020 Prohibition**
- 5.40.030 Application for Permit and Fee**
- 5.40.040 Forwarding of Application to Special Event Review Committee**
- 5.40.050 Review of Application and Action of Director of Planning Director**
- 5.40.060 Standards and Conditions**
- 5.40.070 Appeal to City Administrator**
- 5.40.080 Special Provisions Applicable to Almond Blossom Festival**
- 5.40.090 Special Provisions Applicable to Community Amphitheater Events**
- 5.40.110 Exemptions from Application**
- 5.40.120 Revocation**
- 5.40.130 Suspension of Operation**
- 5.40.140 Number of Participants**
- 5.40.150 Advertising Where Admission is to be By Ticket**
- 5.40.160 Permit Not Transferable**
- 5.40.170 Effect of Zoning and Business License Provisions**
- 5.40.180 Penalty**

5.40.005 Purpose and Intent

The City Council recognizes that special events enhance the City's lifestyle and provide benefits to area residents, visitors, and businesses through the creation of unique venues for expression, recreation, and entertainment that are not normally provided as a part of governmental services. However, the City Council also recognizes that special events, if unregulated, can have an adverse effect on the public health, safety and welfare due to noise, traffic, safety, abuse of alcohol, possible civil demonstrations and/or protestors, and health hazards.

The purpose and intent of this Chapter is to adopt reasonable regulations applicable to special events by establishing a process for permitting said special events within the City. A reasonable

permitting process will protect the rights and interests granted to special event permit holders, ensure the health and safety of patrons, prohibit illegal activity from occurring within special event venues, minimize any adverse effects from special events, and ensure the efficient use of public and private property and City services. It is further intended to create a fair and equitable mechanism for cost recovery to the City for special events.

5.40.010 Special Event Defined

“Special Event” means any temporary event, gathering or organized activity on public or private property that, due to the anticipated amount of attendees or the nature of the event, is not compatible with the generally intended use of the property for which it was approved. Special Events fall into one of three categories:

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 importation 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, block parties, business promotions 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 importation 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 circuses, carnivals, business promotions, block parties, craft fairs, car shows and the like.

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 as defined in Section 5.40.080, a Community Amphitheater Event as defined in Section 5.40.090, Main Street Day, and any parade, music or dance festival, cultural or civic festival, and running or cycling event, or similar activity.

5.40.015 Application Eligibility

A. Only Ripon non-profit organizations and/or Ripon based businesses (meaning businesses which are located within the current City limits and have a Ripon business license) are eligible to apply for a Special Events permit, with the exception of non-profit organizations or businesses that are not located within Ripon city limits, but were previously approved for a special event permit between the years of August 2018 and August 2023. These events may continue to apply for a special event permit for as long as the same applicant is listed on the application.

B. Only developed properties within the City limits are eligible for a Special Events permit. Developed properties shall mean properties that have paid their development fees to the City for use of their property and have been improved with permanent infrastructure. For the purpose of this ordinance, all City of Ripon regional parks (Community Center Park, Stouffer Park and Mistlin Sports Park) are considered developed properties.

C. Any Special Event to be held at a City Park facility, must comply with the City of Ripon's Parks and Recreation event eligibility requirements, as approved by the City Council.

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 permit through the application process defined in Section 5.40.030 of this Chapter.

5.40.030 Application for Permit and Fee

Application for a permit to conduct a special event shall be made at least 60 days before an event on forms prepared by the City of Ripon Planning Department. The appropriate application shall be accompanied by a nonrefundable application fee as identified in the City of Ripon Planning Department Fee Schedule, and indexed annually by the Consumer Price Index, and shall include all of the information submittal requirements as specified on the appropriate special event application form.

5.40.040 Forwarding of Application to the Special Event Review Committee

Upon receipt of a complete application and the application fee, the Planning Director 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 Director within fifteen (15) days with appropriate recommendations concerning the proposed event. Additionally, a meeting may be requested by the Committee to discuss guidelines with the applicant prior to a determination on the permit application.

5.40.050 Review of Application and Action by Planning Director

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

1. Authorize the issuance of the permit in accordance with the application;
2. Deny the issuance of the permit;
3. If the permit application is approved, the Director shall set conditions which must be met and/or security that such conditions shall be met prior to the issuance of the permit. The Director shall promptly give written notice of the decision to the applicant by mailing such notice to the mailing address submitted on the application. If the application is denied, the notice shall specify the reasons for such denial.

B. If conditions are imposed by the Planning Director, the applicant shall furnish proof that all conditions have been met or that security has been given that they will be met before the Planning Director issues the permit.

5.40.060 Standards and Conditions

No permit shall be granted unless the Planning Director finds and determines that the applicant has proposed an appropriate plan, with conditions of approval, to 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. The Director must also find that adequate public safety resources and/or

personnel are available to provide first response to public safety incidents which may arise during the event. The applicant shall certify with signature on the application that the conditions and terms, as specified on the application, have been read and agreed upon.

5.40.070 Appeal to City Administrator

A. If the Planning Director denies the permit, or if the applicant believes that any condition of approval imposed by the Planning Director is unjust or unreasonable, the applicant may appeal the decision of the Planning Director to the City Administrator by filing a written notice of appeal with the City Clerk and one copy of such notice with the Planning Director. Such notice shall be filed not later than ten (10) calendar days from the date of submission of the notice of the decision of the Director. 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 Administrator. The City Administrator shall set the appeal for a hearing, to be held within fifteen (15) business days of receipt of the notice.

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

D. The City Administrator shall render his/her decision on the appeal not later than five (5) business days after the day on which the hearing is held. Upon rendition of the decision of the City Administrator, 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 Administrator shall be final and conclusive.

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 Mistlin Sports Park, 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 permit 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.

5.40.090 Special Provisions Applicable to Community Amphitheater Events

In coordinating and operating events at the community amphitheater located at the Mistlin Sports Park, applicants shall be subject to all of the provisions of this Chapter as well as the following requirements:

A. Event Scheduling. No event shall be scheduled at the Community Amphitheater without the express written consent of the City Administrator. Such determination will be based on impacts and/or concerns regarding other concurrent events and/or activities taking place within the boundaries of the Mistlin Sports Park.

B. Alcoholic Beverage Restrictions. The service of alcoholic beverages in the Community Amphitheater shall be at the discretion of the Chief of Police and limited to organizations that have completed the Ripon Non-Profit Agency Eligibility Application and have met the applicable minimum requirements. For any special event involving alcoholic beverages in the Community Amphitheater, the following standards shall apply:

1. The approved Ripon Non-Profit organization must be duly licensed by the State Department of Alcoholic Beverage Control. The requirements and restrictions for the service of alcoholic beverages shall not be less than those required by the State Department of Alcoholic Beverage Control.

2. Use of alcoholic beverages shall be limited to organized performance-based events where the primary focus shall be the performance and not the consumption of alcoholic beverages.

3. Use of alcoholic beverages shall be limited to the confines of the Community Amphitheater and are strictly prohibited in any other area of Mistlin Sports Park, including, but not limited to, parking areas and adjacent streets.

4. Use of alcoholic beverages shall be limited to the hours of operation of the performance-based event. No use of alcoholic beverages shall be permitted before or after the event.

5. Permissible alcoholic beverages in the Community Amphitheater shall be limited to beer and wine.

6. For any use involving alcoholic beverages, no patrons under the age of twenty-one (21) shall be permitted at the event.

7. For any use involving alcoholic beverages in the Community Amphitheater, a security plan providing private security personnel for the event, the number of which shall be determined at the time the special event permit is granted, a plan identifying the means by which the applicant shall prevent patrons from carrying outside alcoholic beverages into the event and control excessive consumption of alcoholic beverages during the event, and any additional information as the Planning Director or his/her designee may reasonably require to evaluate the application, shall be submitted to the Planning Director for review and approval by the Police Department.

8. Upon consultation with the Police Department, the Planning Director has discretion to deny any application involving alcoholic beverages in the Community Amphitheater for good cause including but not limited to his/her finding that approval of the application would be detrimental to the health, safety and welfare of the city or any residents in the affected area.

5.40.110 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.

5.40.120 Revocation

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

- A. The permittee fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of a permit.
- B. The permittee fails, neglects or refuses to fulfill any of the provisions of the approved program or plans.
- C. The permittee knowingly allows 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 permittee violates, or attempts to violate, any law of the State and/or the provisions of this Chapter and/or any other ordinance of the City.
- E. The permittee has previously made a false, misleading, or fraudulent statement of material fact in the application for permit 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 permittee at the address given in the application. Such revocation shall become effective immediately after ordered by the City Administrator.

5.40.130 Suspension of Operation

The Chief of Police may suspend operation and close any special event prior to the expiration of the permit 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.

5.40.140 Number of Participants

If the Planning Director shall, as a condition of issuance of the permit, 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 is to be held, it shall be unlawful for the permittee, or any agent or employees of the permittee:

- 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/her duties;
- B. To sell, give or distribute a greater number of tickets than the number authorized by the Planning Director;
- 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 Planning Director.

5.40.150 Advertising Where Admission is to be By Ticket

If the Planning Director 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.

5.40.160 Permit Not Transferable

No permit granted under the provisions of this Chapter shall be transferable to another permittee or removable to another location.

5.40.170 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 permit granted pursuant to this Chapter shall be in effect.

5.40.180 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.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). The City Council hereby finds that the adoption of this Ordinance does not constitute the approval of a "project" under the California Environmental Quality Act (CEQA) pursuant to section 15060(c)(2) and (3), 15061(b)(3), 15262, and 15378 of the State of California CEQA Guidelines. Specifically, this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it does not authorize the construction of any new structures or other physical changes to the environment.

SECTION 3. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to, and shall not be construed or given effect in a manner that imposes upon the City or any officer, agent, employee or volunteer, thereof a mandatory duty of care towards persons and property, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. This ordinance shall go into effect 30 days after its adoption and a summary of this ordinance shall be published five (5) days prior to and within fifteen (15) days following its adoption in the Manteca Bulletin, the official paper of the City of Ripon.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this 12th day of September, 2023, by the following vote:

RESULT: ADOPTED [UNANIMOUS]

MOVER: Leo Zuber, Vice Mayor

SECONDER: Gary Barton, Council Member

AYES: Restuccia, Zuber, de Graaf, Barton, Uecker

THE CITY OF RIPON,
A Municipal Corporation

By 
MICHAEL RESTUCCIA, Mayor

ATTEST:

By: 
LISA ROOS, City Clerk