

**CITY OF SAN MATEO
ORDINANCE NO. 2013-5**

**ADDING CHAPTER 17.34, “SPECIAL EVENTS,” TO TITLE 17, “STREETS AND
SIDEWALKS,” OF THE SAN MATEO MUNICIPAL CODE**

WHEREAS, the City recognizes the substantial community benefit that may result from community events, which can provide cultural enrichment and economic vitality and can enhance community identity; and

WHEREAS, the purpose of this code is to provide a coordinated process for managing community events to ensure the public health, safety and welfare of event patrons, residents and other visitors, and to provide for fees, charges and procedures required to administer the permit process;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Chapter 17.34, “Special Events” is added to Title 17, “Streets and Sidewalks,” of the San Mateo Municipal Code to read:

**Chapter 17.34
SPECIAL EVENTS**

Sections:

17.34.010	Title.
17.34.020	Purpose.
17.34.030	Definitions.
17.34.040	Special Events Permit Required.
17.34.050	Special Events Committee – Membership.
17.34.060	Powers of the Special Events Committee.
17.34.070	Application.
17.34.080	Processing of Permits.
17.34.090	Permit Fees and Charges.
17.34.100	Revocation.
17.34.110	Appeal.
17.34.120	Hold Harmless.
17.34.130	Insurance Requirements for Non-Free Speech Events.
17.34.140	Adoption of Procedures.

17.34.010 TITLE. This chapter shall be known as the special events code. It is referred to herein as the “code.”

17.34.020 PURPOSE. It is the purpose of this code to provide for the issuance of special event permits to regulate events on the public streets and public property of the city, as well as specified events on private property that affect public streets and public property; and to provide for fees, charges and procedures required to administer the permit process.

17.34.030 DEFINITIONS. The following words and phrases when used in this chapter shall mean:

“**Amplified sound**” means music or speech projected or transmitted by electronic equipment, including but not limited to, an amplifier, loudspeakers, or similar devices.

“**Annual event**” means an event recurring each year at approximately the same date which has previously complied with the permit requirements of this code.

“**Applicant**” means the authorized agent of the sponsor who completes the application and acts as primary contact for the special event.

“**Chairperson**” means the chairperson of the Special Community Events Committee as designated by the City Manager.

“**Committee**” means the Special Community Events Committee as constituted by this code.

“**Event participants**” means persons in attendance at an event, including spectators, vendors, event staff, city staff, and all others present for the purpose of the event.

“**Fair/carnival**” means a stationary event, held for one or more days.

“**Free speech event**” means an event at which the expression of free speech rights is a principal purpose of the event. “Free speech rights” means expressive activity, protected by the First Amendment of the United States Constitution or Article 1, Section 2, of the California Constitution.

“**High Impact Event**” means a special event meeting ~~one~~ two or more of the following criteria: 1) being held for the first time, 2) expected to draw more than 500 participants; 3) held on a recurring basis; 4) requiring the support of two or more City Departments; 5) following a route with a different start and finish, 6) requiring a street closure; or 7) requiring interagency coordination.

“**Indigent person**” means 1) a person who is receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplemental Payments (SSP) programs (Sections 12200 to 12205, inclusive, of the California Welfare and Institutions Code), the California Work Opportunity and Responsibility to Kids Act (CalWORKs) program (Chapter 2, commencing with Section 11200 of Part 3 of Division 9 of the California Welfare and Institutions Code), the Food Stamp program (7 U.S.C. Section 2011 et seq.) or Section 17000 of the Welfare and Institutions Code; (2) A person whose monthly income is one hundred twenty-five percent or less of the current monthly poverty line annually established by the Secretary of Health and Human Services pursuant to the Omnibus Budget Reconciliation Act of 1981, as amended.

“**Low Impact Event**” means any event other than a “high impact event.”

“**Parade**” means any organized group of 50 people or more marching or in procession, whether on foot, animal, or vehicle, on public property.

“**Procedure**” means a procedure adopted by the special events committee, to implement this code, or to carry out other responsibilities as may be required by this code or by other codes, ordinances, or resolutions of the city or other agencies.

“**Race/run**” means an organized event upon a public street, sidewalk, or trail in which 10 or more persons participate by walking, running, riding a bicycle, or operating a wheelchair.

“**Recurring event**” means an event that will occur repeatedly within a one year period.

“Special event” means:

1. An event held on public streets, sidewalks, walkways, or other publicly owned property, including but not limited to, parades and races/runs, or
2. An event held on private property that is a) open to the public, b) not subject to any other City permitting requirement, c) not consistent with the property’s zoning classification, and d) which may have traffic, parking, noise or other impacts on neighboring properties. This includes farmer’s markets and food truck gatherings.

“Sponsor” means the person or group responsible for the special event to be held.

“Spontaneous Event” means an event occasioned by news or affairs coming into public knowledge less than 48 hours prior to such event.

“Transportation management/parking plan” means a plan developed by the applicant/sponsor to identify and mitigate traffic/parking impacts associated with a special event.

17.34.040 SPECIAL EVENT PERMIT REQUIRED. A special event permit must be obtained from the city to stage a special event. However, Spontaneous Events may be conducted at the locations specified in Municipal Code Chapter 13.10 without obtaining a Special Event Permit.

17.34.050 SPECIAL EVENT COMMITTEE – MEMBERSHIP. There is created hereby a Special Event Committee to carry out the provisions of this Code. This Committee is comprised of representatives of City departments, including, but not limited to the following departments: Police, Fire, Public Works, Community Development, and Parks and Recreation. The Committee may also invite representatives from other City departments, public agencies or community or neighborhood organizations to provide comments on proposed special events. Examples of such organizations are the Downtown San Mateo Association, Chamber of Commerce, SamTrans and United Homeowners. The chairperson of the committee shall be designated by the City Manager. The chairperson shall provide for maintaining committee records, arranging meeting times and places and issuing permits on behalf of the committee.

17.34.060 POWERS OF THE SPECIAL EVENTS COMMITTEE. The special events committee shall have the power to:

- A. Interpret and administer this code;
- B. Represent the city, in accordance with procedures adopted by the city manager, in discussions and in maintaining agreements with the person(s) who represents the event;
- C. Coordinate with city departments and with other government agencies for the provision of governmental services for such special events;
- D. Establish terms and conditions, appropriate fees, and the time(s), place and manner of the event;
- E. Approve or deny special event permits;
- F. Adopt policies for administering this Code as necessary.

17.34.070 APPLICATION.

- A. Special Event Permit Application Required. An application must be submitted to the city by the special event applicant or sponsor along with an application fee and an administrative review fee (if applicable) in the amounts established by city council resolution. Payment of the application fee is not required for Free Speech Events. An indigent person who cannot apply for a permit

because of an inability to pay the application fee due to such indigence may not be required to pay the fee in accordance with administrative regulations or guidelines adopted pursuant to this Chapter. Application for indigent status shall be made at the time of submission of permit application and shall be accompanied by such relevant information and documentation as may, in the opinion of the City manager, or designee, be reasonably necessary to verify such status.

- B. Application Form and Contents. An application for a special event permit shall be in a form prescribed by the Committee, be signed by a responsible person at least twenty-one years of age, and contain all of the following information:
1. The name, address, and daytime telephone number of each of the following:
 - (a) The person filing the application (also include evening telephone number);
 - (b) An alternate person to contact if an emergency arises and the applicant is unavailable (also include evening telephone number);
 - (c) The organization sponsoring the event, if any; the president, chair or other head of the organization; non-profit documentation, if applicable (also include written documentation of the authority under which the applicant is applying on behalf of the organization); and
 - (d) The person who will be present and in charge of the event on the day of the event;
 2. The proposed location, including specific public right-of-way for street closures, if any or park area requested (first time events must list several options for location, route, date, and time);
 3. A site map showing emergency exit routes;
 4. Any city equipment or personnel requested or required;
 5. A description of the planned event;
 6. A description of how the event will be promoted and any prior history of promotions for similar events, including references;
 7. The proposed distribution or sale of any food or beverage, including alcoholic beverages;
 8. The proposed date, and the starting and finishing time of the event (specify additional time needed for set-up and clean-up);
 9. The estimated number of participants;
 10. The type and estimated number of vehicles, animals or structures that will be used;
 11. A description of any sound amplification equipment proposed to be used;
 12. The location of electrical generators, stages, canopies, cooking apparatus and lights;
 13. The location of mechanical rides, jump houses or other amusement attractions;
 14. Parking requirements;
 15. The location of any water, first aid, or comfort station(s) to be provided;
 16. For each application for a parade: (1) the time when the units of the parade will begin to assemble; (2) the proposed assembly point for the parade; (3) the proposed parade route; (4) the interval space to be maintained between units of the parade; and (5) the number, type and size of floats or other vehicles; and
 17. A preliminary security plan and any monitors to be employed during the event; and
 18. Any other information which the Committee reasonably requires to evaluate the particular special event application. In addition, the Committee can waive application requirements that the Committee determines are inapplicable.

17.34.080 PROCESSING OF PERMITS.

A. Non-Free Speech Events.

1. For first time special events, the application must be filed at least 90 days prior to the date of the proposed event.
2. For annual events for which a special event permit has previously issued, the application must be filed at least 45 days prior to the date of the proposed event.
3. The Committee shall meet with the applicant or sponsor to review the application to determine whether additional information is required, discuss applicable conditions and potential fees, and determine whether or not the proposed event is considered a “high impact event” based upon the information contained in the application.
4. If the proposed special event is a first time high impact event or when there is a substantial change to the scope and nature of a previously held event, the applicant will be required to mail a notice of intent describing the proposed special event to property owners located within 300 feet of a fixed event site or to properties immediately adjacent to a parade, or run/race route and solicit comments. Comments received from the neighborhood will be considered by the Committee prior to the issuance of a permit.
5. The Committee shall make a decision on the application, set any conditions and fees, and issue the permit.
6. In deciding whether to approve, or approve with conditions, the Committee shall make each of the following findings:
 - (a) The event, as proposed, can be shown to function safely;
 - (b) The diversion of police and fire resources to support the event will not deny reasonable police and fire protection to the city;
 - (c) The special event will not cause irreconcilable interference with previously approved and/or scheduled construction, maintenance or other activities;
 - (d) The proposed event will not cause other adverse impacts on health or safety to surrounding residential or commercial uses, which cannot be effectively mitigated;
 - (e) The special event sponsor or applicant has provided a transportation management/parking plan for traffic control/parking management if required by the nature of the event; and
 - (f) The location/route meets the criteria established in the procedures.
 - (g) In deciding whether to approve an application, no consideration may be given to the message of the event, the content of speech, the identity or associational relationships of the applicant, or to any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event.
7. Conditions.
 - (a) The committee may include in a special event permit, among other provisions, reasonable terms or conditions as to the time, place and manner of the event, notice requirements, compliance with health and sanitary regulations, emergency services, security payment of special event permit fee, reimbursement of direct expenses incurred by city, and a clean-up/damage deposit.
 - (b) Additional permits may be required to meet the conditions established by the permit, and/or other federal, state, county or city codes.
 - (c) In order to accommodate other concurrent events, the rights of abutting owners and the needs of the public to use streets or parks, the conditions may include, but not be limited

to, reasonable adjustments in the date, time, route or location of the proposed event; accommodations of pedestrian or vehicular traffic using the street; and limitations on the duration of the event.

8. Recurring events. For recurring events, the Special Event Committee may require a trial period before approving all planned events. In no case shall recurrent events be authorized for more than one year.
9. An application for a special event permit can be denied on any of the following grounds:
 - (a) Applicant's provision of false or misleading information;
 - (b) Conflict with other planned events in the area;
 - (c) Previous permit violations by the applicant or organization; or
 - (d) Inability to make each of the findings for approval set forth above.

B. Free Speech Events. The following procedures apply to a free speech event:

1. Filing. The applicant shall file the application with the Chairperson as soon as possible, but no later than seven working days before the event. An application may be filed up to five working days before the event, but an applicant filing fewer than seven working days before the event waives the right to appeal a decision. If an event is planned in response to a contemporaneous public event or decision which could not have been known in advance, the applicant may file an application 48 hours before the event. The review period is to ensure adequate time for review of the proposed arrangements by the affected City departments, establishing reasonable conditions, notification of the decision, and appeal from the decision.
2. Chairperson's decision. The Chairperson shall approve the permit application, subject to conditions, or shall deny the permit in accordance with the findings set forth in subsection (A) above. The Chairperson shall take action to approve or deny within 48 hours (not including days the City offices are closed) after receipt of a completed application. The Chairperson shall notify the applicant in writing (and orally, if possible) of the decision, including a statement of the reasons for any conditions or the grounds for a denial. If a change in the time or location of the proposed event would allow approval of the application, the Chairperson shall propose an alternative to the applicant.
3. Applicant's acceptance (or appeal). The applicant shall notify the Chairperson in writing of the applicant's acceptance within 24 hours (not including days the City offices are closed) after written notice of the decision. The failure to submit a timely acceptance or appeal is deemed an automatic withdrawal of the application. If applicant files a valid written acceptance and complies with the general permit conditions, the permit issues upon the Chairperson's receipt of the written acceptance. The Chairperson shall notify the applicant, the City Council, the City Manager, and any affected department head that the permit has been issued consistent with the notification process identified in the special event procedures.
4. Appeal. An applicant who has filed the initial application at least seven working days before the event may appeal the decision, including a denial, a condition of approval, a refusal to waive a filing deadline, or a decision regarding fees or insurance, by filing a written appeal on a form prescribed by the Chairperson. The appeal procedures are set forth in this Chapter.
5. Judicial review. If the City denies a free speech event permit, the City shall within two working days file an action in the superior court for a determination on the validity of the denial. At the

time of filing, the City shall request that the court hear the matter as soon as possible and no later than two court days after the filing.

17.34.090 PERMIT FEES AND CHARGES.

- A. Permit fees and charges are established by resolution of the city council. If required. The application fee must be submitted when the applicant or sponsor files the application. Other costs for city services shall be invoiced to the permittee no later than ten working days after the expiration date of the permit. Fees are payable within 30 days of invoice.
- B. In addition to the payment of any applicable non-refundable permit application fees, all applicants or sponsors shall be responsible for paying for all City departmental service charges incurred in connection with or due to the permittee's activities under the permit.

17.34.100 REVOCATION. A special event permit can be revoked by the Chair for any of the following reasons:

- a) failure to comply with any permitting requirements or conditions of approval;
- b) knowingly providing false, misleading or fraudulent information;
- c) failing to pay required fees, charges or deposits;
- d) failing to agree to the indemnification agreement or for failing to provide proof of insurance to the extent required; or
- e) new information after a permit has been approved materially changes the event.

17.34.110 APPEAL. A decision to deny a special event permit application or revoke a special events permit is appealable to the city manager by filing a written appeal to the city manager within ten days of the decision. The city manager or designee shall hold a hearing within ten days of receipt of the appeal. The decision of the city manager or designee is final.

17.34.120 HOLD HARMLESS. As a condition to the issuance of any permit under this chapter, the applicant shall agree to defend, indemnify and hold harmless the city, its elected and appointed officials, employees and agents, against losses and liabilities incurred from the conduct of the permittee, or its officers, employees, and agents, or claims or liabilities caused by, or arising out of any activities authorized by any such permit.

17.34.130 INSURANCE REQUIREMENTS FOR NON-FREE SPEECH EVENTS. The applicant shall provide general liability insurance naming the city, its elected and appointed officials, employees, and agents, as an additional insured. Limits of coverage will be determined by the City Attorney's office at the time of application. Certificates of insurance are to be submitted to the city for approval 14 working days prior to the day of the event. Acceptability of insurance is subject to approval by the city's risk manager. This requirement does not apply to Free Speech Events.

17.34.140 ADOPTION OF PROCEDURES. The city manager may prepare and adopt procedures for the purpose of implementing this code or to carry out other responsibilities as may be required by this code or other codes, ordinances of the city or other agencies. Such procedures do not require approval by the city council.

Section 2. ENVIRONMENTAL REVIEW. The passage of an ordinance regulating special events is not a project subject to California Environmental Quality (CEQA) Guidelines because it can be seen with certainty that the action will not have an impact on the environment.

Section 3. SEVERABILITY. In the event any section, clause or provision of this Ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared to be invalid or unconstitutional.

Section 4. PUBLICATION. This Ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk’s Office, and posted on the City’s website, all in accord with Section 2.15 of the City Charter.

The foregoing ordinance was introduced on March 4, 2013, and adopted by the City Council of the City of San Mateo, State of California on the 18th day of March, 2013, by the following vote:

AYES: COUNCIL MEMBERS LIM, ROSS, GROTT, FRESCHET, AND MATTHEWS

NOES: NONE

ABSENT: NONE

ATTEST:

(SEAL) /s/ PATRICE M. OLDS
Patrice M. Olds, City Clerk

/s/ DAVID LIM
David Lim, Mayor