

CITY OF HEALDSBURG

ORDINANCE NO. 1235

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG AMENDING HEALDSBURG MUNICIPAL CODE CHAPTER 12.24 (SPECIAL EVENTS); AND REPEAL IN ITS ENTIRETY CHAPTER 10.48 (PARADE PERMITS) AND SECTION 12.32.040 (SPECIAL EVENT PERMIT)

WHEREAS, the City of Healdsburg ("City") recognizes the community benefits provided by regulated and safe events on public streets, parks and City facilities; and

WHEREAS, these gatherings provide opportunities for cultural enrichment, promote economic stimulus to local businesses and enhance community identity; and

WHEREAS, public assembles, parades, and other special events also require commitment of significant City resources, including public safety to regulate vehicular and pedestrian traffic, public works crews to regulate maintenance impacts, enforcement staff to issue citations and administrative staff to monitor City costs and revenues; and

WHEREAS, the City Council desires to repeal Healdsburg Municipal Code Chapter 10.48 and Section 12.32.040 and amend Healdsburg Municipal Code Chapter 12.24 to update special events requirements for reasonable time, place and manner regulations while protecting public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Healdsburg does ordain as follows:

Section 1. Findings

The City Council of the City of Healdsburg does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 2. Repealing Chapter 10.48 of the Healdsburg municipal Code

Healdsburg Municipal Code Chapter 10.48 – Parade Permits is hereby repealed in its entirety.

Section 3. Repealing Section 12.32.040 of the Healdsburg Municipal Code

Healdsburg Municipal Code Section 12.32.040 – Special event permit is hereby repealed in its entirety.

Section 4. Amending Chapter 12.24 of the Healdsburg Municipal Code

Healdsburg Municipal Code Chapter 12.24 – Special Events is hereby amended to read in its entirety as shown on Exhibit A, attached hereto and incorporated herein by reference.

Section 5. Environmental Review

The City Council finds and determines that adoption of this Ordinance, which regulates special events, is not subject to the provisions of the California Environmental Quality Act ("CEQA") because it is not a project, since it will not have a direct or reasonably foreseeable indirect impact on the environment. Even if adoption of this Ordinance were deemed a project, it would be

exempt from CEQA pursuant to CEQA Guidelines Section 15304 Minor Alterations to Land, as it provides procedures for the authorization of the use of land having negligible or no permanent effects on the environment and does not involve the removal of healthy, mature scenic trees. Further, special events are considered normal operations of existing facilities for public gatherings (CEQA Guidelines Section 15323). Temporary special events occurring at City venues have occurred with regularity for many years and future events would not represent a change in their operation. In addition, there will be no impact on environmental resources of hazardous or critical concern. The proposed Ordinance will not result in cumulative impacts, impacts to scenic highways, or historic resources, nor does the Ordinance involve a hazardous waste site or unusual circumstances. Therefore, none of the exceptions pursuant to CEQA Guidelines Section 15300.2 apply.

Section 6. Severability

If any section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date and Publication

This Ordinance of the City of Healdsburg shall be effective thirty (30) days after the date of its passage. Before expiration of fifteen (15) days after its passage, this Ordinance or a summary thereof, as provided in Government Code section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Healdsburg, along with the names of the City Council members voting for and against its passage.

This ordinance was introduced by the City Council of the City of Healdsburg, County of Sonoma, at a regular meeting thereof on the 4th day of December, 2023, and passed and adopted on the 16th day of January, 2024 by the following roll call vote:

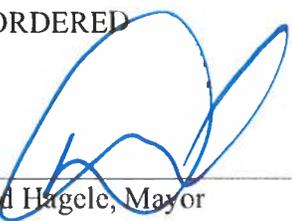
AYES: Councilmembers: (5) Edwards, Herrod, Kelley, Mitchell and Mayor Hagele

NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (0) None

ABSTAINING: Councilmembers: (0) None

SO ORDERED

  
\_\_\_\_\_  
David Hagele, Mayor

ATTEST

  
\_\_\_\_\_  
Raina Allan, City Clerk

Dated: January 23, 2024

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I, RAINA ALLAN, City Clerk of the City of Healdsburg, do hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 1235 passed and adopted by the Healdsburg City Council on the 16th day of January, 2024.

  
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Raina Allan, City Clerk



## EXHIBIT A

### Chapter 12.24 – SPECIAL EVENTS

Sections:

- 12.24.010 – Purpose and intent.
- 12.24.020 – Definitions.
- 12.24.030 – Special event permit required.
- 12.24.040 – Special event permit application.
- 12.24.050 – Review process.
- 12.24.060 – Denial/revocation of special event permit.
- 12.24.070 – Applicable fees, deposit.
- 12.24.080 – Content of special event permit.
- 12.24.090 – Appeals.
- 12.24.100 – Hold harmless.
- 12.24.110 – Display of special event permit.
- 12.24.120 – Administrative regulations or policies.
- 12.24.130 – Penalties.

#### **12.24.010 – Purpose and intent.**

The purpose of this Chapter is to provide a coordinated process for managing special events in the City of Healdsburg to ensure the health and safety of event patrons, residents, workers, and other visitors, to prohibit illegal activities from occurring at special events, and to create mechanisms for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of special events. It is recognized that these special events enhance Healdsburg's lifestyle and provide benefits to residents, visitors and organizations through the creation of unique venues for expression and entertainment that are not normally provided as a part of governmental services.

#### **12.24.020 – Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this Chapter:

- A. "Applicant" means any individual or group who has submitted a Special Event application for the purpose of planning, coordinating and executing a Special Event.
- B. "Application" means a form approved by the City, which an applicant must submit pursuant to Section 12.24.040.
- C. "Assembly" means the assembling or coming together of a number of persons for a particular purpose.

D. “City property” means all real property and improvements owned, operated or controlled by the City within the City’s jurisdiction. City property includes, but is not limited to City Hall, police and fire facilities, recreational facilities, parks, libraries, and streets and sidewalks.

E. “Conditions of approval” or “Conditions” means specific requirements, restrictions, or obligations attached to the special event permit that are narrowly tailored to address safety concerns and mitigate community impacts.

F. “Expressive activity” means conduct, the sole or principal object of which is the expression of opinion, views, or ideas, protected by the First Amendment of the U.S. Constitution. Expressive activity includes, but is not limited to, public oratory and distribution of literature.

G. “External special event” or “External event” – Any special event that is not managed by the City of Healdsburg or held in official partnership with the City pursuant to the City’s Special Events Policy.

H. “Facility use permit” means an authorization that grants individuals or organizations permission to utilize an indoor or outdoor public space for a wide range of activities or events that does not otherwise require a special event permit.

I. “Film permit” means an authorization to engage in the taking of motion pictures, television, digital media or commercial still photography.

J. “Major event” means a special event with an anticipated attendance of more than five hundred (500) and has one or more of the following characteristics:

1. A duration of more than eight (8) hours, including set-up and clean-up.
2. On-site sale or consumption of alcoholic beverages.
3. Road or lane closure(s).
4. Occurring between 10:00 p.m.-6:00 a.m.
5. Occurring over multiple days; either on subsequent days or part of a series.
6. A special event determined by the Community Services Director or designee to have a high overall impact on City facilities, infrastructure, and resources.

K. “Minor event” means a special event with a duration of eight (8) or less hours, including set-up and clean-up, and an anticipated attendance of 500 people or less, that does not include any of the characteristics of a major event. Examples of minor events could include but are not limited to local community gatherings or smaller-scale exhibitions.

L. “Organize” means to organize, operate, manage, stage, promote, sponsor or carry on a special event.

M. “Organizer” means the person who organizes, operates, manages, stages, promotes, sponsors or carries on a special event.

N. “Permit” means a special event permit issued by the issuing entity, as defined below, consistent with the provisions of this Chapter.

O. “Permittee” means any person that has been issued a permit to organize a special event in accordance with this Chapter.

P. “Person” means and includes an individual, corporation, partnership, trust, non-profit organization, association, group or other business entity or organization.

Q. “Issuing entity” means either:

1. The Community Services Director or their designee; or
2. The City Council, for external special events with anticipated attendance of 1,000 people or more.

R. “Special event” means any of the following:

1. Any organized formation, parade, procession, demonstration or assemblage consisting of one hundred (100) or more persons which may include persons, animals, vehicles or any combination thereof, which is to assemble or travel in unison on any public street, sidewalk or the public right-of-way owned or controlled by the City and which does not comply with applicable traffic regulations, laws, or controls; or
2. Any organized assemblage of one hundred (100) or more persons at any public place, public property, or public facility which is to gather for a common purpose under the direction or control of a person; or
3. Any other organized activity conducted by a person for a common or collective use, purpose or benefit which shall require the use of City public services for police regulation, monitoring or control, street closure, erecting barriers, or traffic control, parking needs that will exceed the capacity of the venue, or that will interfere with normal use and operation of public right-of-ways for travel.

S. “Council request” means a formal request from a special event applicant to engage in a written agreement with the City for a special event with an estimated attendance of over 1,000 people. Such requests would include requests for inclusion of the event in the City’s Master Calendar of Events and requests for certain waivers as provided in the Healdsburg Special Events Policy and Municipal Code.

**12.24.030 – Special event permit required.**

A. Permit Required. Except when expressly provided pursuant to the terms of a permit, lease, or contract which has been specifically authorized by the City Council, no person shall operate any special event regulated by this Chapter without first obtaining a permit in accordance with the provisions of this Chapter, unless exempt as set forth below.

B. Exempt Activities. Although not required to obtain a special event permit, an organizer of an activity exempted pursuant to this section is required to comply with general regulations governing public safety or health:

1. Spontaneous events occasioned by news or affairs coming into public knowledge less than forty-eight (48) hours prior to such event if all of the following factors are satisfied:

- a. The organizer provides the Community Services Department with at least four (4) hours of prior notice of the spontaneous event with their name and on-site phone number;
- b. The spontaneous event does not impede vehicular traffic or violate regulations regarding pedestrian and vehicular traffic; and
- c. The location where the spontaneous event is to be conducted has not been previously rented, reserved, or otherwise obligated to another use in accordance with established City policies and procedures for use and/or rental of City facilities.

Events which require a permit pursuant to other chapters of the Municipal Code, including but not limited to group activities in City-owned parks, shall not be considered spontaneous events.

2. Events that would otherwise fall under a facility use permit or a film permit.

- a. A facility use permit shall be required for the use of certain City facilities, such as parking lots, picnic areas, or City-owned building, ensuring that proposed activities are conducted safely and in accordance with state and local law. A facility use permit may specify details such as the date, time, and location of the event, any fees or insurance requirements, as well as any restrictions or responsibilities imposed on the permit holder to maintain the integrity of the public space and ensure the well-being of users and the surrounding community. Indoor activities are limited to the building's capacity and outdoor activities are limited to 100 people at a given time.
- b. A film permit shall be required for the taking of motion pictures, television, digital media or commercial still photography.

3. Bike tours, rides, runs, races, and courses and similar events (not including parades or marches) that involve the use of public roads or streets within the City are exempt from the special event permit requirement, provided that they abide by the following:

- a. Organizers must ensure that all participants, support staff, and equipment adhere to the provisions of the California Vehicle Code. This includes, but is not limited to, complying with traffic rules, signals, and guidelines to ensure the safety of both participants and the general public.
- b. Organizers are required to notify the Community Services Department of the event's date(s), time(s), route(s), projected attendance, and anticipated impact on traffic within forty-five (45) days of the event.
- c. Any segments of the course that pass through the City must receive approval from the Community Services Department.
- d. Any limitations required by the City to accommodate planned road work, road closures, emergency repairs, or any other activities that could affect City services or disrupt the course.

**12.24.040 – Special event permit application.**

A. An application for a special event permit shall be filed with the Community Services Department on a form approved by the Community Services Director or designee not less than thirty (30) calendar days before the proposed special event for minor events, not less than forty-five (45) calendar days before the proposed special event for major events, and no more than 1-year in advance for all events. The application must include the following information:

1. A description of the proposed use, event, or activity;
2. The street or other public property and the specific area or areas thereof which will be utilized in connection with the proposed special event, including a description of any noise generating equipment, such as sound-amplifying equipment;
3. The manner in which the public property will be utilized;
4. The date or dates and the specific times thereof, including set-up and tear-down, that the public property is to be utilized for the described special event;
5. The name, address and telephone number of the person, entity, or organization sponsoring or conducting the proposed special event;
6. The name, address and telephone number of the person(s) responsible for managing and leading the proposed special event, in the event the City must contact said individual(s) on the day or day(s) of the proposed special event;
7. The name, address and telephone number of the person or persons to be contacted regarding the application or permit;
8. Site layout and circulation plan for events requiring street closures;

9. Insurance and surety bond information, with worker's compensation declaration; and
10. Additional supplemental information as requested.

B. External special events anticipated to involve the attendance of 1,000 or more persons, shall, in addition to submitting an application as specified in this section, be required to enter into a cost recovery deposit agreement, fee agreement, or other use agreement, all subject to review and approval by the City Council.

C. Special events seeking partnership with the City shall follow the procedure set forth in the Special Events Policy.

D. In addition to the special events permit, additional permits / licenses may be required and are not limited to the following:

1. Tent, Building, Picnic, Banner, or Facility Use Permit
2. Food Permit, or Community Event Organizer Permit
3. ABC License
4. Pyrotechnics Permit
5. Film Permit

**12.24.050 – Review process.**

A. Subject to the criteria for denial set forth in Section 12.24.060, the issuing entity shall issue a special event permit if it is determined that the proposed special event is consistent with this Chapter and the City's Special Events Policy and all of the following criteria have been met:

1. The proposed use of City property for the special event is not otherwise governed by or subject to any other permit procedures provided elsewhere in this Code or the Special Events Policy.
2. The preparation for or the conduct of the proposed special event will not unduly impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the particular permit area or adversely affect the City's ability to perform municipal functions or furnish City services in the vicinity of the permit area.
3. The proposed special event does not otherwise present a substantial safety, noise, environmental, or traffic hazards, considering the number of participants and proposed location, such as to endanger the health or safety of the event participants, general public, or City employees, which cannot be adequately remedied by reasonable traffic control and other safety measures.

B. In deciding whether to approve an application, no consideration may be given to the message of the event, the content of speech, or the identity or associational relationships of the applicant.

C. Preference for use of facilities governed by this Chapter shall be given, whenever possible to City-managed or partnered events, City-based non-profit organizations, residents, and businesses.

**12.24.060 – Denial/revocation of special event permit.**

The issuing entity may deny any application for a special event permit or revoke such a permit if the issuing entity finds any of the following:

- A. One or more of the approval criteria specified in Section 12.24.050 is not or can no longer be met;
- B. The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process;
- C. The applicant does not adhere to all conditions of approval or if the facility is destroyed, damaged, or otherwise unusable.
- D. The application does not contain the information required by this Chapter;
- E. The application does not satisfy the requirements of this Chapter;
- F. The applicant fails to comply with any conditions of approval including, but not limited to:
  - 1. Timely remittance of applicable fees, charges or deposits,
  - 2. Submittal of an indemnification agreement and/or proof of insurance for the special event as required by the City;
  - 3. Timely submittal of all required documents.
- G. The applicant has damaged City property and has not paid in full for such damage or has other outstanding and unpaid debts related to a prior Special Event permit issued by the City.
- H. The special event is scheduled to occur at a location and time in conflict with another special event already scheduled, or in conflict with City-sponsored programming.
- I. The Special Event is in conflict with applicable provisions of any federal, state and/or local laws, including the City's Special Events Policy.

**12.24.070 – Applicable fees, deposit.**

- A. Fees. Special event permit application fees pursuant to this Chapter shall be established by separate resolution of the City Council. Where a special event requires street closure, barriers, or other infrastructure, the Applicant shall pay such fees as may be established by resolution of the City Council for traffic control and related municipal expenses, including but not limited to public safety, services, solid waste and recycling services, building inspections, and any other applicable fees. Additionally, use of City buildings or facilities shall be subject to any use or rental fees established by the City which shall be deposited by the Applicant prior to use.
- B. Deposit. A refundable security deposit shall be required to be deposited with the City Community Services Department no later than seven (7) business days prior to the date of the special event pursuant to the Special Events Policy.

**12.24.080 – Content of a special event permit.**

A special event permit may contain the following information or conditions:

- A. The location of the special event venue, which may be identified by a map attached to the special event permit;
- B. The date, assembly area, time for assembly and starting time of the special event;
- C. The specific route plan to the special event;
- D. The minimum and maximum speeds of the special event;
- E. The number of persons and number and types of animals and vehicles, the number of bands, other musical units and equipment capable of producing sound, if any, and limitations thereon pertaining to noise abatement;
- F. The maximum interval of space to be maintained between booths or other structures to be used for the special event;
- G. The portion of the street and sidewalk that is to be occupied by the event and the location of reviewing or audience stands, if any;
- H. The number and location of traffic controllers, monitors, other support personnel and equipment and barricades to be furnished by the special event organizer,
- I. Conditions or restrictions on the use of alcoholic beverages, such as requiring a security plan, and authorization for and conditions of the exclusive control or regulation of vendors and related sales activity by the event organizer during the special event;
- J. Conditions to make adequate provisions for cleaning-up the area or route of the special event both during and upon completion of the event and to return the area or route to the

same condition of material preservation and cleanliness as existed prior to the special event;

- K. Conditions requiring the event organizer to ensure notification is provided to all property owners impacted by any road or lane closure for the special event.
- L. Provisions for any required emergency medical services; and,
- M. Such other information and conditions as are reasonably necessary for the conduct of the special event and the enforcement of this Chapter, including the requirement for the on-site presence of the event organizer or its designated representative for all event coordination and management purposes.

**12.24.090 – Appeals.**

A. If the Community Services Director or designee denies the application for the special event permit, they shall notify the applicant in writing as soon as is reasonably practical.

B. The denial of a special event permit may be appealed to the City Council. An appeal shall be made in writing within five (5) calendar days of the date of the written denial. An appeal is made by filing a written petition with the City Clerk setting forth the grounds for the appeal, along with the requisite fee per the current Master Fee Schedule.

C. The appeal hearing shall be scheduled for the next available City Council meeting.

D. The decision of the City Council to grant or deny the appeal shall constitute the exhaustion of the applicant's administrative remedy.

**12.24.100 – Hold harmless.**

Each special event permittee shall execute a hold harmless agreement in a form approved by the City agreeing to defend, indemnify, and hold harmless the City against losses and liabilities incurred from the willful or negligent acts or omissions of the permittee or its officers, employees, and agents. If City property is destroyed or damaged by reason of permittee's special event and the damage or destruction is directly attributable to the permittee, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed or damaged property. Nothing in this provision shall require a permittee to indemnify the City from claims or losses occasioned by the reaction of third parties to expressive activity at the permittee's special event.

**12.24.110 – Display of special event permit.**

A copy of the special event permit shall be displayed at the event site and shall be exhibited upon demand of any City official.

**12.24.120 – Administrative regulations or policies, waivers.**

The Community Services Director or designee may adopt administrative regulations or policies and/or approve waivers that are consistent with and that further the terms and requirements set forth within this Chapter, and as may be necessary to coordinate multiple uses of public property, assure preservation of public property and public places, prevent dangerous, unlawful uses, protect the safety of persons and property and to control vehicular and pedestrian traffic. All such administrative regulations or policies must be in writing.

**12.24.130 – Penalties.**

Any person who intentionally violates any of the provisions of this Chapter shall be guilty of a misdemeanor. Violations of this chapter may enforced pursuant to any laws and remedies available to the City including but not limited to enforcement as a misdemeanor and/or public nuisance pursuant this Code.