

ORDINANCE NO. _____

CITY COUNCIL, CITY OF SOUTH SAN FRANCISCO, STATE OF CALIFORNIA

AN ORDINANCE UPDATING CHAPTER 6.48 OF THE
SOUTH SAN FRANCISCO MUNICIPAL CODE, RELATED
TO SPECIAL EVENT PERMITS

WHEREAS, Chapter 6.48 of the South San Francisco Municipal Code, regulating public rental halls and dance premises, was last updated in 1992; and

WHEREAS, amendments to Chapter 6.48 are required to more clearly and effectively regulate special events that do not involve dance; and

WHEREAS, this Ordinance updates the City’s regulatory framework for permitting special events; and

WHEREAS, the City Council finds that it benefits the public interest, safety, and welfare to regulate special events in the manner set forth in this Ordinance.

NOW THEREFORE, the City Council of the City of South San Francisco does hereby ordain as follows:

SECTION 1. AMENDMENTS.

Chapter 6.48 shall be repealed in its entirety and replaced with the following:

Chapter 6.48 Special Event Permits.

6.48.010 Definitions

- (a) “Applicant” means any person, firm, partnership, corporation, organization, association, society, club, individual or group of individuals that seeks a special event permit from the city, through the police chief, to host, conduct organize, sponsor, promote, or advertise a special event or series of special events governed by this chapter.
- (b) “Extraordinary security services” means, as determined by the police chief, that at least one South San Francisco police officer, or alternatively, private security officer approved by the police chief, must be present during the event to preserve and protect the safety and welfare of those in attendance and in the community.
- (c) “Open to the public” means during the special event, the specific area or premises at which the special event is held are available for use by or accessible to the general public, including without limitation business invitees, with or without a fee or charge for admission or use of the area or premises.

- (d) “Persons financially interested” means all persons who share in the profits, on the basis of gross or net revenue, of the firm, partnership, corporation, association, society, club, individual or group of individuals that are hosting, providing, maintaining, organizing, allowing, conducting, promoting or advertising a special event.
- (e) “Police chief” means the chief of police of the City of South San Francisco or his or her designee.
- (f) “Special event” shall include without limitation, any non-exempt activity, function, or event, occurring alone or as part of a business, conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing guests or patrons (e.g., an assembly, congregation, attraction, display, entertainment, demonstration, carnival, circus, rodeo, or other traveling show, fair, fashion show, festival, food fair, cook-off, dance, sporting event, wedding, party, concert or performance, or any other planned occurrence) that is likely to meet any one or more of the following criteria:
 - (1) Be attended by fifty (50) or more people;
 - (2) Obstruct, delay, or interfere with the normal flow of pedestrian or vehicular traffic, or otherwise fail to comply with traffic laws and controls;
 - (3) Is reasonably expected to threaten the public peace, health, safety or general welfare, or otherwise require extraordinary security services, as determined by either the police chief or fire chief;
 - (4) Sell or otherwise provide alcoholic beverages, including by any charitable, civic, cultural, fraternal, patriotic, political, religious, social, or amateur sports organizations; or
 - (5) Has a common or collective use, purpose or benefit that involves the use of, or has an impact on, other public property or facilities and/or the provision of City public safety services in response thereto.

6.48.020 Notification of event required.

Except for events that are held in a private residence and not open to the public, every person, firm, partnership, corporation, organization, association, society, club, individual or group of individuals that intend to host, hold, allow, maintain, organize, conduct, promote or advertise any event, activity, or function that is reasonably expected to be attended by at least fifty (50) people, regardless of whether the event, activity, or function is a “special event” as defined in Section 6.48.010, shall notify the city police department at least thirty (30) days prior to the event. Notification shall include the location, date(s) and time(s) of the event, the names and addresses of the persons charged with managing the event, the type of event, and the anticipated numbers of attendees.

6.48.030 Special event permit and business license required.

It is unlawful for any person to provide, maintain, organize, allow, conduct, promote or advertise any special event without first obtaining a special event permit from the police chief. Any facility, establishment, corporation, or organization that hosts, leases or provides

space for any special event must also obtain or have obtained a valid and current business license from the Finance Department, in accordance with this Title. Any corporation, organization, or association that organizes, facilitates, advertises or promotes any special event must also obtain or have obtained a valid and current business license from the Finance Department, in accordance with this Title. Issuance of a business license, as required by this Chapter, shall comply with the procedures and be subject to the provisions of Division I of this Title.

6.48.040 Exemptions from special event permit requirement.

The following types of events shall not be required to obtain a special event permit, provided that, in the sole discretion of the police chief, no extraordinary security services are required and the event will not otherwise adversely affect the public health, safety, or welfare.

1. An event attended by 49 or fewer persons.
2. An event held in a private residence where no admission is charged and the event is not advertised or open to the public.
3. An event held in a banquet hall or similar facility, attended by 49 or fewer persons, where no admission is charged, and the event is not advertised or open to the public.
4. An event provided for members and their guests at a private club having an established membership and which is not advertised to non-members or open to the public. For purposes of this section, private club means corporations or associations operated solely for objects of national, social, fraternal, patriotic, political, or athletic nature, membership in which is by application and for which regular dues are charged, and the advantages of which club belong to the members, and the operation of which is not primarily for monetary gain.
5. Religious exercise hosted by a religious entity and held in the religious entity's facility.
6. Events held by commercial recreation uses and eating and drinking establishments that are currently licensed and operating in accordance with a use permit, to regularly provide specified entertainment activities at fixed locations in the city. This exemption shall not apply to any party, other than the lawfully permitted commercial recreation or eating and drinking establishment, that provides, maintains, organizes, allows, conducts, promotes or advertises any special event to be held on the premises of the lawfully permitted commercial recreation or eating and drinking establishment.
7. Events, including private events not open to the public, held in the restaurant area at full service restaurants, where the restaurant provides food and beverage services to event attendees who are served while seated. This exemption shall only apply to dining activities, and shall not apply to other types of activities, including but not limited to dancing and live entertainment, regardless of whether such other activities are held in the restaurant area. For purposes of this exemption, the "restaurant area" shall be the physical location within the establishment where, as part of the regular course of business, the establishment provides food and beverage services to patrons who order and are served while seated.
8. Funeral processions.

9. Events conducted by or sponsored by any bona fide club or organization that is exempt from taxation pursuant to Internal Revenue Code section 501(c)(3), when all proceeds, if any, arising from such special event are used exclusively for the benevolent purposes of such club or organization.
10. Performances by students at educational institutions, as defined by the Education Code, where such performances are part of an education or instructional curriculum or program.
11. Book readings, book signings, and similar literary entertainment.
12. Events sponsored or organized by any agency of the city, the County of San Mateo, the various boards of education, or of any other political subdivision of the State of California, acting within the scope of their authorized function.
13. Events held in or on a facility, establishment, or area, excluding public rights-of-way, that the applicant rents, leases, borrows, or otherwise directly contracts for the use of with, the city, the County of San Mateo, the various boards of education, or of any other political subdivision of the State of California, provided the special events obtain any and all other permits and approvals that may be required for the event, including without limitation, permits required by Chapter 10.36 of the South San Francisco Municipal Code.
14. Events held at the South San Francisco Conference Center, provided the special events obtain any and all other permits and approvals that may be required for the event.
15. Any other event, series of events and/or specific type of event that is exempted at the discretion of the police chief, based upon evidence that the event or events will not impact police services and will not adversely affect public health, safety and welfare.

6.48.050 Application for special event permit.

- (a) Applications shall be filed with the Police Department of the City of South San Francisco, not less than thirty (30) days prior to the opening date of the event, except that the police chief may accept late applications upon: (1) the showing of good cause by the applicant; (2) a determination that there is sufficient time for the city to process and investigate the application; and (3) if applicable, payment of the late application fee.
- (b) Complete applications for a special event permit shall include the following information:
 - (1) The true names and addresses of all persons financially interested in the special event.
 - (2) If the event is sponsored or promoted by an organization, the name, address, and telephone number of the organization, and the contact information for a responsible party of organization. If requested by the police chief, written authorization to apply for a special event permit by an officer of the organization must be submitted with the application.
 - (3) The nature and purpose of the event.
 - (4) The exact location and address of the facility, establishment, or area where the applicant will hold the event, including its boundaries.
 - (5) Date and estimated start and ending times of the event.
 - (6) The estimated number of persons attending the event and the maximum number of persons, if any, to be allowed to attend the event.

- (7) The extent and type of advertising and promotion of the event;
 - (8) Evidence of insurance in a form and amount acceptable to the city attorney shall be provided by the applicant, or the facility, establishment, or area in which the event will occur, prior to the issuance of the permit. Should the event be held on public property, the City, its officers, agents, employees, and volunteers shall be named as additional insureds and the policy shall indicate that the insurance is primary and any insurance which may be carried by the City shall be considered as excess to.
 - (9) Evidence of any required approvals or clearance from the State Alcoholic Beverages Commission.
 - (10) Any additional information that the police chief determines is needed to make a determination as to whether the special event will require extraordinary security services, or whether the special event may otherwise adversely impact the public health, safety, or welfare.
- (c) The Police Department may refer any special event application to the City of South San Francisco planning division for review, and shall refer to the planning division, all applications for events to be held in a facility, establishment, or area other than a hotel, restaurant, or banquet hall. Planning division shall review any application received for compliance with Title 20 of the South San Francisco Municipal Code, including without limitation issuance of use permit, minor use permit, and temporary use permit. Any such required permits or approvals shall be issued before a special event permit is issued.
 - (d) The Police Department may refer any special event application to the City of South San Francisco building division for review, and shall refer to the building division, all applications for events to be held in a facility, establishment, or area other than a hotel, restaurant, or banquet hall. Building division shall review any application received for compliance with the Americans with Disabilities Act and the California Building Code. Any required permits or approvals shall be issued before a special event permit is issued.
 - (e) The Police Department shall refer all special event applications to the City of South San Francisco fire department, for review to ensure that the required special event permit complies with applicable Fire Code requirements. Any such required permits or approvals shall be issued before a special event permit is issued.
 - (f) Application fees. Each application for a special event permit shall be accompanied by payment of, or a receipt showing that applicant has already paid, a nonrefundable processing fee and, if applicable, any late application fee, as set forth in the master fee schedule of the city adopted by resolution of the city council.

6.48.060 Conditions on Special Event Permits.

- (a) The police chief may impose conditions on the special event permit relating to the operation of the special event, and necessary to protect the public health, safety, and welfare. Conditions may include, but are not limited to:
 - 1. The days, hours, location, or route of the event;

2. The area of assembly and disbanding of parade or other event activities occurring along a route;
3. Accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street traversed;
4. Requirements for the use of traffic cones, delineators or barricades;
5. Requirements for the provision of first aid or sanitary facilities;
6. Requirements for use of event monitors, and providing notice of permit conditions to event participants;
7. Restrictions on the number and type of vehicles, animals, or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for safety purposes;
8. Compliance with animal protection ordinances and laws;
9. Requirements for use of trash containers, recycling containers, cleanup, and restoration of the facility, establishment or area;
10. Requirements for separate entrances, exits, and restroom facilities on the premises, or other similar restrictions designed to prevent minors from obtaining alcohol are required;
11. Restrictions on use of amplified sound;
12. Notification to businesses and residences along the affected street(s);
13. Compliance with any relevant ordinance or law, including obtaining any legally required permit or license;
14. Restrictions on the consumption of alcoholic beverages;
15. The age of persons allowed to attend the special event;
16. Requirements for extraordinary security services at the event, including how many security guards are required;
17. Other similar conditions related to public health, safety and welfare.

6.48.070 Action on applications; Appeal.

(a) In those situations where a use permit or other permit is not required pursuant to Title 20 of the South San Francisco Municipal Code, the police chief shall either grant, conditionally grant, or deny the application for a special event permit within thirty (30) days of receiving a complete application. The permit may be denied for any of the following reasons:

1. The structure or building is by reason of its physical design unsuited to ready police inspection; or
2. The applicant has made any false statement in his or her application; or
3. The granting of a permit to the applicant in the location applied for would be detrimental to the public health, safety, or welfare; or
4. The building or location fails to meet the required or applicable city, county or state building, zoning or health laws or regulations; or
5. The specified facility, establishment or area does not meet with the minimum standards, rules and regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic; or

6. The facility, establishment or area does not comply with all fire ordinance codes of the city, county or state; or
7. The structure or building is by reason of its physical design unsuited to ready fire safety inspection; or
8. The applicant has not obtained or complied with the conditions of required planning or zoning approvals or with other existing planning division conditions; or
9. The applicant has failed or refuses to comply with any city ordinance, regulation or condition.

(b) Appeal. The action of the police chief in denying a special event permit shall be subject to an appeal to the city manager. A written application for such an appeal must be filed with the city clerk within ten days after the denial of the permit. Upon failure to file such notice within the ten-day period, the action of the police chief in denying the permit shall be final and conclusive.

6.48.080 Special event permit possession.

The applicant for which a special event permit has been approved shall maintain in their possession during the event the special event permit and any conditions, for inspection by the police and fire departments upon request.

6.48.090 Security officer(s) required.

Every special event having at any one time an attendance of at least fifty (50) persons shall hire a South San Francisco police officer or private security officers approved by the city police chief, to be present during the event, unless in the discretion of the police chief, the hiring of a South San Francisco police officer or private security officer is not necessary to preserve and protect the health, safety, welfare and morals of those in attendance and the community. This discretionary waiver will take into consideration the on-site presence of the permittee's agent(s) during the event, and their ability to control behavior.

If the nature of the special event requires hiring of city regular or reserve police officers, the applicant shall deposit funds with the city's Police Department to cover projected security costs prior to issuance of the special event permit.

6.48.100 Supervision of special event.

The special event shall always be supervised continuously during event hours by the permittee or his/her agent, which shall act in permittee's place and for which the permittee is responsible, or by the person hiring the facility, establishment, or area regardless of the fact that the person did or did not give consideration for the hire of the facility, establishment, or area.

6.48.110 Police and fire inspection.

All special events shall be open to city inspection at all times without advance notice.

6.48.120 Hours of operation.

The hours of operation, dancing and/or playing music shall be restricted to those specified in the approved permit, and at no time shall occur between the hours of one-thirty a.m. and eight a.m.

6.48.130 Lighting.

It is unlawful for any person conducting, maintaining or operating a special event or having charge or control thereof, or for any person employed in and about the same, to hold or conduct, or to cause or permit to be held or conducted any special event unless such event is illuminated by electric light.

6.48.140 Number of persons allowed in special event.

The maximum number of persons allowed to attend a special event shall be the lesser of (i) the maximum number of persons allowed in the specified facility, establishment, or area prescribed in the standards, rules and regulations that have been formally adopted by the State Fire Marshal for the protection of life and property against fire or panic, or (ii) the number prescribed in all city fire codes and ordinances, or (iii) the number prescribed by the special event permit.

6.48.150 Public nuisance.

No person shall permit, cause, create, conduct or allow to be maintained a public nuisance in, upon, or in association with any special event. In addition to the definition of nuisances set forth elsewhere in this code, including but not limited to Section 6.48.180, a “public nuisance,” for the purpose of this chapter, includes boisterous conduct, and loud, unusual and discordant sounds that cause public annoyance or menace to public comfort, safety or welfare.

6.48.160 Special event permit suspension or revocation.

The police chief shall have the right for cause to revoke or suspend any special event permit or approval, and order the event stopped and terminated. Any revocation, suspension, or termination of the event, shall be based on any of the grounds upon which the police chief may deny a special event permit, any violation of this chapter, or any violation of the rules and regulations established by the special event permit. Any person whose special event permit has been revoked shall not be eligible to again be issued a special event permit for a period of one year from the date the revocation became final and conclusive. At the discretion of the police chief, any facility, establishment, or area for which a special event permit has been revoked shall not be eligible to host, hold, allow, maintain, organize, conduct, promote or advertise any special event for a period of one year from the date the revocation became final and conclusive.

6.48.170 Licenses and permits not assignable.

No business license or special event permit issued under the terms of this chapter shall be assignable or transferable.

6.48.180 Violation; Penalty for violation.

- (a) Any violation of this chapter, including but not limited to providing, maintaining, organizing, allowing, conducting, promoting or advertising any special event without first obtaining a special event permit, or doing so in a manner that conflicts or is inconsistent with a special event permit issued for the event, including allowing more than the maximum number of persons prescribed by Section 6.48.150 to attend the special event, is a threat to the public peace, health, safety and welfare, and shall constitute a public nuisance.
- (b) In the event of a violation of this chapter, the police chief or any police officer at the scene shall have the discretion and authority to issue a notification and warning, issue a citation for violation, require the removal of persons from the facility, establishment, or area where the special event is located, prevent persons from entering the facility, establishment, or area where the special event is located, order the event stopped and terminated, and/or take any other action deemed reasonably necessary to protect the public health, safety, and welfare. The permit applicant and property owner of the facility, establishment, or area at which the special event is located shall be jointly and severally liable for the actual costs of any and all city services, including police and fire service, required to enforce and remedy violations of this chapter. In addition to all other penalties authorized by this chapter, any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 1.24 of this code.

6.48.190 Nonwaiver clause.

Nothing in this chapter shall relieve a person to whom a special event permit is issued from complying with all other city, county, state and federal health, safety, sanitation, licensing and other law requirements.

SECTION 2. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of South San Francisco hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections,

subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 3. PUBLICATION AND EFFECTIVE DATE.

Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This ordinance shall become effective thirty days from and after its adoption.

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Introduced and adopted at a regular meeting of the City Council of the City of South San Francisco, held the ____ day of _____, 2010.

Adopted as an Ordinance of the City of South San Francisco at a regular meeting of the City Council held the ____ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk

As Mayor of the City of South San Francisco, I do hereby approve the foregoing ordinance this ____ day of _____, 2010.

Mark Addiego, Mayor