

**AN ORDINANCE OF THE CITY OF COSTA MESA, CALIFORNIA,
REPEALING AND REPLACING ARTICLE 11 ½ OF TITLE 9 OF THE
COSTA MESA MUNICIPAL CODE REGARDING SPECIAL EVENT
PERMITS AND ADDING A NEW ARTICLE 11 ¾ TO TITLE 9 OF
THE COSTA MESA MUNICIPAL CODE REGARDING BLOCK
PARTIES**

WHEREAS, the City occasionally receives requests from private citizens wishing to hold a special event on public or privately owned property; and

WHEREAS, regulation of these events are necessary in order to ensure that such events are compatible with surrounding property uses and that the health, safety and welfare of the general public are not unduly compromised; and

WHEREAS, because of recent changes in the law, there is a need to update the City's current regulations pertaining to such events.

**WHEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES
ORDAIN AS FOLLOWS:**

Section 1. Article 11 ½, Chapter 2, Title 9 of the Costa Mesa Municipal Code are hereby repealed.

Section 2. A new Article 11 ½ , Chapter 2, Title 9 of the Costa Mesa Municipal Code is hereby adopted to read as follows:

ARTICLE 11 ½ . REGULATORY PERMITS FOR SPECIAL EVENTS

Sec. 9-205 Definitions.

For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Applicant" means the person, corporation, association, partnership, or other legal entity submitting the application for a permit.
- (b) "Athletic event" means any event in which a group of persons collectively engage in a sport or form of physical exercise on or within a city street, parking facility, sidewalk or other public right-of-way, including, but not limited to running, jogging, racing, bicycling, rollerblading and roller skating, other than a group of people participating in a parade or public assembly.
- (c) "Chief of Police" means the Chief of Police of the City of Costa Mesa, or his/her designee.

- (d) “City” means the City of Costa Mesa.
- (e) “City Council” means the City Council of the City of Costa Mesa.
- (f) “City Manager” means the City Manager of the City of Costa Mesa, or his/her designee.
- (g) “Departmental service charges” means the actual costs which a department of the city incurs in connection with activities for which a permit is required under this article, including, but not limited to, costs associated with fire safety, traffic and/or pedestrian control, water safety, the closure of streets or intersections, the diverting of traffic, the salaries of city personnel involved in administration or coordination of city services for the event, the cost to the city to provide support personnel, equipment, materials and supplies, and related city costs such as fringe benefits or employee overtime. Departmental services charges shall not include costs incurred by the city to provide police protective services to those engaged in activities or conduct for which a permit is required pursuant to this article.
- (h) “Director” means the Director of Finance of the City of Costa Mesa, or his/her designee.
- (i) “Event organizer” means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event.
- (j) “Indigent natural person” means a person eligible for relief and support in the County of Orange as an indigent person under section 17000 et seq., of the California Welfare and Institutions Code or as said section(s) is/are amended from time to time.
- (k) “Parade” means a parade, procession, march, demonstration, motorcade, promenade or pageant consisting of persons, animals, or vehicles or a combination thereof, traveling in unison and having a common purpose, design, destination or goal which is conducted in, on, upon, or along any public street, sidewalk or other property owned or controlled by the city, or any portion thereof, which does not comply with normal and usual traffic regulations or control or which may impede, obstruct, impair or interfere with the free use of such public street, sidewalk or other public property of the city.
- (l) "Person", as used in this article, means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or manager, lessee, agent, servant, officer or employee or any of them, except where the context clearly requires a different meaning.
- (m) “Public assembly” shall mean any group of fifty (50) or more persons participating in an organized activity having a common purpose (other than employees acting within the course and scope of their employment) on or within a city street, city park, parking facility, sidewalk or other public right-of-way, other than a group of people participating in an athletic event or parade.
- (n) "Sidewalk" means that portion of a highway, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel.

- (o) “Special Event” means an organized activity, public assembly or event involving fifty (50) or more people, and to which the public is invited to watch, listen or participate, including, but not limited to, the following:
- (1) Motorized vehicle races or contests.
 - (2) Carnivals, circuses, fairs, festivals, nondomesticated animal act or exhibition, and similar activities.
 - (3) Any event with mechanical amusement rides.
 - (4) Promotional or fund-raising activities.
 - (5) Outdoor athletic events.
 - (6) Parades.
 - (7) Outdoor public assemblies.
 - (8) Any event that will take place on a public right-of-way within the boundaries of the City of Costa Mesa or on other property owned or occupied by the City of Costa Mesa.
 - (9) Outdoor shows, concerts and exhibitions.
 - (10) Outdoor Craft fairs, soapbox derbies, or other similar events.
 - (11) Any event, regardless of the number of people involved, requiring full or partial street closure that occurs on a city street, sidewalk, alley or other public right-of-way, and/or which is likely to obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic.
- (p) “Special Event Permit” or “Permit” means a permit issued pursuant to this article.
- (q) "Street" means a way or place of whatever nature, publicly maintained and open to use of the public for purposes of vehicular travel. Street includes highways or alleys.
- (r) “Venue” " means the specific property, area or site for which a special event permit has been issued.

Sec. 9-206 Permit Required.

- (a) It shall be unlawful for any person to hold, engage in, or conduct, within the City of Costa Mesa, any special event subject to the provisions of this article and not expressly exempt hereunder without having obtained a valid permit.
- (b) The director is authorized to issue permits for special events pursuant to the procedures established in this article.

- (c) It shall be unlawful for any person to hold or conduct any special event subject to the provisions of this article between the hours of 11:00 p.m. and before 7:00 a.m., unless under roof.
- (d) Issuance of a special events permit pursuant to this article does not obligate or require the city to provide city services, equipment or personnel in support of an event although the director may provide such services, equipment or personnel if such are reasonably available and the event organizer makes provisions to reimburse the city for the cost thereof.

Sec. 9-207 Exceptions to Special Event Permit Requirement.

A special event permit is not required for the following activities:

- (a) Any activity or event held or conducted solely on private property and such activity or event meets all of the following requirements:
 - (1) Does not involve the use of, or have a substantial impact on traffic, public property or facilities and which may require the provision of city public services in response thereto; and
 - (2) Does not use amplified sound outdoors; and
 - (3) Does not involve the use of any pyrotechnic device as defined in California Health and Safety Code section 12526; and
 - (4) Does not involve the construction or installation of any temporary or permanent tents, canopies or other structures if the construction or installation requires a permit from the City's Fire and/or Development Services Department; and
 - (5) Does not involve the use of any exotic or nondomesticated animals, or mechanical amusement rides.
- (b) Funeral processions by a licensed mortuary or funeral home.
- (c) Any activities or events held or conducted by or on behalf of the City of Costa Mesa, a public or private school, college or school district, the State of California or other governmental entity or any church that is legally operated in the city or has city approval to operate as a church either through a conditional use permit or master plan approval, so long as the activity or event is conducted on property owned, used, or leased by the entity or its sponsor and is for the benefit of the entity that owns the property on which the activity takes place.
- (d) Any activity or event on publicly owned property for private parties that are not open to the general public that only requires a park reservation permit from the administrative services department pursuant to Title 12, Section 12-53.
- (e) Filming activities governed by Title 9, Chapter 5.
- (f) Block parties governed by Title 9, Article 11 $\frac{3}{4}$.

- (g) Events which take place on public sidewalks or other public rights-of-way owned or controlled by the city including, but not limited to, lawful picketing wherein applicable traffic regulations, laws or controls are complied with.

Sec. 9-208. Application for Permit.

- (a) An application for a permit required by this article shall be filed with the director on a form furnished by or acceptable to the director, and signed by the applicant under penalty of perjury. If the application is filed by an organization, the application shall be prepared, signed under penalty of perjury and filed by an officer of such organization, who is not less than eighteen (18) years of age. An indigent natural person may only apply on his/her own behalf and cannot apply on behalf of another person, corporation, association, partnership or other legal entity.
- (b) A completed application shall be filed not less than fifteen (15) working days, nor more than six (6) months before the date of the proposed special event. However, it is recommended that a completed application be filed at least thirty (30) calendar days prior to the proposed special event to accommodate unforeseen circumstances or delays. If an applicant for a special event desires to ensure the opportunity for an appeal to the city council in accordance with section 9-214, the application shall be filed with the director not less than sixty (60) calendar days, nor more than six (6) months before the date of the proposed special event. Applications filed less than sixty (60) calendar days prior to the proposed special event shall not be subject to appeal to the city council and the decision of the director shall be final. In the event that the decision of the director becomes final, the event organizer or other affected person may then file a petition for writ of mandate pursuant to California Code of Civil Procedure Section 1094.6 or 1094.8 regarding the validity of the director's decision to grant or deny the application.
- (c) No application filed for a special event proposed to be scheduled fewer than fifteen (15) working days from the filing of an application will be accepted unless such special event is precipitated by news, circumstances or events coming into public knowledge fewer than fifteen (15) working days before the proposed event. The application shall be accompanied by a declaration under penalty of perjury demonstrating that the failure to submit a timely application was not within the applicant's control because the precipitating news, circumstances or events did not exist or could not have been known to the applicant in time to file a timely application under this Article. An application with such declaration shall be deemed to be a request for expedited review. Under such expedited review, the director will issue the permit, with or without conditions, by the end of business of the third (3rd) working day after acceptance of a completed application unless the director makes a finding requiring denial pursuant to section 9-212. The applicant will be charged for the actual costs incurred for the expedited review and for any increases in the cost of services attributable to the shortened review period. Such costs may include, but are not limited to, any staff overtime. The decision of the director shall be final and not subject to appeal to the city council. The applicant may file a petition for writ of mandate pursuant to California Code of Civil Procedure Section 1094.6 or 1094.8 challenging the validity of the director's decision.

(d) An application will be deemed complete, unless within three (3) working days, the applicant is given written notice that the application is not complete and told what information is missing, either in person or by a letter addressed to the applicant and deposited in the U.S. mail. Notwithstanding the director's acceptance of a completed application, no special event date shall be considered confirmed until a special event permit is issued pursuant to Section 9-211.

Sec. 9-209 Permit Application – Fee.

- (a) All applications shall be submitted with payment of a nonrefundable application fee established by resolution of city council, unless said special event is funded in full or in part by the city, or said fee is waived by the city council. Any application submitted without said application fee shall be deemed incomplete.
- (b) Any indigent natural person who cannot apply for a permit because of an inability to pay the required application fee due to such indigence shall not be required to pay said application fee set forth in subsection (a). Application for indigent status shall be made at the time of submission of the permit application and shall be accompanied by such relevant information and documentation as may, in the opinion of the director, be reasonably necessary to verify such status.

Sec. 9-210 Application Contents.

- (a) The application for all special events shall contain the following information:
 - (1) The name, address and telephone number of the applicant, the event organizer and an alternative person who may be contacted if the event organizer is unavailable.
 - (2) If the applicant is an organization, the name, address and telephone number of the organization and the authorized head of the organization shall be provided. The person designated as the applicant by an organization shall provide written authorization from the organization verifying such designation.
 - (3) The name, address and telephone number of the person who will be present and in charge of the special event on the day of the special event.
 - (4) A description of the nature or purpose of the special event for which the permit is requested and an estimate of the maximum number of persons who will be attending the special event.
 - (5) Date(s) and estimated starting and ending time of the special event.
 - (6) Location of the special event, including its boundaries, the street or other public property and the specific area or areas thereof that will be utilized in connection the proposed special event, or if on private property, the business name, street address and telephone number at which the special event or activity will be conducted.

- (7) The type and estimated number of vehicles, animals or structures that will be used at the special event.
- (8) The provision and/or operation of first aid or emergency aid stations at the special event.
- (9) The provision and/or operation of sanitary facilities, including handicap accessible sanitary facilities.
- (10) Whether any food or beverages, including alcoholic beverages, will be sold at the special event.
- (11) The type of security or other arrangements that will be provided to ensure that participants are properly directed and prevention of unlawful conduct by participants and attendees.
- (12) Anticipated parking needed and parking plan for the special event.
- (13) A proposed plan for seating for the special event, if applicable and the maximum legal occupancy of the proposed premises, if applicable.
- (14) A security plan for control of pedestrian and vehicular traffic including the provision and use of traffic cones or barricades.
- (15) Whether sound amplifications equipment will be used and a plan for control of noise, including but not limited to the noise generated by amplification equipment, motors and other equipment, that may affect nearby premises, with special attention to prevention of noise nuisance to nearby residences, if any, subject to the standards of the City's noise ordinance.
- (16) A detailed floor plan and site plan of the premises showing the building interior and exterior grounds, including parking spaces, amusement ride location, seating arrangements, dance floor area, bar location, fire exits, and the dimensions of each portion with the layout of the special event, when applicable.
- (17) A trash and litter collection and off-site disposal plan.
- (18) The manner of providing notice of the permit conditions to permit participants and those businesses or residents who may be directly affected by the conduct of the special event.
- (19) Such other information pertaining to public health and safety that the applicant may wish to include.
- (20) The application form shall inform the applicant of his/her right to appeal.

- (b) The application for special events such as parades or public assemblies that require full or partial street closures, shall, in addition to the above information contain the following information:
 - (1) The assembly point for the special event and the time at which people and/or units of the special event will begin to assemble and the location of the disbanding area.
 - (2) The proposed route to be traveled and the time that the special event will start and conclude.
 - (3) Whether the parade or other special event will occupy all or only a portion of the streets proposed to be traveled.
 - (4) An estimate of the approximate number of persons who will be participating in the special event and an estimate of the approximate number of persons who will be observing the special event.
 - (5) The maximum length of the special event in miles or fractions thereof.
 - (6) The number and type of vehicles in the special event, if any.
 - (7) If the special event assembly or disbanding is to be conducted on private property, the applicant must submit with the application, proof of the property owner's permission for the property to be used for that purpose.

Sec. 9-211. Action by Director Upon Application.

- (a) Upon the filing of a completed application, the director shall refer the application to such appropriate city departments, as he/she deems necessary from the nature of the application for review, evaluation, investigation and recommendations by the departments regarding approval or disapproval of the application and the estimated number of hours of service that will be incurred by each department in connection with the permit.
- (b) In determining 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 level or nature of emotion which may be aroused in the public by the content of speech or message conveyed by the event.
- (c) Within thirteen (13) working days of the filing of a completed application, the investigation shall be completed, and the director shall issue a permit, with or without conditions, unless the director makes a finding requiring denial pursuant to section 9-212. The director shall notify the applicant of his/her action pursuant to section 9-213.
- (d) The director shall impose conditions on any permit issued pursuant to this article to coordinate multiple uses of public property, assure preservation of public property and public places, prevent dangerous, unlawful or impermissible uses, protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue, provided that such requirements shall not be imposed in a manner that will unreasonably restrict

activities or conduct protected by the California or United States constitutions. Conditions may include, but are not limited to, the following:

- (1) The establishment of an alternate assembly or disbanding area for a parade or like event within the pre-designated event routes established by the city council pursuant to Sec. 9-217;
- (2) The accommodation of a special event's pedestrian and vehicular traffic, including restricting special events to city sidewalks, portions of a city street, or other public right-of-way;
- (3) Conditions designed to avoid or lessen interference with public safety functions and/or emergency service access;
- (4) The number and type of vehicles, animals, or structures to be displayed or used in the special event;
- (5) The inspection and approval by city personnel of stages, booths, floats, structures, vehicles or equipment to be used or operated in the special event to ensure that such structures or vehicles are safely constructed and can be safely operated, and conform to the requirements of all applicable codes;
- (6) The provision and use of traffic cones or barricades in a manner and number established by standard conditions adopted by separate council resolution;
- (7) The provision or operation of first aid stations or sanitary facilities, including handicap accessible sanitary facilities in a manner and number established by standard conditions established by separate council resolution;
- (8) The provision of a waste management plan, and the clean up and restoration of the special event venue as established by standard conditions adopted by separate council resolution;
- (9) Restrictions consistent with the City's noise ordinance on the use of sound amplification equipment, and restrictions on the amount of noise generated by motors and other equipment used in the course of the special event;
- (10) The manner of providing notice of the permit conditions to permit participants and those businesses or residents who may be directly affected by the conduct of the special event;
- (11) The provision or use of emergency services;
- (12) The obtaining of any and all business licenses or other necessary permits required by this code for the sale of food, beverage or other goods or services at the event; and
- (13) The manner by which alcohol sales and service, if any, shall be conducted at the event.

Sec. 9-212 Permit – Denial.

- (a) The director shall deny an application for a permit or revoke any permit if the director finds any of the following:
- (1) The application contains materially false or intentionally misleading information;
 - (2) The event or activity is proposed to be located or is located in or upon a premises, building or structure which is hazardous to the health or safety of the employees or patrons of the premises, business, activity, or event, or the general public, under the standards established by the Uniform Building or Fire Codes set forth in title 5 of this Code;
 - (3) The event or activity is proposed to be located or is located in or upon a premises, building or structure which lacks adequate on-site parking for participants attending the proposed event or activity, under the applicable standards set forth in title 13 of this Code;
 - (4) The event or activity is in conflict with other applicable provisions of any federal, state and/or local laws;
 - (5) The event or activity is scheduled to occur at a location and time in conflict with another event or activity scheduled for the same day or weekend where such conflict would adversely impact on the city's ability to provide adequate city services in support of other scheduled events or scheduled government functions;
 - (6) The event will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its location;
 - (7) The event will require the diversion of public safety or other city employees from their normal duties so as to unreasonably reduce adequate levels of service or municipal functions to any other portion of the city;
 - (8) The concentration of persons, animals or vehicles will unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles on the streets;
 - (9) The event or activity will have a substantial adverse impact on the health and safety of the general public, residents and businesses within a five hundred (500') foot radius of the event or violate the city's noise ordinance;
 - (10) The event or activity will take place in an area of the city scheduled or on any public right of way that is scheduled for maintenance, construction or repair prior to the application for the event and the conduct of the event would interfere with such maintenance, construction or repair or the maintenance, construction or repair would represent a threat to the health or safety of the participants in the event;

- (11) The ability of persons to enter and exit residential or business properties impacted by the event will be unreasonably impaired considering factors such as the duration, size and scope of the event;
 - (12) The proposed use, event or activity will have a significant adverse environmental impact;
 - (13) The applicant has violated significant condition(s) of a previous permit issued for the same or similar event within the prior thirty-six (36) months. The City shall notify the applicant in writing of any such violations within sixty (60) days of the violation.
- (b) When the grounds for denial of an application is based on any of the circumstances specified in subsections (1)-(13) above which can be corrected by altering the date, time, duration, route, or location of the special event, the director shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed special event as are necessary to achieve compliance with subsections (1)-(13) above.

Sec. 9-213. Notice to Applicant of Action on Application.

Within thirteen (13) working days of the filing of a completed application, the director shall provide notice to the applicant of the action taken by telephone and by written notice via personal delivery or facsimile if the applicant provides a fax number, together with a list of conditions imposed if the application has been granted or, if the application has been denied, the specific factual reason for the denial pursuant to Section 9-212. Unless the applicant has not allowed sufficient time to appeal to the city council pursuant to section 9-208(b), the notice shall inform the applicant of his right to appeal to the city council the denial of his application or any of the conditions imposed on the granting of the application and shall state the last date on which such an appeal may be filed, which shall be the seventh day after the date on which the notice was delivered, personally or via facsimile, to the applicant. If the decision of the director is final, the notice shall inform the applicant of his right to file a petition for writ of mandate pursuant to California Code of Civil Procedure Section 1094.6 or 1094.8.

Sec. 9-214. Appeals to City Council; Notice and Hearing.

An applicant whose application for a permit under this article has been denied or has been granted conditionally may appeal such decision by filing an appeal with the city clerk in accordance with Title 2, Chapter XI of this Code, unless the applicant has not allowed sufficient time to appeal to the city council pursuant to Section 9-208(b). The applicant, by written request, may waive the time limits for the hearing on appeal to the city council except the time within which an appeal may be filed.

Sec. 9-215. City Council Action Upon Appeal.

After a hearing and consideration of the report and recommendation of the director, and any written materials submitted by the applicant or other affected person(s), the city council shall either grant the permit, grant the permit with conditions, or deny the permit upon determining

that issuance thereof would result in any one of the circumstances set forth in section 9-212. The decision on appeal by the city council shall be based on written findings, shall be final and conclusive on the matter, and subject to review pursuant to California Code of Civil Procedure section 1094.6 or 1094.8.

Sec. 9-216. Departmental Service Fees.

- (a) In addition to the nonrefundable permit application fee, any user fees or other fee prescribed by resolution of the city council, an applicant shall pay the city for all city department service charges incurred in connection with or due to the applicant's activities under the permit. If city property is destroyed or damaged by reason of the applicant's use, event or activity, the applicant shall reimburse the city for the actual replacement or repair cost of the destroyed or damaged property.
- (b) Departmental service fees will be established by separate city council resolution that will reflect the City's full cost of providing personnel on an hourly basis at rates established in accordance with City personnel rules and regulations and conditions contained within memoranda of understanding between the city and employee labor organizations.
- (c) At least two (2) days prior to a special event permitted under this article, the applicant shall pay to the city a deposit in an amount sufficient to cover the total estimated city departmental services charges identified pursuant to section 9-211 that will be incurred by the City in connection with the permit. Said deposit shall be paid in cash or other adequate security as determined by the director. An Applicant may appeal pursuant to section 9-214 the determination of the amount of the deposit determined under this section.
- (d) City Departments shall submit the final invoices and billings for departmental charges to the applicant no later than twenty working days after the expiration date of the permit. If the deposit is less than the final charges the applicant shall pay the difference to the city within ten (10) working days of being invoiced for such charges from the city. If the deposit is more than such final charges, the city shall refund the difference to the applicant within the sixty (60) days after the event.
- (e) Any indigent natural person who cannot apply for a permit because of an inability to pay the required departmental service fees due to such indigency shall not be required to pay said departmental service fees set forth in this section 9-217. Application for indigent status shall be made at the time of submission of the permit application and shall be accompanied by such relevant information and documentation as may, in the opinion of the director, be reasonably necessary to verify such status.

Sec. 9-217 Event Routes.

- (a) The City Council shall, by separate resolution, establish pre-designated event routes within the City for those events requiring either full or partial street closures.
- (b) Any event requiring full or partial street closures shall not be conducted on streets classified by the City as arterial streets between the hours of seven (7) a.m. to nine (9) a.m. and four (4) p.m. to seven (7) p.m. Monday through Friday, excluding holidays.

Sec. 9-218 Insurance and Indemnity Requirements.

- (a) For all special events subject to the requirements of this article the director shall require as a condition of the issuance of a permit and the applicant shall obtain, furnish proof of and maintain a policy of insurance issued by an insurance company authorized to do business in the State of California. The insurance policy shall be endorsed to name the City of Costa Mesa and its elected and appointed boards, officers, agents, and employees as an additional insured, and shall provide that any other insurance maintained by the City of Costa Mesa shall be in excess and not contributing with the insurance coverage provided to the City of Costa Mesa under the applicant's policy. The minimum limits of liability shall conform to a schedule which shall be adopted by resolution of the city council; provided, however, that in no case shall the minimum limits of liability be lower than one million dollars (\$1,000,000.00) combined single limits, per occurrence and in the aggregate.
- (b) The applicant shall also be required to sign an indemnity agreement in a form approved by the city attorney which shall expressly provide that the applicant agrees to defend, protect, indemnify and hold the city, its officers, employees and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of applicant, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the applicant shall, at applicant's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the city, its officers, agents or employees, and that the applicant shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the city, its officers, agents or employees as a result of the alleged acts or omissions of applicant or applicant's officers, agents or employees in connection with the uses, events or activities under the permit. If an applicant provides proof that such insurance obligations pursuant to Section 9-218(a) provides contractual liability that provides coverage for any obligations contemplated by the indemnity provisions herein, City agrees not to enforce said indemnity agreement against the applicant.
- (c) Any indigent natural person who cannot apply for a permit because of an inability to pay for the required insurance due to such indigence shall not be required to provide the insurance obligations set forth in subsection (a) or sign an indemnity agreement required by subsection (b). Application for indigent status shall be made at the time of submission of the permit application and shall be accompanied by such relevant information and documentation as may, in the opinion of the director, be reasonably necessary to verify such status.

Sec. 9-219. Revocation or Suspension of Permit.

- (a) A permit issued under this article shall be revoked or suspended by the director or chief of police if he/she finds that one or more of the following exists and has not been corrected by the applicant after reasonable notice of the existence of the condition has been given:
 - (1) The permit is being used to conduct an activity different from that for which it was issued;

- (2) That one (1) or more of the conditions listed in section 9-212 exists;
 - (3) That the activity is being conducted in a manner which violates one (1) or more of the conditions imposed upon the issuance of the permit or fails to conform to the plans and procedures described in the application.
 - (4) The applicant violates or attempts to violate any federal, state or local laws and regulations;
 - (5) The special event is being conducted in a fraudulent or disorderly manner, or in a manner which endangers the public health or safety;
- (b) Such revocation or suspension shall become effective immediately upon order of the director or chief of police and shall remain in effect until the applicant has corrected the violation or the permit has expired on its own terms.
 - (c) In the event a permit is revoked or suspended pursuant to the provisions of this section, another permit shall not be granted to the applicant within twelve (12) months after the date of such revocation or suspension. The director or chief of police's determination to revoke or suspend a permit shall be based upon written findings and shall be final and conclusive in the matter, and subject to California Code of Civil Procedure section 1094.6 or 1994.8.

Sec. 9-220 Interfering with Special Event Prohibited.

It is unlawful for any person to obstruct, impede or interfere with any authorized person, vehicle or animal participating in a special event for which a special event permit has been issued.

Sec. 9-221 Penalty for Violation.

- (a) A violation of this article shall be considered a misdemeanor and may be punished as such, however, at the discretion of the City Attorney, the violation of any provisions of this article may be filed as an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction.
- (b) The holding or conducting of any special event subject to the provisions of this article without a valid permit issued pursuant to the provisions of this article, unless expressly exempt hereunder, is hereby declared a public nuisance.

Section 3. A new Article 11 ³/₄, Chapter 2, Title 9 of the Costa Mesa Municipal Code is hereby adopted to read as follows:

ARTICLE 11 ³/₄. REGULATORY PERMITS FOR BLOCK PARTIES

Sec. 9-223 Definitions.

- (a) "Applicant" means the person submitting the application for a permit. The applicant shall be a person who is eighteen (18) years of age or older.
- (b) "Block Party" means a festive gathering on a residential street requiring a closure of said street, or a portion thereof, to vehicular traffic and use of the street for the festivity.
- (c) "Block Party Permit" or "Permit" means a permit issued pursuant to this article.
- (d) "City" means the City of Costa Mesa.
- (e) "City Council" means the City Council of the City of Costa Mesa.
- (f) "City Manager" means the City Manager of the City of Costa Mesa, or his designee.
- (g) "Organizer" means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event.
- (h) "Person", as used in this article, means any natural person who is a city resident and owner or lessee of property on the block for which the permit is sought, except where the context clearly requires a different meaning.
- (i) "Street" means a way or place of whatever nature, publicly maintained and open to use of the public for purposes of vehicular travel. Street includes highways or alleys.
- (j) "Venue" " means the specific property, area or site for which a block party permit has been issued.

Sec. 9-224 Block Parties Permitted.

Block parties are permitted only on those dates designated and approved by the City Council by separate resolution.

Sec. 9-225 Permit Required.

- (a) It shall be unlawful for any person to hold, engage in, or conduct, within the City of Costa Mesa, any block party subject to the provisions of this article without having obtained a valid permit.
- (b) The city manager is authorized to issue permits for block parties pursuant to the procedures established in this article.

Sec. 9-226 Application.

- (a) An application for a permit required by this article shall be filed with the city manager on a form furnished by or acceptable to the city manager, and signed by the applicant under penalty of perjury. The application shall evidence the consent of all affected property owners or lessees of property within the street of the proposed block party.
- (b) An application shall be filed not less than twelve (12) business days before the date of the proposed block party.

Sec. 9-227 Block Party Regulations.

The city manager shall establish reasonable regulations for the conduct of block parties. A copy of said regulations shall be provided to an applicant with an application for a permit.

Sec. 9-228 Insurance and Indemnity Requirements.

- (a) For all block parties subject to the requirements of this article the city manager shall require as a condition of the issuance of a permit and the applicant shall obtain, furnish proof of and maintain a policy of insurance issued by an insurance company authorized to do business in the State of California. The insurance policy shall be endorsed to name the City of Costa Mesa and its elected and appointed boards, officers, agents, and employees as an additional insured, and shall provide that any other insurance maintained by the City of Costa Mesa shall be in excess and not contributing with the insurance coverage provided to the City of Costa Mesa under the applicant's policy. The minimum limits of liability shall conform to a schedule which shall be adopted by resolution of the city council; provided, however, that in no case shall the minimum limits of liability be lower than one million dollars (\$1,000,000.00) combined single limits, per occurrence and in the aggregate.
- (b) The applicant shall also be required to sign an indemnity agreement in a form approved by the city attorney which shall expressly provide that the applicant agrees to defend, protect, indemnify and hold the city, its officers, employees and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of applicant, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the applicant shall, at applicant's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the city, its officers, agents or employees, and that the applicant shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the city, its officers, agents or employees as a result of the alleged acts or omissions of applicant or applicant's officers, agents or employees in connection with the uses, events or activities under the permit.

Sec. 9-229 Penalty for Violation.

- (a) A violation of this article shall be considered a misdemeanor and may be punished as such, however, at the discretion of the City Attorney, the violation of any provisions of this article

may be filed as an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction.

(b) The holding or conducting of any block party subject to the provisions of this article without a valid permit issued pursuant to the provisions of this article is hereby declared a public nuisance.

Section 3. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Costa Mesa hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect thirty (30) days after its final passage.

PASSED AND ADOPTED this ____ day of June, 2004.

Mayor

ATTEST:

APPROVED AS TO FORM:

Deputy City Clerk

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 04-___ was introduced and considered section by section at a regular meeting of said City Council held on the ___ day of June, 2004, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ___ day of June, 2004, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ___ day of June, 2004.

Deputy City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa