

## Chapter 12.12

### Permits for Block Parties and Street Events

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#### Section 12.12.010 Applicability

A. No person shall conduct, cause to be conducted, participate in, engage in, hold, manage, employ, permit or allow another to conduct an event which requires street closure or other traffic control measures on any public street, sidewalk or alley within the City, without first obtaining a permit, as provided in this Chapter. This Chapter shall not apply to any event which requires street closure or other traffic control measures on any private streets. Such events on a private street shall be governed by the Temporary Use Permit process under Chapter 18.74 of the Vista Development Code.

B. Issuance of a permit under this Chapter does not exempt the permittee from, or constitute compliance with:

1. Any requirements relating to the use of parks or facilities established by the City;

2. Local, state or federal laws or regulations regarding the service or consumption of food or alcoholic beverages; or

3. Noise standards set by Federal, State, or municipal law.

C. Every permit issued under this Chapter is expressly conditioned on compliance with all other applicable laws, rules, and regulations.

(Prior code 26A-1; Definitions-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

### **Section 12.12.020 Definitions**

A. "Block Party" means a gathering, sponsored solely by owners, residents or tenants of properties fronting a local street, which causes a closure of the entire street, or a portion thereof, to vehicular traffic and use of the street for the gathering.

B. "City Manager" shall mean the City Manager of the City of Vista and/or any designee or designees of the City Manager, except as context dictates otherwise.

C. "Local Streets" mean those streets defined in the circulation element of the Vista General Plan as local streets.

D. "Sound-amplifying System" means any system of electrical hookup or connection, loudspeaker system or equipment, sound-amplifying system, and any apparatus, equipment, device, instrument or machine designed for or intended to be used for the purpose of amplifying the sound or increasing the volume of the human voice, musical tone, vibration or sound wave.

E. "Street Event" includes any march, demonstration, assembly, parade, festival, street fair, concert or any other gathering which, wholly or partly, takes place in the public street, sidewalk or right-of-way, and which may impede, obstruct, or interfere with the normal flow of vehicular or pedestrian traffic. "Street Event" does not include "Block Party."

(Prior code 26A-2; Permit Required-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

### **Section 12.12.030 Block Parties - Limitations**

A. Local streets not exceeding one city block, or 300 feet, whichever is less; or one intersection may be temporarily closed for a Block Party.

B. At least two-thirds of the area abutting the street or intersection to be closed is residentially zoned and the purpose of the Block Party is consistent with residential zoning regulations.

(Prior code 26A-2.1; Permit Exception-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

### **Section 12.12.040 Block Party or Street Event Permits - Application - Information Required - Timing - Issuance**

A. Application for a permit for a Block Party or Street Event shall be made to the City Manager.

B. Application for a Street Event that involves the use of pyrotechnics or involves the closure or partial closure of an arterial or collector street as defined in the City of Vista General Plan or the re-routing of public transportation shall be made at least ten (10) business days prior to the Street Event.

C. Applications for a Block Party and all other Street Events shall be made at least five (5) business days prior to the Block Party or Street Event.

D. The application for such permit shall be made in writing on a form approved by the City Manager. In order that adequate arrangements may be made for the proper policing of the Block Party or Street Event, including the security of participants, and to ensure that the event is conducted in a lawful manner, the application shall contain the following information, as applicable:

1. The name, address and telephone number of the applicant, including photo identification. If the Block Party or Street Event will be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized head of such organization shall also be supplied. Where a Block Party or Street Event will be conducted for, on behalf of or by an organization, the organization will be considered a co-applicant;

2. The name, address and telephone number of the person(s) who is (are) or will be responsible for the conduct of the Block Party or Street Event and effective means by which to reach them during the event, such as cell phone and pager numbers and likely location during the Block Party or Street Event;

3. A description of the Block Party or Street Event, including its purpose. These requirements are intended to allow the City to anticipate and provide for additional police services, if necessary, to protect the safety of participants and bystanders;

4. The date(s) of the Block Party or Street Event;

5. The estimated times that the Block Party or Street Event will start and terminate, including assembly and disassembly involving the use of public property;

6. The route of the Street Event, if applicable, the maximum length of any parade and whether the Street Event will occupy all or only a portion of the streets proposed to be traveled, if applicable.

7. The locations, if any, of the assembly area and dispersal areas of any Street Event;

8. As far as is reasonably practicable, the approximate number of persons, the number, kind and location of vehicles, animals, musical instruments, sound units, and any other equipment that produces sound or noise during the Street Event that will be involved in the Street Event, and whether an amplified-sound system is proposed;

9. The number and location of portable sanitation facilities, trash receptacles and other equipment and services necessary to conduct the Street Event and other equipment and services proposed for participants, if applicable;

10. A description of arrangements that have been made for first aid or emergency medical services, or both, if applicable;

11. Any proposed reasonable rules and regulations necessary for the safe and orderly conduct of the Block Party or Street Event and the movement of persons, in furtherance of the goals and purposes of the Block Party or Street Event. Such proposed rules may include, but are not limited to, prohibition or other regulation of the use of skates and wheeled vehicles, other than wheelchairs, if necessary for the safety or orderly circulation of persons attending the Block Party or Street Event. For purposes of this subdivision, "wheeled vehicles" includes, but is not limited to, bicycles, tricycles, scooters, skateboards or any motorized vehicles of any sort. For purposes of this subdivision, "skates" includes roller skates, roller blades and in-line skates.

12. Insurance and surety bond information, if applicable; and

13. Such other information, in conformity with the requirements of this Chapter, as the City Manager may reasonably require.

(Prior code 26A-4; Permit Application for special events, parades, dances - locations for concerts-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

#### **Section 12.12.050 Late Applications**

A. Any application received after the deadlines established in Section 12.12.040 is a late application. The City Manager shall accept a late application if he/she finds that:

1. The proposed Block Party or Street Event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application; and

2. The imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.

B. When the City Manager finds both of the above conditions to exist, he/she shall accept the application and process it in accordance with this Chapter, unless it does not meet the criteria set forth in Section 12.12.040 or there is insufficient time for the City to make necessary preparations for traffic control or other public safety matters prior to the proposed date.

(Prior code 26A-5.1; Application requirements for parade permit-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

#### **Section 12.12.060 Permits - Standards for Issuance or Denial – Notification**

A. The City Manager or his or her designee shall issue a permit for a Block Party or a Street Event unless one or more of the following conditions exist:

1. The application is incomplete for failure to provide the information required by Sections 12.12.030 or 12.12.040.

2. The information contained in the application, including supplemental information, if any, is found to be false in any material respect; the purpose of the Block Party or Street Event is contrary to law; and/or the applicant has failed to meet the City requirements for a permit.

3. A prior application for a Block Party or Street Event to be held at the same time and place has been received or granted.

4. The Block Party or Street Event will unduly interfere with the public transportation system, or vehicular ingress to, egress from, or travel on a freeway, state designated highway, or major arterial or collector street of the City; or

5. The Block Party or Street Event will unreasonably interfere with fire or police protection, including presenting substantial or unwarranted traffic or safety hazards.

6. One or more of the applicants or persons whose name is shown on the application was also named on an application for a Block Party, Street Event, Park Event, or Major Park Event in Vista that resulted in a violation of this Chapter or Chapter 12.13 within the prior twelve (12) months or was responsible for a Block Party, Street Event or an event in a park in any other jurisdiction that resulted in comparable problems prohibited by local law in that jurisdiction within the last twelve (12) months.

7. The applicant declines to provide the City with an executed agreement promising to comply with the conditions imposed on the Block Party or Street Event.

B. The applicant shall be notified in writing of the action of the City Manager or his or her designee with respect to the application as early as possible, but no less than two (2)

business days prior to the date of the proposed event, unless the application was made late, in which case notification shall be given as soon as reasonably possible and by any reasonable means.

C. If a permit is denied, the written notice shall set forth reasons explaining the denial and the process of appealing the decision.

D. If a permit is denied pursuant to the criteria set forth in this Chapter, because the proposed time, route, or assembly and dispersal sites are unacceptable, the denial shall contain a statement of alternative acceptable times, routes and sites.

(Prior code 26A-5.2; Application requirements for special event-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

### **Section 12.12.070 Appeals and Reconsideration**

A. An applicant may appeal the denial or conditional approval of an application made pursuant to this Chapter by a designee or designees of the City Manager to the City Manager. The City Manager shall act upon said appeal within two (2) business days of its receipt, unless the applicant and the City Manager agree on a different period for review.

B. An applicant may request the City Manager to reconsider his or her decision to deny an application whether made on appeal or otherwise. The request for reconsideration shall be made in writing and must explain why the applicant believes that the denial or conditional approval is unlawful. Upon receipt of the request for reconsideration, the City Manager shall promptly reconsider the decision within two (2) business days, unless the applicant and the City Manager agree on a different period for review. The decision of the City Manager upon reconsideration is final.

(Prior code 26A-5.3; Additional Application Requirements-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

### **Section 12.12.080 Street Event Permit - Content and Conditions - Rules and Regulations**

A. A Block Party or Street Event permit shall contain the information given in the application and shall impose reasonable time, place, and manner conditions such that the Block Party or Street Event will not pose a traffic or safety hazard or unreasonably interfere with fire or police protection services. The conditions imposed shall be in conformity with the requirements of this Chapter and shall provide only for such modification of the application's proposed Block Party or Street Event as is necessary to achieve compliance with this Chapter. Such conditions may include requiring the applicant to:

1. Maintain a twenty-four (24) foot wide emergency access lane at all times.
2. Provide first aid stations and teams within the closed-off area to provide emergency medical aid to participants.
3. Provide barricades to close off the necessary streets.
4. Provide sufficient signs and directional arrows to divert traffic and arrange for North County Transit bus detours, subject to the approval of the traffic engineer.
5. Provide monitors for crowd control and establish liaison with the City representative concerning the role of the monitors.
6. Distribute flyers throughout the surrounding areas in advance of the Block Party or Street Event, notifying the affected residents and business people of the street closure.

7. Clean all debris and litter from the street and sidewalk area and empty all trash receptacles within the event area within four hours after the conclusion of the Block Party or Street Event.

8. Obey all applicable local, state and federal laws.

9. If alcohol is to be sold at the Street Event, an appropriate license shall be obtained from the Department of Alcohol Beverage Control, responsible beverage service practices shall be followed.

10. Pay the City's cost for providing private security services for the Street Event.

11. A requirement that the applicant comply with its proposed rules for the Street Event, as reasonably and lawfully modified by the City.

B. All permits shall include the following conditions, except to the extent that the condition would be contrary to law:

1. The applicant shall agree to bear the costs and compensate the City for incidental costs, such as clean-up expenses, damage to the public property and increased fire and/or sheriff's protection expenses. The applicant shall deposit with the City a security deposit as determined by the City Council. Any amount not required by the City shall be refunded to the applicant after the calculation of actual costs incurred subsequent to the Street Event.

2. The applicant shall provide the City with satisfactory evidence of insurance in advance of the Street Event as required by this Chapter and any consistent rules or regulations adopted by the City Manager.

3. The applicant shall ensure that participants and spectators of the Street Event abide by the rules and regulations of this Municipal Code, State law, Federal law, and any rules established by the applicant to govern the Street Event.

4. The County Sheriff's Department may stop a Street Event at any time that the Sheriff's Department determines that the public safety is in jeopardy.

C. City staff will assist applicants in meeting the conditions imposed by this section.

D. Applicants shall carry the permit during the Street Event and shall show it, upon demand, to any City employee or Sheriff's Deputy.

E. Applicants may not limit the free distribution of literature at the Street Event by members of the public who have no formal or direct relationship with the applicant with respect to the presentation of the Street Event.

(Prior code 26A-6; Application Processing Procedure-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

### **Section 12.12.090 Revocation of Permit**

The City Manager may revoke a permit for a Block Party or Street Event at any time, if he/she determines that:

A. Grounds exist which would have justified denial of the permit if those grounds had been known at the time of the application or the implications of those grounds had been fully understood at the time of the application;

B. The Block Party or Street Event will endanger the public health, safety, or welfare because of real or threatened disaster, public calamity, riot, or other emergency that law enforcement officials would be unable to prevent;

C. The applicant has failed to satisfy a condition of the permit in advance of the Block Party or Street Event, including providing the City with required evidence of insurance; or

D. An actual sponsor of the Block Party or Street Event was not shown on the application.

(Prior code 26A-7; Conditions for Granting Permit-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

### **Section 12.12.100 Indemnification**

A. The applicant shall indemnify and hold harmless the City of Vista, its officers, agents and employees, from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property resulting from the manner in which the Block Party or Street Event is conducted or which were caused by the omissions or authorized acts of the applicant's officers, agents or employees.

B. The permittee for a Street Event shall ensure that each vendor participating at a Street Event executes an indemnity agreement with the City and delivers such agreement to the City at least two (2) business days prior to the Street Event.

C. If City property is damaged by reasons of applicant's use, event or activity, the applicant shall reimburse the City for the actual replacement or repair cost of the City property.

(Prior code 26A-8; Grounds for Denial of Permit-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

### **Section 12.12.110 Insurance – Exemption**

A. Pursuant to rules and regulations developed by the City Manager, an applicant must provide the City with insurance to reasonably protect the City against any liability that may arise from the Street Event.

B. The amount of insurance required shall not be based on the existence or content of any expression involved in the event, or on the expected reactions of observers.

C. If insurance is required pursuant to this section, a certificate of insurance shall be provided to the City and must be approved as to form and sufficiency by the City no later than two (2) business days before the event. If the applicant is unable to obtain insurance or does not provide the City with the certificate of insurance, the City Manager may obtain such insurance on behalf of the permit applicant and charge the permit applicant for the cost.

D. No permit applicant shall be required to comply with the insurance requirement of this section if the applicant produces satisfactory evidence that insurance requirement violates the First Amendment because: (1) it is impossible to obtain; or (2) it would be so financially burdensome that the insurance requirement would preclude the proposed Street Event from occurring.

(Prior code 26A-8.1; Additional Grounds for Denial of Permit-Ord. No. 2002-22, Repealed & Replaced, 09/24/2002)

### **Section 12.12.120 Fees**

A. The City Council may establish by resolution the fees that shall be charged for permits issued under this ordinance. Such fees may include the cost of monitoring events pursuant to Section 12.12.080.A., provided that no fees shall be collected if the collection would conflict with applicable law.

B. If an applicant is unable to hold or conduct a Block Party or Street Event and the applicant submits a written request for the refund of such fees to the City Manager's office within

ten (10) days after the date that the Block Party or Street Event was to have been held or conducted, the City Manager may authorize the refund of any fees that are not necessary to reimburse the City's expenses in preparing for the Block Party or Street Event, except for non-refundable application fees, if any.

C. Any indigent person who cannot apply for a permit because of an inability arising from such indigence to pay the application fee shall not be required to pay the fee. Applications for indigent status shall be made upon application for the permit and shall be accompanied by such relevant information and documentation as is reasonably necessary to verify indigence. For purposes of this section an indigent person is one who is eligible for county relief pursuant to Sections 17000 *et seq.* of the Welfare and Institutions Code.

(Prior code 26A-9; Reconsideration of Application-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

### **Section 12.12.130 Removal**

Any person who refuses to comply with the rules for a Street Event approved under Section 12.12.040.D.12 may be removed from the Street Event.

(Prior code 26A-10; Contents of Permit-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

### **Section 12.12.140 Administrative Rules**

The City Manager may establish rules to implement this Chapter including rules to designate a committee to process permits in whole or in part and any other rules which are not in conflict with this Chapter.

(Prior code 26A-10.1; Additional Required Information-Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

### **Section 12.12.150 Regulations Generally**

A. Interference. No person shall unreasonably hamper, obstruct, impede or interfere with any Street Event or with any person or with vehicle or animal participating or used in a Street Event.

B. Driving Through Street Event. No driver of a vehicle, streetcar or trackless trolley shall drive between the vehicles or persons comprising a Street Event when such vehicles or persons are in motion and are conspicuously designated as a Street Event.

C. Parking on Street Event Route. The Director of Public Works shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a Street Event. The Director of Public Works shall post signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking in a street unposted in violation of this Chapter.

(Prior code 26A-11; Consideration of Late Applications - Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

### **Section 12.12.160 Permit Violation - Unwelcome Participation**

No person shall knowingly join or participate in any Street Event in violation of any of the terms, conditions or regulations of the permit issued therefore, or knowingly join or participate in any Street Event without the consent and over the objection of the applicant or in any manner interfere with the orderly conduct of such event.

(Prior code 26A-12; Notice to City Departments - Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)



**Section 12.12.170 Violation – Penalty**

Any person violating any provision of this Chapter or condition of the permit is guilty of a misdemeanor and upon conviction thereof shall be punishable according to the provisions of Section 1.16.010 of this code. Each such person is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted.

(Prior code 26A-13; Suspension or Revocation - Ord. No. 2002-22, Repealed & Replaced, 10/08/2002)

**Section 12.12.180 Appeal of denial, suspension or revocation**

(Prior code 26A-14; Ord. No. 2002-22, Repealed, 10/08/2002)

**Section 12.12.190 Appeal rights-Fees**

(Prior code 26A-15; Ord. No. 2002-22, Repealed, 10/08/2002)

**Section 12.12.200 Council action on appeal**

(Prior code 26A-16; Ord. No. 2002-22, Repealed, 10/08/2002)

**Section 12.12.210 Duties of permittee-Chairperson to carry permit**

(Prior code 26A-18; Ord. No. 2002-22, Repealed, 10/08/2002)

**Section 12.12.220 Regulations generally**

(Prior code 26A-19; Ord. No. 2002-22, Repealed, 10/08/2002)

**Section 12.12.230 Permit violation-Unwelcome participation**

(Prior code 26A-3; Ord. No. 2002-22, Repealed, 10/08/2002)

**Section 12.12.240 Violation-Penalty**

(Prior code 26A-17; Ord. No. 2002-22, Repealed, 10/08/2002)

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B.     Issuance of a permit under this Chapter does not exempt the permittee from, or constitute compliance with:

1.     Any requirements relating to the use of parks or facilities established by the City;