

ORDINANCE 109

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT REGULATING SPECIAL EVENTS WITHIN THE DISTRICT BOUNDRIES

BE IT ORDAINED by the Board of Directors of the San Simeon Community Services District ("District") as follows:

SECTION 1: PURPOSE.

An ordinance to establish procedures and requirements for conducting special events in the District in order to properly provide for traffic and crowd control, for street, park, and property maintenance, for the protection of the public health, safety and welfare; and to provide penalties for violation of this ordinance.

SECTION 2: DEFINITION OF A SPECIAL EVENT.

A special event is a preplanned single gathering, event or series of related consecutive daily gatherings or events expected to draw 25 or more persons at any session as participants or spectators that is proposed to be held on public property.

SECTION 3: SPECIAL EVENT PERMIT REQUIRED.

No special event shall be held upon any District street, park or other public area of the District unless a permit is first obtained for such event. Peaceful demonstrations (including lawful picketing) conducted on public sidewalks so as not to impede pedestrian or vehicular traffic are not considered special events.

SECTION 4: PERMIT APPLICATION.

Application to conduct a special event shall be made to the District Manager or his/her designee, in writing, by the person or persons in charge or responsible therefore. All applications for special event permits shall be made at least forty five (45) days prior to the date on which the special event is sought to be held, unless the District Board waives the time requirement for good cause shown. Such application shall set forth the following information:

1. The name, address and telephone number of the person requesting the permit.
2. The name and address of the organization or group involved.
3. The name, address and telephone number of the person who will act as director or person in charge of the special event and be responsible for the conduct thereof.
4. The purpose of the event and the number of persons expected to attend.
5. The date the event is to be conducted and the hours it will commence

and terminate.

6. The specific assembly and dispersal locations, and specific route plans, if any.
7. An Indemnification of the District on forms provided by the District.
8. Proof of liability insurance for the Special Event in such amounts as the District may prescribe and naming the District as an additional insured.
9. Such other information as the District reasonably deems necessary to properly prepare for and/or evaluate the potential impact on the public health, safety and welfare.

SECTION 5: RULES OR REGULATIONS.

The General Manager is hereby authorized to promulgate rules and/or regulations, not in conflict with this ordinance, to supplement and specify in more detail requirements relating to special events, provided that such rules or regulations are approved by the General Board. Failure to observe any rule or regulation adopted pursuant to this section shall be a violation of this ordinance. Any rules and/or regulations adopted under this provision shall be available at the District's office.

SECTION 6: NOTICE OF SPECIAL EVENT.

All special events shall be publicly noticed at least ten days prior to the issuance of a permit, pursuant to the process outlined in State Planning and Zoning Law section 65091, with a five hundred foot radius notification.

SECTION 7: CONSIDERATIONS FOR ISSUANCE; DENIAL.

In determining whether to approve a special event permit, the District Board may consider any factors reasonably deemed relevant for the proposed event including, but not limited to, the following:

1. Whether the special event appears to be held for any unlawful purpose.
2. Whether it appears the special event may be conducted in a manner so as to cause a breach of the peace.
3. Whether the special event will unnecessarily interfere with the public use of the streets, sidewalks, parks and/or other public areas.
4. Whether the special event appears to be primarily for commercial purposes with no general benefit to the District or the public.
5. Whether the special event may have some special right or priority under the law.
6. Whether the special event would, in any way, be detrimental to the public health, safety and welfare.

Denials of requests for a special event permit shall be made in writing, setting forth the reasons for such denial.

SECTION 8: RESTRICTIONS AND CONDITIONS.

The permit evidencing approval under this ordinance may include reasonable time, place and manner restrictions as a condition to granting any permit if such restrictions are reasonable and necessary for the protection of the public health, safety and welfare.

SECTION 9: PROHIBITED CONDUCT.

1. No person shall knowingly participate in a special event for which no permit has been obtained.
2. No person shall continue to organize, or participate in the further planning or organizing, of a special event that is conducted without a permit after a permit has been denied.
3. No person in a position of influence or control over a special event shall allow the conduct of a special event without a permit.
4. No person shall violate any condition of a special event permit.

SECTION 10: PENALTY FOR VIOLATION.

Any person who is in violation of any provision of this Ordinance shall be issued a citation by the District Manager or his/her designee in the following amounts:

- a. A fine not exceeding one hundred dollars (\$100) for a first violation;
- b. A fine not exceeding two hundred fifty dollars (\$250) for a second violation of this Ordinance;
- c. A fine not exceeding five hundred dollars (\$500) for each additional violation of this Ordinance.

Each person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed.

SECTION 11: EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION 12: PUBLICATION. Within fifteen (15) days of passage, this Ordinance shall be published one time in a newspaper of general circulation published in the District, if there is one,

and if not, then this Ordinance shall be posted for one week in three (3) public places in the District.

This Ordinance was INTRODUCED, READ, PASSED and ADOPTED on this 8th day of September, 2010, on the following roll call vote, to-wit:

AYES: 5

NOES: 0

ABSENT: 0


Chairman, Board of Directors

ATTEST:

District Secretary

APPROVED AS TO FORM:



General Counsel