

(O-91-19)

ORDINANCE NUMBER O- 17536 (NEW SERIES)

ADOPTED ON OCT 15 1990

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2,
DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 22.0207 RELATING TO
SPECIAL EVENTS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 2, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 22.0207, to read as follows:

SEC. 22.0207 SPECIAL EVENTS

(a) Title

This section shall be known as the "Special Events Ordinance."

(b) Purpose and Intent

It is the purpose and intent of the Council to establish a process for permitting special events conducted by the private to use City streets, facilities or services. It is recognized that these special events enhance the San Diego lifestyle and provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as a part of governmental services. Additionally, it is recognized that non-profit tax exempt organizations which benefit the community are

central to the quality of life in San Diego and that they often develop through their special events the resources to provide essential services to the citizens of the City and County of San Diego. It is further intended to create a mechanism for cost recovery and revenue sharing for commercial special events without adversely impacting those events that contribute to the community. It is also the intent of the Council to protect the rights of its citizens to engage in protected free speech expression activities and yet allow for the least restrictive and reasonable, time, place and manner regulation thereof within the overall context of rationally regulating private sector events which impact upon public facilities and services.

(c) Definitions

1. As used in this section, "special event" means: 1) any organized formation, parade, procession or assembly consisting of one hundred (100) or more persons, and which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison and with a common purpose upon any public street, highway, alley, sidewalk or other public way which does not comply with normal or usual traffic regulations or controls; 2) any organized assemblage of 1,000 or more persons at any public beach or public park which is to gather for a common purpose under the direction and control of a responsible person or agency; or 3) any

other organized activity conducted by an individual, group or entity for a common or collective use, purpose or benefit which involves the use of or impacts upon other public property or facilities and the provision of City public safety services in response thereto.

Examples of special events within this definition include but are not limited to parades, circuses, fairs, community events, mass participation sports (marathons and running events, bicycle races or tours, "over-the-line" tournaments, etc.), or spectator sports (football, basketball and baseball games, golf tournaments or hydroplane or boat races, etc.).

2. [No change.]

3. [No change.]

4. [No change.]

5. As used herein, a "tax exempt non-profit organization" is one that is exempted from payment of income taxes by federal or state law and which has been in existence for a minimum of six (6) months preceding the date of application for an event.

(d) Permit Required

1. Except as provided in this section, it is unlawful to conduct, promote, manage, aid, solicit attendance at or participate in any special event or demonstration without a written permit from the City Manager.

2. [No change.]

3. Exceptions - A permit shall not be required for the below listed activities, although the City Manager may issue a permit or similar certificate to an organizer who requests it. An exempted activity is required to comply with general regulations governing public safety or health.

i. Funeral processions by a licensed mortuary.

ii. Activities conducted by a governmental agency acting within the scope of its authority.

iii. Lawful picketing on the sidewalks.

iv. Demonstrations which do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment (other than sound equipment), provided no fee or donation is charged or required as a condition of participation in or attendance at such demonstration and provided further that the Chief of Police is notified at least thirty-six (36) hours in advance of the commencement of said demonstration.

v. Film making activities conducted under the aegis of the Motion Picture and Television Bureau of the San Diego Chamber of Commerce, when provisions for cost recovery for City support services have been made.

4. [No change.]

5. The issuance of the permit pursuant to this section does not obligate or require the City Manager to provide City services, equipment or personnel in support of an event. The City Manager is authorized to provide

City services, equipment or personnel in direct support of a non-commercial special event the costs of which do not exceed \$3,000.00, without Council authorization, if within budget limitations, provided the City Manager finds that a public purpose will be served. Factors to be considered in determining that a public purpose is served shall include the fact that the event is organized and conducted by a tax exempt non-profit organization which operates from or provides services within the City or County of San Diego, that it provides a benefit to the general public, that it does not exclude participation by the general public (notwithstanding an admission or participation fee) and that the City services provided will result in improved crowd or event control and general public safety. Except for events sponsored by the City, and wherever possible, priority shall be given in permit issuance to local tax exempt non-profit organizations operating in and providing services to the citizens of the City or County of San Diego. The provision of City services, equipment or personnel for commercial special events shall be subject to the approval of the City Council, unless the City Manager makes provisions with the event organizers for cost recovery or revenue sharing, or both, from the event.

6. The City Manager is authorized to issue a permit to any event whose title or theme will use the

City seal or the words "The City of San Diego," "City of San Diego," or any similar combination or facsimile which would reasonably imply an official endorsement of the event by the City of San Diego, provided that revenue sharing by the event organizer or sponsor is required as a condition of such approval. It shall be unlawful for any organizer to use in the title of an event the words "The City of San Diego" or "City of San Diego," or a facsimile of the seal of the City of San Diego, without such authorization.

(e) Application for Permit

[No change.]

(f) Application Content

The application for a special event or demonstration permit shall set forth the following:

1. Identifying information:

i. The name, address and telephone number of the applicant, and a certification that the applicant will be financially responsible for any fees or costs that may be imposed for the event.

ii. The name, address and telephone number of the person or persons chiefly responsible for the conduct of the special event or demonstration.

iii. The name, address and telephone number of the sponsoring organization, if any, and the chief officer. If such event is designed to be held by, on behalf of, or for any organization other than the

applicant, the applicant for such permit shall file a written communication from such organization authorizing the applicant to apply for such permit on its behalf and certifying that it will be financially responsible for any costs or fees that may be imposed for the event.

iv. A copy of the tax exemption letter issued for any applicant claiming a tax exempt non-profit status.

2 - 10. [No change.]

(g) Standards for Issuance of Permits

A permit, when required under this section, is authorized to be issued by the City Manager unless the City Manager determines that any of the conditions listed in this subsection will occur. The City Manager may prohibit or restrict any special event or demonstration, whether or not a permit is required, whenever any of the conditions listed in this subsection is likely to occur, unless the event is modified to eliminate the disqualifying factor.

1 - 5. [No change.]

6. The applicant has not provided for the following, when applicable:

i. the services of a sufficient number of traffic controllers trained, certified and appointed pursuant to section 81.03; or

ii. monitors for crowd control and safety; or

iii. safety, health or sanitation equipment, services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety; or

iv. adequate off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event; or

v. required insurance, financial responsibility for the event or surety bonds.

7. [No change.]

8. [No change.]

9. The applicant demonstrates an inability or unwillingness to conduct an event pursuant to the terms and conditions of this section or has failed to conduct a previously authorized or exempted event in accordance with law or the terms of a permit, or both.

10. [No change.]

11. [No change.]

12. [No change.]

(h) Contents and Posting of Permit

[No change.]

(i) Action on Permit

[No change.]

(j) Insurance

[No change.]

(k) Revocation of Permit

[No change.]

(l) Litter Control and Material Condition

[No change.]

(m) Rules and Regulations

[No change.]

**(n) Cost Recovery and Revenue Sharing for
Commercial Special Events**

1. Definitions. As used in this subsection:

(a) "Commercial special event" shall refer to any special event organized and conducted by any organization that does not qualify as a tax exempt non-profit organization.

(b) "Non-commercial special event" shall refer to any special event organized and conducted by an organization that qualifies as a tax exempt non-profit organization. A tax exempt non-profit organization sponsoring an event may acknowledge the receipt of cash or in-kind services or goods, donations, prizes or other consideration from for-profit organizations without causing the event to be considered a commercial special event. Such acknowledgement may include use of the name, trademark, service mark or logo of such a for-profit organization in the name or title of the event or the prominent appearance of the same in advertising or on collateral material associated with the event.

(c) "Gross "revenues" shall refer to the sum of all revenues, including but not limited to: cash receipts; license, television, advertising and similar revenues; concessions; and all other income associated with the event to the sponsoring organization from whatever source, less contributions from revenues to tax exempt non-profit organizations which operate from or provide services to or within the City or County of San Diego.

2. Cost Recovery. Except as provided herein or when funded by Council resolution or ordinance, the City Manager shall charge for the actual cost of the salaries of City personnel involved in permit processing, event traffic control, fire safety or other facility or event support and the use of City equipment and other non-personnel expense for any commercial special event. The City Manager shall require prepayment of such fees for a commercial special event or a reasonable estimate thereof at the time the completed application is approved, unless the City Manager for good cause extends the filing deadline or time for payment as prescribed herein.

3. Revenue Sharing. Event organizers of commercial special events shall pay the City a negotiated percentage of gross revenues or a flat fee. Cost recovery shall not be required of commercial special events where payment for such services has been

negotiated by the City Manager within a revenue sharing agreement with the City.

4. Audits and Accounting Procedures. The event organizer of a commercial special event shall make payment and provide a final financial statement audited by a Certified Public Accountant to the City Manager no later than thirty (30) days after the event for the fees and revenues to be paid to the City. The City Manager is authorized to make determinations as to the commercial status of an event and, with the advice and assistance of the City Auditor and Comptroller, to promulgate additional standards and procedures for cost accounting to implement this subsection.

5. Whenever an event, whether commercial or non-commercial, is conducted without a permit when one is required or in violation of the terms of an issued permit the event organizer shall be responsible for, and the City Manager shall charge for, all City costs incurred for personnel and equipment for a public safety response caused or necessitated by the adverse impacts of that event or the violation of an issued permit upon public safety.

(o) Interference with Special Event or Demonstration

[No change in text.]

(p) Delegation

[No change in text.]

(q) Violations

[No change in text.]

(r) Applicability

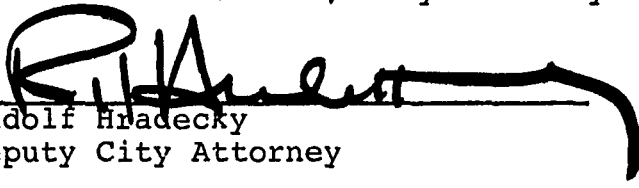
[No change in text.]

(s) Constitutionality and Severability

[No change in text.]

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Rudolf Hradecky
Deputy City Attorney

RH:mb
08/20/90
Or.Dept:Cit.Asst.
O-91-19
Form=o.none

Passed and adopted by the Council of The City of San Diego on.....**OCT 15 1990**,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

.....**MAUREEN O'CONNOR**.....
Mayor of The City of San Diego, California.

(Seal)

.....**CHARLES G. ABDELNOUR**.....
City Clerk of The City of San Diego, California.

By *Linda Lugano*....., Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 01 1990

OCT 15 1990

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

.....**CHARLES G. ABDELNOUR**.....
City Clerk of The City of San Diego, California.

(Seal)

By *Linda Lugano*....., Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17536** Adopted **OCT 15 1990**

RECEIVED
90 SEP 12 PM 3:01
CITY CLERK'S OFFICE
SAN DIEGO, CA.

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
90 NOV -1 11:13:26
SAN DIEGO, CALIF.

CITY CLERK'S OFFICE
CITY ADM. BLDG., 2ND FLOOR
202 C ST.,
SAN DIEGO, CA. 92101
ATTN: LINDA LUGANO

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2,
DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 22.0207 RELATING TO SPECIAL EVENTS.

ORDINANCE NUMBER O-17536 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.0207 RELATING TO SPECIAL EVENTS.

This ordinance amends San Diego Municipal Code section 22.0207 to add provisions for cost recovery for City-provided services, equipment and personnel for commercial special events and to make provisions for revenue sharing from such events.

The revisions include a definition of the terms "tax exempt non-profit organization," "non-commercial special event" and "commercial special event." Section 22.0207(d)(5) is amended to provide that the City Manager may, but is not obligated to, provide City services, equipment or personnel in support of a non-commercial special event when a public purpose is found to be served. Factors are listed for making such findings. Conditions are specified for the use of the term "The City of San Diego" or "City of San Diego" under designated conditions, and it is made unlawful for an event organizer to use such words without authorization. Additional revisions are made to require permit applicants to be financially responsible for any fee or costs that may be imposed for or associated with the event.

Section 22.0207(n) is amended to provide for cost recovery and revenue sharing from commercial special events. A "commercial special event" is any special event organized and conducted by an organization that does not qualify as a tax exempt non-profit organization. A "non-commercial special event" is a special event organized and conducted by a tax exempt non-profit organization as those terms are defined within the ordinance. Negotiated percentages of gross revenues shall be recovered by the City for commercial special events. "Gross revenues" refers to the sum of all revenues associated with the event, less contributions to tax exempt non-profit organizations which operate from or provide services to or within the City of County of San Diego.

Provisions are made for audits and accounting procedures to be established by the City Manager. Further provisions are made for the recovery of City costs incurred for personnel and equipment for public safety responses caused or necessitated by adverse impacts of an event whenever an event, whether commercial or non-commercial, is conducted either in violation of the terms of an issued permit or in violation of the provisions of Section 22.0207, where such event adversely impacts upon public safety.

INTRODUCED ON OCT 01 1990 Passed and Adopted by the Council of The City of San Diego on OCT 15 1990

AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By LINDA LUGANO, Deputy

(SEAL) Pub. Ord. No. 199144

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

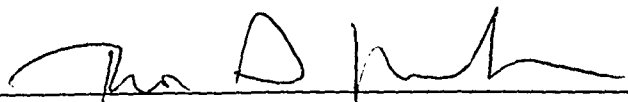
ORDINANCE NUMBER O-17536 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

OCT. 29

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 29TH day of OCT, 1990.


(Signature)

4 3/4 x 2 = 112.48