

Attachment B: Redline Changes Chapter 10.64 Parades and Special Events

~~Chapter 10.64 - PARADES AND SPECIAL EVENTS⁽¹⁾~~

Sections:

Footnotes:

~~---(1)---~~

~~**Editor's note**—Ord. No. 2017-001, § 2, adopted Sept. 19, 2017, amended Chapter 10.64, §§ 10.64.010—10.64.160, in its entirety to read as herein set out. Former Chapter 10.64, pertained to similar subject matter and derived from Ord. 98-01, § 1, adopted 1998; and Ord. 91-23 § 1 (part), adopted 1991.~~

10.64.010 - Findings.

The city council finds that parades and special events create traffic congestion and safety hazards, and require the expenditure of city resources for the regulation of such parades and special events. Likewise, the city council finds that such parades and special events may also result in noise disturbances, increased littering, an invasion of privacy, a hindrance in the public's right to quiet enjoyment, or the harassment of members of the public.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.020 - Definitions.

For the purpose of this chapter, the definitions given in this section shall govern the meanings of the following words and phrases:

"Applicant" means any person, group, organization, or entity who seeks a special event permit from the city to conduct or sponsor a parade or special event governed by this chapter. An applicant must be eighteen years of age or older.

"Chief of police" means the chief of police for the City of Chino's Police Department or his/her designee.

"City manager" means the city manager for the City of Chino or his/her designee.

"City resources" means any commitment of city funds, manpower, supplies, materials, or other services used to control, support, augment or assist in any way a parade or special event in the city.

"Expressive activity" means conduct, the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of opinions, view, or ideas protected by the First Amendment of the United States Constitution and Article I of the California Constitution.

"Parade" means any procession, march, ceremony, show, exhibition, pageant, or similar display upon any public right-of-way or which will infringe upon the public right-of-way or public property.

"Permit" means any permit as required by this chapter.

"Person" means any person, firm, partnership, association, corporation, group, club or organization of any kind.

"Planning Commission" means the planning commission of the City of Chino.

"PSEC" (~~parade and~~ special events committee) means a committee convened to evaluate parade and special events applications. The city manager shall determine size and membership of this committee.

~~"Solicitation" means the request, directly or indirectly, of money, credit, property, financial assistance, or other things of value, or hawking, peddling, or vending, on or along the city streets and sidewalks, in a public park, or in any other public place. These words also mean and include the following methods of requesting things of value:~~

- ~~1. The distribution, circulation, posting or publishing of any handbill, written advertisement or other publication.~~
- ~~2. The sale of or receipt of an order for any goods, services, merchandise, wares or other tangible items. A solicitation shall be deemed completed when made, whether or not the person making the same receives anything of value or agrees to receive anything of value.~~

"Special event" means any of the following:

1. Public Property. Any ceremony, carnival, show, athletic or sporting event, exhibition, pageant, festival, fireworks display, sale and/or service of alcoholic beverages, or similar events upon any public property, right-of-way, sidewalk, or park not designated as a City athletic field located in the city, except for events such as tournaments, sports leagues, and similar events which may typically be conducted in a public park;
2. Residential Property. Any ceremony, carnival, show, sporting event, exhibition, pageant, festival or similar event upon held at any private residence ~~with an expected attendance of one hundred or more persons~~ that is open to the public, which may require the utilization of city resources, whether expected by the sponsor of the event or anticipated by the city, as determined by the ~~parade and special events committee~~ SEC;
3. Private Property Other than Residential Property. Any event such as any ceremony, carnival, show, sporting event, exhibition, pageant, festival, fireworks display, or similar event upon held at private property other than residential ~~with an expected attendance of five hundred or more persons, or two hundred fifty or more persons if~~ property that is being used beyond that property's intended land use and is open to the public or serves alcoholic ~~is served, beverages~~ which may require the utilization of city resources, whether expected by the ~~sponsor or organizer~~ of the event or anticipated by the city, as determined by the ~~parade and special events committee~~ SEC.

~~(Ord. No. 2017-001, § 2, 2017.)~~

"Spontaneous event" means any event involving Expressive Activity that is occasioned by recent news or current affairs coming into public knowledge less than five (5) days prior to such event.

10.64.030 - Permit—Requirements.

A. General Parades or Special Events. No person shall engage in, participate in, aid or carry on any parade or special event located wholly or partially on any public street, sidewalk, alley, or park, or which infringes upon the public right-of-way, or which requires the ~~commitment~~ utilization of city resources, ~~or conduct any solicitations at any such parade or special event,~~ unless a permit therefore has been granted by the city. Applications submitted to the city to hold such shall be submitted to the ~~parade and special events committee~~ SEC, in this chapter referred to as ~~PSEC~~. The ~~PSEC~~ shall be charged with the responsibility of approving such a permit provided it meets the findings required by Section 10.64.090 of this chapter. ~~Regardless of the duration or size of the parade or special event, the PSEC may refer any application to the planning commission for a decision to approve or deny a permit.~~ The ~~PSEC~~ shall notify the applicant

of its decision; and, in the case of denial, the applicant's appeal rights pursuant to Section 10.64.100 of this chapter. Any permit approved by the PSEC shall be issued by the city manager.

~~B. — Longer Duration or Larger Size Parades or Special Events. For any parade or special event lasting three consecutive days or longer in duration, not including set up and clean up, or for parades or special events with an anticipated attendance of five thousand or more people per day, the PSEC shall review the permit application and make a recommendation to the planning commission whether to approve or deny the permit. The planning commission shall be charged with the responsibility of issuing or denying such a permit and such decision shall be final.~~

~~C. — Previously Approved Longer Duration or Larger Size Parades or Special Events. For any parade or special event lasting three consecutive days or longer in duration, not including set up and clean up, or for parades or special events with an anticipated attendance of five thousand or more people per day for which the planning commission has previously issued a permit, the psec shall be charged with the responsibility of approving a permit to be issued by the city manager, provided the PSEC determines that the parade or special event is substantially similar to the parade or special event for which the planning commission previously issued a permit. For any parade or special event the PSEC determines is not substantially similar to the previously approved parade or special event, the PSEC may refer the application to the planning commission for a decision. The planning commission shall then be charged with the responsibility of issuing or denying such a permit and such decision shall be final.~~

~~D.~~ Exemptions. A permit shall not be required under this chapter for the following activities:

1. The city may, at its discretion, exempt any event sponsored by the city or co-sponsored by the city from any or all of the requirements for obtaining a permit;
2. Spontaneous events involving expressive activity which are occasioned by news or affairs coming into public knowledge less than ~~thirty~~five (5) days prior to such event may be conducted without the organizers first having to obtain a permit, provided that participants comply with applicable traffic regulations, laws and controls. The person or organization conducting or sponsoring the spontaneous event shall provide notice of the event to the city manager no later than thirty-six hours prior to the commencement of the event and shall provide the location of the event and the estimated number of attendees to assist the city with determining traffic control and policing needs, if any, to protect the health, safety, and welfare of the public. The person or organization conducting or sponsoring the spontaneous event shall be liable and responsible for any costs incurred by the city relating to the event pursuant to Section 10.64.060;
3. Any event involving only pedestrians marching ~~along a route that is restricted to marching~~ on sidewalks; and crossing streets only at pedestrian crosswalks, in accordance with traffic regulations and controls;
4. Funeral processions by a licensed mortuary or funeral home.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.040 - Permit—Application.

A person seeking issuance of a permit to engage in a parade or special event, ~~or to conduct solicitations at such a parade or special event~~, shall file an application with the city on forms provided by the city. The application for a permit to engage in a parade or special event, ~~or to conduct solicitation at such a parade or special event~~, shall set forth the following information:

A. The name, address, and telephone number of the person seeking to conduct such parade or special event;

B. If the parade or special event ~~is~~ proposed is to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization, and the authorized and responsible heads of such organization;

C. The name, address, and telephone number of the person who will be the parade or special event chairman and who will be responsible for its conduct;

D. The date when the parade or special event is to be conducted;

E. The time when such parade or special event will start and terminate in compliance with Chapter 9.40 (Noise) of this code;

F. Parades only:

1. The route to be traveled, the starting point and the termination point, in diagram form;
2. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and the description of the vehicles;
3. A statement as to whether the parade will occupy all, or only a portion, of the width of the streets proposed to be traversed;
4. The location by street names of any assembly area for such parade;
5. The time at which ~~units~~ persons, animals, and/or animals of ~~the~~ such parade will begin to assemble at any such assembly area or areas;

G. Special events only:

1. The number of persons expected to attend the special event;
2. A statement of whether alcoholic beverages will be allowed on the premises, type of alcoholic beverages proposed, and evidence of application for the appropriate state liquor license;

H. Any additional information, including evidence of compliance with any and all federal, state, and local regulations, which the city shall find reasonably necessary to make a fair determination as to whether a permit should be issued ~~including evidence of compliance with any and all federal, state, and local regulations;~~

~~I. Solicitations at parades or special events only:~~

- ~~1. The purpose for which the solicitation is to be made, the projected amount of any funds to be raised thereby, and the use or disposition of such funds;~~
- ~~2. The name, address, telephone number, social security number, date of birth, and driver's license number of each person who will direct such solicitations;~~
- ~~3. An outline of the method or methods to be used in conducting the solicitations;~~
- ~~4. The time when such solicitations will be made, giving the exact dates, and hours thereof of the commencement and termination of the solicitation;~~

- ~~5.— An accurate statement of the nature, extent and duration of any charitable or religious work being done by the applicant within the city (if applicable);~~
- ~~6.— A statement to the effect that, if a permit is granted, it will not be used or represented in any way as an endorsement by the city or by any department or officer thereof;~~
- ~~7.— A detailed financial statement as may be required by the city for the applicant's last preceding fiscal year of any funds collected by the applicant, giving the amount of money raised, the cost of raising it, and the financial distribution thereof;~~

~~(Ord. No. 2017-001, § 2, 2017.)~~

I. If the parade or special event will involve any person or business participating as a vendor, or otherwise, having a booth or stand, or performing, soliciting, or selling any products or services, the application must list and provide copies of all special event vendor permits issued from the city, as defined in Section 5.04.540 of this code.

J. If the parade or special event will involve sidewalk vendors, the application must list and provide copies of all permits issued from the city for said sidewalk vendors, as provided in Chapter 5.28 of this code.

10.64.050 - Filing requirements.

A. Filing Period. An application for a parade or special event permit shall be filed with the city not less than sixty (60) days ~~nor~~ more than one calendar year before the date on which it is proposed to conduct the parade or special event. Any application submitted less than sixty (60) days before the parade or special event is ~~scheduled~~proposed to be conducted shall be deemed late and the SEC has the discretion to accept and process the application or deny it as untimely. Any such accepted late-filed applications shall be subject to an expediting fee pursuant to Section 10.64.060 of this chapter, ~~or may be denied as untimely.~~

B. Filing Period for Longer Duration or Larger Size Events. An application for a parade or special event lasting three (3) consecutive days or longer in duration, not including set-up and clean-up, or for parades or special events with an anticipated attendance of five thousand or more people per day shall be filed with the city not less than ninety (90) days ~~nor~~ more than one calendar year before the date on which it is proposed to conduct the parade or special event. Any application submitted less than ninety (90) days before the parade or special event is ~~scheduled~~proposed to be conducted shall be deemed late and ~~shall~~upon request of applicant, may be subject to an expediting fee pursuant to Section 10.64.060 of this chapter, or may be denied as untimely.

~~C.— Late Applications. The PSEC may accept any application hereunder which is filed late pursuant to this chapter.~~

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.060 - Application fees and deposits.

A. Fee. A non-refundable application fee, as adopted in the City's Comprehensive Fee Schedule, shall be paid at the time of filing the application for a permit to engage in a parade or special event, ~~or to conduct solicitations at a parade or special event,~~ as provided in the current comprehensive fee schedule codified in Appendix I of this code, unless waived by the ~~PSEC or the planning commission.~~ Any application filed late pursuant to Section 10.64.050 of this chapter shall be subject to an expediting fee as provided in the current comprehensive fee schedule codified in Appendix I of this code, unless waived by the ~~PSEC or the planning commission.~~ After consideration and investigation of the application, the ~~PSEC or the planning commission~~ may determine what additional fees shall be assessed before issuance of the permit to meet the

expenses of maintaining public health, safety, and welfare, such as placing barricades, lighting, and traffic control devices, and providing police officers for crowd control at such parade or special event.

~~B. Security Deposit. In addition to payment of the non-refundable application fee, the applicant shall pay the city for charges incurred by city staff in connection with or due to the activities under the permit unless the event is sponsored or co-sponsored by the city. The amount of the security deposit shall be as provided in the current comprehensive fee schedule codified in Appendix I of this code, unless waived by the PSEC or the planning commission. The security deposit shall be used toward the costs of cleaning up and restoring the public area of the city upon the conclusion of the parade or special event, or other direct city services to the extent such services are utilized and required due to the parade or special event.~~

~~1. Payment and Refund. The applicant shall pay such costs or a reasonable estimate of such costs at the time the application is approved by the city. Within thirty days after the special event or parade concludes, the city shall either submit a final invoice for costs, if any, to the applicant or refund any unused deposit without interest. If the applicant paid less than the total costs actually incurred by the city, the applicant shall pay the difference to the city, without interest, within thirty days of the date of the invoice for such charges by the city. Thereafter, interest will accrue on the unpaid balance at the legal rate. If the applicant paid more than the total costs incurred by the city, the city shall refund the difference to the applicant, without interest, within thirty days after the parade or special event.~~

~~2.~~ 1. Nothing in this chapter shall limit the city's ability to pursue its rights regarding damage to city property as otherwise provided for by law.

~~C.B.~~ City Services Deposit. The applicant shall be responsible for and the city may charge the reasonable and necessary costs that any department of the city incurs in connection with the parade or special event for which the city has issued a permit. The amount of the security deposit shall be as provided in the current comprehensive fee schedule codified in Appendix I of this code. Such costs include, but are not limited to, city resources s as defined in this chapter, costs associated with fire safety, traffic and/or pedestrian control, the closure of streets or intersections, additional police services or other emergency services, and any direct costs of the city to provide support personnel, equipment, materials, ~~and supplies,~~ and restoring the public area of the city upon the conclusion of the parade or special event. ~~The amount charged for these costs shall be the fully burdened rate for each individual at the time the costs are actually incurred.~~

1. The applicant shall pay such ~~costs or a reasonable estimate of such costs~~ deposit at the time the application is approved by the city. Within thirty days after the special event or parade concludes, the city shall either submit a final invoice for costs, if any, to the applicant or refund any unused deposit without interest. If the applicant paid less than the total costs actually incurred by the city, the applicant shall pay the difference to the city, without interest, within thirty days of the date of the invoice for such charges by the city. Thereafter, interest will accrue on the unpaid balance at the legal rate. If the applicant paid more than the total costs incurred by the city, the city shall refund the difference to the applicant, without interest, within thirty days after the parade or special event.

~~D.C.~~ Any payment required pursuant to this section shall be made payable to the city by cash, credit card, or cashier's check.

~~E.D.~~ Waiver. Any fee, deposit or payment required pursuant to this chapter may be waived by the ~~PSEC or the planning commission~~ if the applicant provides as part of the permit application a sworn affidavit in writing, together with any supporting documents, demonstrating the applicant's actual financial inability to pay the fee, deposit or payment and establishes to the satisfaction of the ~~PSEC or the planning commission~~ that such fee, deposit or payment is not necessary.

~~(Ord. No. 2017-001, § 2, 2017.)~~

1. Any applicant whose request for waiver is denied may appeal the decision by filing a written notice of appeal with the city clerk within five (5) days after such decision is made.
2. The written notice of appeal shall be filed with the city clerk along with payment of an appeal processing fee in an amount set forth in the city's current Comprehensive Fee Schedule codified in Appendix I of this code. The appeal processing fee, however, shall be excused upon a satisfactory showing of undue financial hardship.
3. The written notice of appeal shall contain the following information: (1) the name of the appealing party; (2) the address of the appealing party, (3) a brief statement in ordinary and concise language of the nature of the appeal together with any material facts claimed to support the contentions of the appellant; (4) a brief statement in ordinary and concise language of the relief sought; and (5) the signature of the appellant.
4. Upon receipt of a timely and proper appeal, the city clerk shall appoint a neutral and impartial hearing officer and shall schedule a hearing at a date, time, and location not earlier than ten days but no later than sixty (60) days after receipt of such appeal.
5. The city clerk shall provide notice not later than ten (10) calendar days before the scheduled hearing by first class mail to the appellant at the address listed on the request for a hearing.
6. The hearing officer shall issue a written decision within five (5) calendar days of the hearing. The decision of the hearing officer shall be final.
7. The failure to timely and properly file a request for a hearing with the city clerk, or the failure to appear at a scheduled hearing, shall constitute waiver of the right to appeal and a failure to exhaust administrative remedies. If appeal is waived for any reason, including as provided under this subsection, the decision of the SEC shall be final.

10.64.070 - Applicant—Evidence of insurance required and hold harmless agreement.

- A. — Certificate of Insurance. Each applicant for a parade or special event shall be required to submit evidence to the city, in the form of a certificate of insurance, that such applicant has public liability and property damage insurance in effect and in full force for the duration of such parade or special event in an amount not less than one million dollar (\$1,000,000) minimum for each occurrence for general liability coverage and two million dollar (\$2,000,000) minimum for general aggregate coverage to protect the general public and the city for any and all damages that might be caused by such parade or special event. It is in the city's discretion to require increased coverage depending on the particular parade or special event. If the parade or special event involves the use of licensed motorized vehicles, the policy must also include an endorsement for automobile liability in an amount not less than one million dollars (\$1,000,000). The city shall be named as an additional insured on the certificate of insurance.
- B. Hold Harmless and Indemnification. Prior to the issuance of a permit pursuant to this chapter, the applicant shall provide the city with an executed hold-harmless and indemnification agreement, which shall substantially state that the applicant agrees to indemnify, defend, and hold the city and its officers, employees, and agents harmless and free from any and all liability, penalty, expense or loss of any nature, including, but not limited to, liability for damage or injury to any persons or property caused by any participant to the parade or special event.
- C. Waiver. If the ~~PSEC or the planning commission~~ determines that a particular parade or special event does not

present a substantial or significant public liability or property damage exposure for the city or its officers, agents, and employees, the city may provide a written waiver of some or all of the insurance requirements of this section.

D. No person shall conduct a parade or special event under a parade or special event permit without the insurance coverages as required by this section being in full force and effect. However, the insurance requirement for special events involving only the exercise of free speech rights may be waived by the ~~PSEC or planning commission, whichever is applicable pursuant to this chapter~~, if the applicant certifies in writing that: (1) the applicant and/or sponsoring organization does not maintain such insurance coverage; (2) the cost to obtain insurance coverage for the parade or special event is not commercially reasonable or is so cost prohibitive as to prevent the applicant or sponsoring organization from holding the parade or special event; and (3) the parade or special event will not include any of the following: pyrotechnics, commercial activity, the sale or consumption of alcoholic beverages, operation of carnival or animal rides or demonstrations with animals, floats or other non-standard vehicles, specialized recreational equipment, ~~or cooking~~ handling or serving of food, open fires, or fuel storage.

E. If the parade or special event includes the sale or consumption of alcoholic beverages, a liquor liability endorsement is also required.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.080 - Notice of action and application.

~~If the PSEC is reviewing the application pursuant to Section 10.64.030.A or Section 10.64.030.C of this chapter, then the PSEC shall act upon each application for a permit to engage in a parade or special event, or to conduct solicitations at a parade or special event, within thirty business days after the filing thereof. If the planning commission is acting upon the application pursuant to Section 10.64.030.B of this chapter, then the planning commission shall act upon each application at the first regularly scheduled planning commission meeting following the PSEC's review of the permit application. The city and the applicant may agree to waive this requirement and have the planning commission review the application at a later planning commission meeting date. In no event shall an application requiring review by the planning commission pursuant to this chapter be required to be heard by the planning commission at a regularly scheduled meeting unless such application is made at least forty-five or more business days prior to the regularly scheduled planning commission meeting.~~

If the application is denied, a written statement shall be mailed to the applicant within five (5) business days after the date upon which the application was ~~acted upon~~ processed and denied along with a notice of action and the applicant's appeal rights, if any. A rejected application will not prejudice the applicant's right to either amend the application, ~~and resubmit such application~~ immediately or resubmit another application at any time in the future.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.090 - Standards for issuance of permits.

The city shall issue a permit when, from a consideration of the application and from such other information as may otherwise be obtained, the following facts are found to exist:

A. Parades:

1. — All of the information in the application is true;

2. — The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
3. — The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement, and the areas contiguous thereto, as to prevent normal police protection to the city, giving consideration to the city's ability to recruit police officers from other jurisdictions;
4. — The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
5. — The conduct of the parade is not reasonably likely to cause injury to persons or property, provoke disorderly conduct, or create a disturbance;
6. — The parade shall start and continue to move from its origin to its point of termination expeditiously and without unreasonable delays en route;
7. — The parade is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor.
8. There are no outstanding violations of this code, any other code adopted by this code, or any state law on the private location for which the parade is to or is taking place.
9. There are no outstanding fees, fines, or other amounts outstanding and owed to the city in connection with the parade, inclusive of such amounts owed by vendor or sidewalk vendor that is part of the parade.

B. Special Events:

1. — All of the information in the application is true;
2. — The conduct of the special event is not reasonably likely to cause injury to persons or property, provoke disorderly conduct, or create a disturbance;
3. — Sufficient parking exists for those persons who will attend the special event such that it will preclude a substantial disruption of the safe and orderly movement of other traffic;
4. — The special event is not an illegal event by its very nature, nor shall any of the attractions contained within the special event be of an illegal nature.
- ~~C5. — Solicitations: There are no outstanding violations of this code, any other code adopted by this code, or any state law on the private location for which the special event is to or is taking place.~~
- ~~1. — All of the information in the application is true;~~
- ~~2. — The conduct of the solicitations at a parade or special event will not substantially interrupt the safer and orderly movement of traffic or create hazard for the members of the public;~~
- ~~3. — The proposed solicitation will be conducted entirely within private property, and not within the public right-of-way, which is substantiated by written permission of the property owner;~~
- ~~4. — The location or conduct of solicitations are not likely to cause injury to persons or property, provoke disorderly conduct, or create a disturbance;~~
- ~~5. — The location or conduct of the solicitations will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the location of the solicitations.~~

~~(Ord. No. 2017-001, § 2, 2017.)~~

6. There are no outstanding fees, fines, or other amounts outstanding and owed to the city in connection with the special event, inclusive of such amounts owned by vendor or sidewalk vendor that is part of the special event.

The city may deny a permit upon finding of any of the above facts do not exist, if the location where the special event is to take place or any property within the city owned, leased, or otherwise used by an applicant contains any violation of this code, any other code adopted by this code, or any state law, or if the applicant has outstanding fees, fines, or other amounts due and owing the city.

10.64.100 - Appeal.

~~A. The applicant may appeal the PSEC's denial of a permit to the planning commission within ten calendar days of the mailing date of the PSEC's notice of action.~~

A. Any applicant whose permit application is denied may appeal the decision by following the appeal procedure as described below:

1. Any applicant whose request for waiver is denied may appeal the decision by filing a written notice of appeal with the city clerk within five (5) days after such decision is made.

~~B.2. —The~~ The written notice of appeal shall be perfected as follows:
filed with the city clerk along with payment of an appeal processing fee in an amount set forth in the city's current Comprehensive Fee Schedule codified in Appendix I of this code. The appeal processing fee, however, shall be excused upon a satisfactory showing of undue financial hardship.

~~1. —It shall be filed with the city clerk;~~

~~2. —It shall be in writing and signed by the applicant;~~

~~3. —It shall include the application for a permit and a denial by the PSEC;~~

~~4. —It shall propose measures in mitigation to the reasons for denial by the PSEC.~~

~~C. The planning commission may authorize the parade, special event, or solicitation at a parade or special event provided that the planning commission may also impose any reasonable measures in mitigation of the PSEC's reasons for denial of a permit. Such mitigation measures may consist of, but are not limited to, the following measures:~~

~~1. —Applicant agrees to changes in the parade route or special event location;~~

~~2. —Applicant agrees to changes in parade or special event times and/or date;~~

~~3. —Applicant agrees to alter number and composition of participants in the parade or special event;~~

~~4. —Applicant agrees to change location of the parade or special event;~~

~~5. —Applicant agrees to changes in time and/or date of the parade or special event;~~

~~6. —Applicant agrees to conduct solicitations exclusively on private property, change the hours of solicitation, change the methods of solicitation, or share the location or times of solicitations with another applicant seeking solicitations at the same parade or special event.~~

~~D. Any decision of the planning commission regarding any permit for a parade, special event, or solicitation at a parade or special event, shall be final.~~

~~(Ord. No. 2017-001, § 2, 2017.)~~

3. The written notice of appeal shall contain the following information: (1) the name of the appealing party; (2) the address of the appealing party, (3) a brief statement in ordinary

and concise language of the nature of the appeal together with any material facts claimed to support the contentions of the appellant; (4) a brief statement in ordinary and concise language of the relief sought; and (5) the signature of the appellant.

4. Upon receipt of a timely and proper appeal, the city clerk shall appoint a neutral and impartial hearing officer and shall schedule a hearing at a date, time, and location not earlier than ten days but no later than sixty (60) days after receipt of such appeal.

5. The city clerk shall provide notice not later than ten (10) calendar days before the scheduled hearing by first class mail to the appellant at the address listed on the request for a hearing.

6. The hearing officer shall issue a written decision within five (5) calendar days of the hearing. The decision of the hearing officer shall be final.

7. The failure to timely and properly file a request for a hearing with the city clerk, or the failure to appear at a scheduled hearing, shall constitute waiver of the right to appeal and a failure to exhaust administrative remedies. If appeal is waived for any reason, including as provided under this subsection, the decision of the SEC shall be final.

10.64.110 - Permit—Security and traffic plan review.

A. Security and Traffic Plan. The applicant shall submit a plan setting forth the proposed security measures and traffic plans to be taken to protect the health, safety and welfare of the participants in the parade or special event and the public. The plan shall be submitted concurrently with the permit application to the city. Upon review, an official of the police department and/or the public works department may require the alteration of the plan to provide greater traffic mitigation or security measures including, but not limited to, the hiring of private security personnel and/or city police officers at the applicant's expense as a condition of permit issuance.

B. Police Department and/or Fire Department Review. An official from the Chino Valley Independent Fire District and/or the city's police department may, after reviewing the scope of the parade or special event, determine that additional resources are required to ensure public safety. The official of each respective department will determine risks to participants, community impacts and emergency support required to determine additional resources required for the parade or special event. The applicant will bear all related costs and expenses for such additional resources.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.120 - Permit—Contents.

Each parade or special events permit shall state the following information, as applicable:

- A. Starting time;
- B. Date;
- C. Location and/or route;
- D. Ending time;
- E. Whether alcoholic beverages will be allowed or served;
- F. Minimum speed of parade;
- G. Maximum speed of parade;

- H. Portions of the streets to be traversed that may be occupied by the parade;
- I. The maximum length of the parade in miles or fractions thereof;
- J. Number of persons expected to attend the special event;
- K. Number of persons allowed to occupy a building if special event is to be held inside;
- L. Such other information as the city shall find necessary to the enforcement of this chapter.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.130 - Permittee—Duties.

- A. Any applicant issued a permit pursuant to this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances, including, but not limited to, the chapters of this code regulating noise, signs, parking, traffic and camping in the city.
- B. The parade or special event chairman, or other person heading or leading such activity, shall carry the permit upon his person during the conduct of the parade or special event.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.140 - Public conduct during parades or special events.

A. Parades.

1. No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.
2. No driver of a vehicle of any sort shall drive between the vehicles or person comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade. This is not to include any vehicle under the direction of the police department.
3. The chief of police 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 parade. The chief of police 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 on a street not posted in accordance with this chapter.
4. The chief of police shall be responsible to see that the conditions of this chapter have been met. For this purpose, the chief of police may require the applicant to submit periodic progress reports prior to the parade or special event.

- B. Special Events. No person attending any special event as permitted under this chapter shall violate any laws of the state of California or any ordinance of the city.

~~C. Solicitation. A person or entity issued a permit to conduct solicitations at a parade or special permit shall abide by the following provisions:~~

- ~~1. No person shall solicit at any dwelling, including but not limited to a house, apartment, or condominium where there is a sign indicating "No Solicitations," "Do Not Disturb," or any other indication that the occupants do not wish to be solicited or in any other way have their privacy disturbed. Complaints arising from violations of this requirement shall support suspension or revocation of the permit upon verification, by the city, of a violation of this provision.~~

- ~~2. No person to whom a permit has been issued under this chapter, nor any of the agents or solicitors of such person, shall touch, come into physical contact with, or affix any object to the person of any member of the public, without first receiving expressed permission thereof from such member of the public.~~
- ~~3. No person to whom a permit has been granted under this chapter, nor any of the agents or solicitors of such person, shall continue to solicit any member of the public after such member of the public expresses his/her desire not to be solicited.~~
- ~~4. No person to whom a permit has been granted under this chapter, nor any of the agents or solicitors of such person, shall intentionally or deliberately obstruct the free movement of any person on any street, sidewalk or other public place open to the public generally.~~
- ~~5. No person to whom a permit has been granted under this chapter, nor any of the agents or solicitors of such person, shall solicit from a captive audience. "Captive audience" shall be defined as purposefully stationary persons, such as persons in lines or seated in public areas.~~
- ~~6. No person shall misrepresent his or her physical or mental health while soliciting.~~

(Ord. No. 2017-001, § 2, 2017.)

10.64.150 - Permit—Revocation.

A. A permit to engage in a parade or special event, ~~or to conduct solicitations at a parade or special event,~~ may be revoked by the city manager or chief of police, or the designee of either, if he/she finds that one or more of the following conditions exists:

1. Circumstances have changed to such a degree that one or more of the ~~findings contained within~~ standards for Standards for issuance of permits in Section 10.64.090, or any other applicable provision of this chapter, ~~can~~are no longer ~~be made in a positive manner~~satisfied.
2. The permit was obtained in a fraudulent manner or otherwise, a finding is made that information that was provided in the process of obtaining a permit was materially false.
3. The applicant fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of the permit.
4. The applicant violates or attempts to violate any law of the state, or the provisions of this chapter, or any other law, ordinance or policy of the city.
5. There is an emergency or other circumstance that creates the need to prevent the parade or special event from occurring or continuing at the date, time, and place specified in the permit.
6. Any violation of this code, any other code adopted by this code, or any state law exists on the private location for which the parade or special event is to or is taking place.
7. Any fees, fines, or other amounts remain outstanding and owed to the city in connection with the parade or special event, inclusive of such amounts owned by vendor or sidewalk vendor that is part of the parade or special event permit.

B. Such revocation by the city manager or chief of police, or the designee of either, shall become effective immediately upon the date notice of the revocation order is mailed or otherwise provided to the holder of the permit. No parade or special event may take place until the city issues a new permit or the revocation is lifted.

~~(Ord. No. 2017-001, § 2, 2017.)~~

10.64.160 - Violation—Penalty.

It is unlawful and a public nuisance to violate any provision of this chapter. Any violation of this chapter shall be a misdemeanor subject to the provisions set forth in Section 1.12.010 of this code, including, but not limited to, the imposition of any and all criminal and civil penalties set forth therein. Any violations of this chapter may also be enforced by any method or means authorized by this code or state law. The city may pursue any and all remedies to abate such nuisance in addition to, or in lieu of, any other remedy.

~~(Ord. No. 2017-001, § 2, 2017.)~~