

# CITY OF EL CENTRO

## POLICY STATEMENT

Policy Statement No: 602  
Category: Engineering  
Subject: Special Event in the Community

Adopted: December 5, 2005  
Revised:  
Distribution: All Departments

### I Purpose

The purpose of this policy statement is to provide a uniform procedure for processing requests for public and private events, which include **Community Events, Private Block Parties** and **Promotional Events**, all of which are deemed to be "special events" for purposes of this Policy Statement.

### II Background

Requests to utilize the public right-of-way for special events are presently reviewed by the Director of Public Works on an individual basis. As the volume of requests has increased, it has become apparent that a uniform procedure, setting forth minimum standards and a standardized application process is required.

A standard procedure for the issuance of special event permits not otherwise regulated by City Code or regulation is necessary to ensure the effective enforcement of the event. This policy does not apply to car washes sponsored for fund-raising as long as the event adheres to City Code requirement of no water drainage onto City streets. This policy also does not apply to other fund-raising activities conducted on private property.

### III. Definitions

Sound amplifying system: Any system, apparatus, equipment, device, instrument or machine designed for or intended to be used for the purpose of amplifying any sound or increasing the volume of human voice, musical tone, vibration or sound wave.

Community Event: A community event is an organized social function, open to the public for its entertainment and enjoyment, which occurs on public property or utilizes public rights-of-way. It may include, but is not limited to, the following organized activities: athletic events, concerts, public dances, fund raising events, marathons, walkathons, triathlons, other running events, trade shows, festivals and fairs, or other similar events (not construction related).

**Block Party:** A block party is a private, social event held in the public right-of-way within an area blocked to through traffic. It typically involves residents of one neighborhood.

**Private Event:** A private event is one that is for a designated group of people not open to the public at large.

**Promotional Event:** A promotional event is a commercially sponsored event, open to the public, which encroaches into the public right-of-way.

**Public Event:** A public event is one that is open to the public for its entertainment and enjoyment.

#### **IV. Special Events Permit Review Committee**

The City Manager shall establish a Special Events Permit Review Committee, hereinafter the "Committee". The Committee shall be composed of the following or their designated representatives: Chief of Police, Fire Chief, Director of Public Works, the Parks and Recreation Director, and the Risk Manager. Additional members may be added at the City Manager's discretion.

The Committee shall review and make a recommendation to the City Manager for approval or denial of all applications for special events within five (5) working days after an application is filed and deemed complete.

#### **V. Policy**

The City Manager, or designee, shall have the authority to approve or disapprove special event applications, upon the recommendation of the Committee. The City Manager, or designee, shall either approve or deny the special event permit within five (5) working days after receipt of the recommendation from the "Committee." Factors to be considered in the review process shall be: day, time, safety, the number of events held in the same area, the benefit of the event to City residents in the area and generally, the benefit to City businesses, the inconvenience to area residents and businesses, the availability of adequate parking, the disruption to public transit and traffic flow, and the ability of the City and applicant to adequately regulate and control the event.

Events that involve the use of facilities operated and/or managed by the Parks and Recreation Department should adhere to that Department's guidelines.

The City Manager, or designee, shall either approve or deny the special event permit within five (5) working days after receipt of the recommendation from the

Committee.

Conditions for approval are as follows:

**A. Block Party**

- i. A block party may not be held without an approved special event permit application.**
- ii. Block parties cannot commence prior to 10:00 a.m. or continue past 10:00 pm. without special permission of the City Council.**
- iii. Music and/or sound amplifying shall conform to levels listed in City Code Chapter 18, Article V unless a variance has been obtained from the El Centro Police Department.**
- iv. Applicants must provide a Traffic Control Plan with the application to be approved by the Committee. The Traffic Control Plan should provide an adequate number of lighted barricades to control anticipated traffic and attendance. Barricades must be of a type acceptable to the City and be located in a manner so as to ensure the safety of participants. Additional traffic control devices may be required. Layout drawings are to be submitted with application.**
- v. Adult supervision must be present at all times.**
- vi. Security, as approved by the Police Department, is required based upon the number of people in attendance. Refer to the "Special Event Permit Application" for recommended guidelines.**
- vii. The consumption of alcoholic beverages in public areas is prohibited without a permit in accordance with City Code Section 18-14.**
- viii. At least one three-yard trash container or, at the discretion of the Director of Public Works, three (3) 90-gallon residential trash containers shall be provided if planned attendance is 50 persons or less. One ninety gallon recycling receptacle shall be provided for every 50 persons in attendance.**

## **B Community/Promotional Event**

- i. No community / promotional event shall be held without an approved special event permit application.**
- ii. All events scheduled in the public right-of-way should be held on streets that have the least impact on vehicular and pedestrian traffic, which create the least inconvenience for merchants and/or residents in the area, and which provide maximum public safety. A Traffic Control Plan, with drawings, shall be submitted for review and approval prior to permit issuance.**
- iii. All events should occur at the time of day that has minimal impact on vehicular and pedestrian traffic. Some exceptions may apply at the City Manager's discretion.**
- iv. Applicants shall ensure that all of the following are present during the entire event:**
  - a. Adequate potable water for all event participants.**
  - b. At least one toilet for every 250 persons in attendance if the event will involve 1,000 or more participants and the event will last three (3) hours or longer. At least one (1) toilet shall be ADA compliant. (All City events require one (1) ADA toilet if under 1,000 attendees and over 3 hours)**
  - c. At least one three-yard trash container or, at the discretion of the Director of Public Works, three (3) 90-gallon residential trash containers shall be provided if planned attendance is 50 persons or less. One ninety gallon recycling receptacle shall be provided for every 50 persons in attendance.**
  - d. Security, as approved by the Police Department, is required based upon the number of people in attendance. Refer to the "Special Event Permit Application" for recommended guidelines.**
  - e. Applicants must provide a Traffic Control Plan with the application to be approved by the Committee. The Traffic Control Plan should provide an adequate number**

of lighted barricades to control anticipated traffic and attendance. Barricades must be of a type acceptable to the City, and be located in a manner so as to ensure the safety of participants. Additional traffic control devices may be required. Layout drawings are to be submitted with application.

f Adequate communication equipment for use by event monitors.

9. Adequate first aid provisions.

v. All applicants shall execute an agreement to clean and otherwise restore the event site to its pre-event condition within twenty-four (24) hours of the conclusion of the event. The City shall conduct pre-event and post-event inspections by the Public Works Department. If the post-event condition of the site is not the same as its pre-event condition, the City shall conduct the work necessary to restore the site to its pre-event condition and shall bill the event sponsor for the costs of such work. A cleaning deposit is to be submitted with the application, which deposit shall be established and modified by Resolution of the City Council.

vi. The consumption of alcoholic beverages in public areas or in parks is prohibited without a permit in accordance with City Code Sections 18-14 and 19-48, respectively.

## VI. Application

### A. Block Party

i An application for a permit for a block party shall be filed with the City Manager's Office not less than thirty (30) days prior to the event. Application forms are available by contacting (760) 337-4540.

H The City Manager, or designee, may accept for filing an application submitted less than thirty days prior to the proposed event if circumstances warrant an exception.

ii. All applications must be accompanied by a petition signed by a majority of the residents in the affected area who live on the street to be blocked. The petition form is included in the "Special Event Permit Application". Persons signing the petition must provide their address and telephone number.

- iv. All applications shall include a hold harmless agreement to be approved by the City Attorney and a Certificate of Insurance, naming the City of El Centro, its officials, employees and agents as additional insureds in an amount no less than \$1,000,000.00 and by an insurer that is an admitted carrier in the state of California and with an A.M. Best rating of A- or better.
  - a. A sample hold harmless agreement is attached.
  - b. The Risk Department of the City of El Centro, located at City Hall, can provide a "Special Event Summary of Insurance." The Risk Department is able to accept applications for insurance through "Participating Public Entities and their tenant users, of the Driver Alliant Insurance services Special Event Liability Program" if desired.
- v. The application must include a Traffic Control Plan with the application to be approved by the Committee. The Traffic Control Plan should provide an adequate number of lighted barricades to control anticipated traffic and attendance. Barricades must be of a type acceptable to the City, and be located in a manner so as to ensure the safety of participants. Additional traffic control devices may be required. Layout drawings indicating the affected properties and the locations of all barricades and/or signs used to control the flow of traffic and pedestrians and the layout of the event activities are to be submitted with the application.
- vi. The application must be accompanied by a fee established by resolution of the City Council. Refer to the "Special Event Permit Application" for deposit information.

#### **B. Community/Promotional Event**

- i. An application for a community / promotional event shall be filed with the City Manager's Office not less than thirty (30) days prior to the event. The application must be signed by the applicant or the applicant's authorized agent. The application must be accompanied by a fee, which fee shall be established and modified by Resolution of the City Council. Application forms are available by contacting (760) 337-4540.
- ii. The City Manager, or designee, may accept for filing an application submitted less than thirty (30) days prior to the proposed event if

circumstances warrant an exception.

- iii. All applications must be accompanied by a "Business Notification" form signed by a majority of the business owners/tenants in the affected. The "Business Notification" form is available in the City Manager's Office. Persons signing the "Business Notification" form must provide their address and telephone number.
- iv. The application must include a Traffic Control Plan to be approved by the Committee. The Traffic Control Plan should provide an adequate number of lighted barricades to control anticipated traffic and attendance. Barricades must be of a type acceptable to the City, and be located in a manner so as to ensure the safety of participants. Additional traffic control devices may be required. Layout drawings are to be submitted with application.
- v. The application must include a legible sketch (diagram) indicating the affected properties and the locations of all barricades and/or signs used to control the flow of traffic and pedestrians and the layout of the event activities. In the event a business is closed at the time of the event, that should be indicated on the diagram and no signature will be required.
- vi. All applications must describe the proposed event in detail, including but not limited to the following information:
  - a. The purpose of the event.
  - b. The person or organization sponsoring the event.
  - c. The name, address and phone number of the responsible party. This person must be 18 years or older, at the site for the duration of the event, and may be contacted by City officials if necessary.
  - d. A legible sketch or diagram indicating:
    - The proposed site and/or route;
    - The number and location of available parking spaces (including handicapped spaces);
    - The number and location of fixed and portable sanitation

facilities;

**The number, location and amplifying range of any sound amplifying systems to be used.**

- e. The number of persons expected to participate in, or attend the event.**
  - f. The proposed date and time of the event.**
  - g. The type and nature of any vehicles, equipment or other apparatus to be used in connection with the event.**
  - h. The name, business address, type of merchandise to be sold, and, if applicable, El Centro business license number for all vendors who will be participating in the event.**
  - i. Any special or unusual requirements that may be created by the proposed event.**
- vii. The application shall be signed by the responsible party under penalty of perjury.**
- viii. All businesses and or commercial enterprises sponsoring special events must obtain a City of El Centro business license. Each vendor involved in the special event must also have or obtain an El Centro business license.**
- ix. As part of the application process, applicants shall also provide the following:**
- a. Written documentation (a signed statement of permission) from the property owners of the parcels on which the event will take place, as shown on the application diagram.**
  - b. All applications shall include a hold harmless agreement to be approved by the City Attorney and a Certificate of Insurance, naming the City of El Centro, its officials, employees and agents as additional insureds in an amount no less than \$1,000,000.00 and by an insurer that is an admitted carrier in the state of California and with an A.M. Best rating of A- or better.**
    - i. A sample hold harmless agreement is attached.**
    - ii. The Risk Department of the City of El Centro, located at**

City Hall, can provide a "Special Event Summary of Insurance." The Risk Department is able to accept applications for insurance through "Participating Public Entities and their tenant users, of the Driver Alliant Insurance services Special Event Liability Program" if desired.

- c. An agreement to compensate the City for loss of or damage to public property.
- d. A cleaning deposit is to be submitted with the application which deposit shall be established and modified by Resolution of the City Council. This deposit will be refunded after the event unless it should become necessary to use City work crews for restoring the site to its pre-event condition. Refer to the "Special Event Permit Application" for deposit information.

#### **VII. Cost Recovery for Community / Promotional Events**

- A Except when an event is a community-wide event sponsored by the City Council, the City Manager shall charge the approved fee for the services provided by the City.
- B A deposit for the City's estimated costs and possible cleaning costs associated with the event shall be paid no later than ten (10) days prior to the event, in the form of cash or cashier's check placed on account with the City. Refer to the "Special Event Permit Application" for deposit information.
- C The total fee for the event shall be computed as the sum of the following:
  - i. The fully burdened hourly rates of each staff person involved in the event support, including but not limited to traffic control, security, and fire safety.
  - ii. The actual cost of providing City equipment and other non-personnel expenses.
- D Departments involved in supporting a special event shall submit a written report detailing total staffing and equipment costs to the City Manager no more than fifteen (15) days after the conclusion of a community event.
- E If the actual cost to the City is greater than the deposit of the estimated cost

paid by the applicant, the City shall bill the event sponsor for the difference, and the event sponsor shall pay the bill within thirty (30) days of mailing of the bill.

- F. If the actual cost to the City is less than the deposit of the estimated cost paid by the applicant, the City shall refund the difference within fifteen (15) days of the conclusion of the event.

VIII. Use of City Parks and Facilities

- A. An application for the use of the following City parks and facilities shall be obtained from the City of El Centro Parks and Recreation Department at 750 Park Ave. Deposits and fees for these facilities are collected by the Parks and Recreation Department and established and modified by resolution of the City Council.

<b>Park/Facility</b>	<b>Address/Location</b>
a. Adams Park	400-700 Park Ave.
b. Bucklin	1350 S. 8 <sup>th</sup> St.
c. Carlos Aguilar	1500 Pico Rd.
d. Community Center	375 S. 1 <sup>st</sup> St.
e. Conrad Harrison Youth Center	750 Park Ave.
f. Frazier	1150 N. 6 <sup>th</sup> St.
g. Gomez	900 S. Hope St.
h. Leeper	Lotus/Olive
i. Lotus	Lotus/Holt
j. McGee	375 S. 1 <sup>st</sup> St.
k. Old Post Office Pavilion	230 S. 5 <sup>th</sup> St.
l. Pittman	1999 Orange Ave.
m. Plunge Pool	750 Park Ave.
n. Stark Field	945 S. 4 <sup>th</sup> St.
o. Sunflower	Lotus/Adams
p. Swarthout	350 Euclid Ave.
q. Wildflower	Lotus/Wensley

IX. Denial, Revocation, Suspension of Special Event Permit

- A. An application for a special event permit shall be denied or revoked by the City Manager if one or more of the following grounds exist:
  - i. The applicant has failed or refused to comply with Sections V, VI, VIIE from a past event, above.

- i** The applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the application.
  - ii** The location of the proposed event does not comply with applicable health, zoning, fire or safety regulations.
  - iv.** The activity or location of the activity unreasonably limits, obstructs, or curtails the free flow of traffic and pedestrians on any public street or sidewalk.
  - v.** The conduct of the event or any activity which may be part of the event is prohibited by the Federal, State or Municipal law.
  - vi.** The event will unreasonably interfere with:
    - a.** The public peace, health, safety or welfare;
    - b.** Another scheduled event; or
    - c.** The public's ability to use public property for activities unrelated to the event.
  - vii.** The applicant has not obtained the approval of any other public agency within whose jurisdiction the event, or a portion thereof, will occur.
- B.** The City Manager, or designee, shall give written notice of a denial of a special event permit to any applicant, which notice shall be given by using the U.S. Postal Service, first-class mail, postage pre-paid. The notice shall state the grounds upon which the denial is based and shall inform the applicant of their right to appeal as provided in this Policy. If an application for a special event permit is denied, a written appeal may be filed by the applicant with the City Clerk not more than ten (10) days after the notice of denial of the applications is mailed to the applicant. The matter will be scheduled for hearing before the City Council.
- C.** Prior to the revocation of any special event permit, the City Manager or designee shall give written notice to the permittee of the City's intention to revoke the permit, which notice shall be given by using the U.S. Postal Service, first-class mail, postage prepaid. The notice shall state the City's intent to revoke the permit, the grounds upon which the proposed revocation is based, and the revocation procedure.

- D. The revocation procedure is as follows:**
- i. Unless the permittee files with the City Clerk a written request for a hearing not more than ten (10) days after the notice of intention to revoke the permit is mailed to the permittee, the special event shall be deemed revoked.**
  - ii. If a timely request for a hearing is filed with the City Clerk, the City Council shall hold a hearing.**
- E Notice of the City Council hearing on appeal or revocation shall be mailed to the applicant or permittee requesting the hearing by the City Clerk, U.S. Postal Service, first-class mail, postage pre-paid, at least ten (10) days prior to the hearing. The City Council shall conduct a hearing as soon as practicable at regular meeting thereof, given the notice requirements of this Policy Statement and the requirements of law governing public meetings. The City Council may approve, modify or disapprove the decision of the City manager. The decision of the City Council shall be final and effective immediately.**

**RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE**

This Hold Harmless Agreement, entered into this \_\_\_\_\_ day of \_\_\_\_\_, is by and between \_\_\_\_\_, ("Applicant"), and the City of El Centro, a municipal corporation of the State of California ("City").

**RECITALS**

WHEREAS, the City has adopted a Special Event in the Community Policy Statement to provide a uniform procedure for processing requests for Community Events, Private Block Parties, and Promotional Events located in the City's public right-of-way ("Special Events"); and

WHEREAS, Applicant has requested to utilize public right-of-way, on \_\_\_\_\_ [date], for property located at \_\_\_\_\_, for the purpose of \_\_\_\_\_, at no cost to the City; and

WHEREAS, one of the conditions of Applicant's Special Event Permit is that Applicant enter into this Release, Hold Harmless and Agreement Not to Sue; and

WHEREAS, it is in the best interest of the City to execute this Agreement.

**NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE APPLICANT AND CITY AS FOLLOWS:**

**The Applicant agrees to comply with all requirements and conditions for approval, established in the City of El Centro's Policy Statement for Special Events in the Community.**

**The Applicant assumes responsibility and liability for sponsoring the Special Event, and Applicant agrees to indemnify and hold harmless and defend City and any and all of its officers, agents, servants, or employees against any and all claims loss, damage, charge of expenses, including attorney's fees and costs, whether direct or indirect, to which City or such officers, agents, servants, or employees may be put or subject, by reason of any damage, loss or injury to property caused by or resulting from or in connection with the Special Event.**

**Prior to issuance of the Special Events Permit, Applicant agrees to provide a certificate of insurance, with the coverages and limits described in the Special Event in the Community Policy Statement, naming the City of El Centro, its officials, employees and agents as additional insureds in an amount no less than \$1,000,000.00 and by an insurer that is an admitted carrier in the State of California and with an A.M. Best rating of A- or better; and**

**The Applicant hereby releases, discharges and agrees not to sue City, its officers, agents, employees or students for any injury, death or damage or loss of personal property arising out of, or in connection with, City's approval of Applicant's Special Event Permit, from whatever cause, including the active or passive negligence of the City, its officers, agents, servants and employees.**

**APPLICANT HAS CAREFULLY READ THIS RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE AND FULLY UNDERSTANDS ITS CONTENTS. APPLICANT IS AWARE THAT IT IS A FULL RELEASE OF ALL LIABILITY AND SIGNS IT ON ITS OWN FREE WILL.**

**IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first written above.**

**APPLICANT:**

**Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

**CITY OF EL CENTRO**

**Date:** \_\_\_\_\_ **By:** \_\_\_\_\_  
**City Manager**

**APPROVED AS TO FORM:**

**Office of the City Attorney**

**By:** \_\_\_\_\_