

CITY OF FAIRFIELD

ORDINANCE NO. 2021-11

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD
AMENDING CHAPTER 12A AND SECTION 12.17 OF FAIRFIELD MUNICIPAL CODE (ALSO KNOWN
AS SPECIAL EVENTS ORDINANCE OF THE CITY OF FAIRFIELD) TO CLARIFY THE APPLICATION
PROCESS FOR SPECIAL EVENT PERMITS AND TO AMEND INSURANCE AND INDEMNITY
REQUIREMENTS**

THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 12A, "Special Events," is hereby amended in its entirety to read as follows:

"12A.1 Title.

This chapter shall be known as the Special Events Ordinance.

12A.2 Purpose.

This chapter establishes the standards for the issuance of a permit for community events, Athletic Events, Block Parties, Carnivals, Concerts, Dances, Fairs, Parades and other Special Events in the City of Fairfield.

12A.3 Definitions.

"Applicant" shall mean any person or Organization who submits an application for a permit to conduct or hold a Special Event governed by this chapter. An Applicant must be 18 years of age or older or the authorized agent of an Organization.

"Athletic Event" shall mean an occasion in which a group of persons collectively engage in a sport, or form of physical exercise on a city street, sidewalk, alley, or other public Right-of-way, which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls. Athletic events include a bicycle race, a foot race, and a soap box derby or rally.

"Block Party" shall mean a festive gathering on a residential street requiring a closure of a street, or a portion thereof, to vehicular traffic, and use of the street for the activities such as barbecues, picnics, music or games.

"Carnival" shall mean any site that contains any combination of any of the following: amusement rides, food vendors, merchandise vendors, games of chance and skill, thrill acts, feats of physical skill and other stunt-oriented artists, wild or trained animal acts, or sideshow curiosities. The term "Carnival" is also used to refer to a circus or other temporary or transient show or exhibition that performs for the amusement of the general public.

“Concert” shall mean any Concert or performance of nonrecorded or recorded musical selections which is open to the general public, whether or not for charge. The term shall not include the presentation of nonrecorded or recorded musical selections in connection with any public gathering where the presentation of such musical selection is only incidental to such public gathering and not a primary purpose thereof.

“Dance” shall mean any social gathering for the primary purpose of dancing, open to the general public whether or not a fee is charged. The term “dance” shall not apply to a dance held in conjunction with a bona fide meal if the dance area is separate from the eating area, nor shall it apply to a dance conducted by any club or association for its members or bona fide guests.

“Director” shall mean the City Manager, or his or her designee.

“Expedite Fee” shall mean 20% of the applicable permit application fee.

“Fair” shall mean an exposition that promotes the availability of and/or engages in the sale of goods and services, opportunities and/or entertainment, such as a street fair, art and craft show, farmers market, or open-air theater.

“Free Speech Route” shall mean a route or course of travel along designated streets, sidewalks, or other Rights-of-way which are pre-established by the Director for use by Special Events whose primary purpose is First Amendment expression.

“Organization” shall mean any corporation, limited liability company, limited partnership, general partnership, limited liability partnership, sole proprietorship, non-profit corporation, religious corporation, trust, unincorporated association, or any other type of fictitiously named entity.

“Parade” shall mean a march, rally, or procession consisting of persons, animals, or vehicles, or combination thereof, on any city street, sidewalk, alley, or other public Right-of-way.

“Permit Application Fee” shall mean the nonrefundable fee to be paid by the Special Event permit Applicant at the time the application is filed.

“Permittee” shall mean any person or Organization that has been issued a Special Events Permit.

“Right-of-way” has the same meaning as defined in section 16.4.1. of chapter 16.

“Special Event” shall mean:

- a. Any organized formation, Parade, procession, demonstration, or assembly which is to assemble or travel in unison on any street, sidewalk, or other public Right-of-way owned or controlled by the City, which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or which does not comply with applicable traffic regulations, laws or controls, including an Athletic Event or a Block Party; or
- b. Any organized assemblage of 75 or more persons at any public place, property or facility which is to gather for a common purpose under the direction or control of a person or Organization; or
- c. Any Carnival, Concert, Dance, Fair or other event likely to require traffic and crowd control, involving 75 or more persons that occurs on private property, including private off-street parking lots and private facilities, but not at private residences.

“Major Special Event” means any Special Event that:

- a. Has more than 350 attendees present at any time, whether or not alcohol will be furnished or sold; or
- b. Has fewer than 350 attendees but more than 75 attendees present at any time and alcoholic beverages will be furnished or sold.”

“Minor Special Event” means any Special Event with at least 75, but less than 350 attendees present at any time, without furnishing or selling alcoholic beverages.

“Traffic and Crowd Control” shall mean clearing an event route or site of unauthorized vehicles, diversion of traffic around the event, and directing pedestrian and vehicular traffic along the route of an event by police or other city personnel.

“Traffic Control Plan” shall mean those conditions imposed by the Director concerning accommodation of pedestrian or vehicular traffic, such as restricting the event to only a portion of a street traversed, requirements for the use of traffic cones, barricades and/or other control measures, limiting the number of event participants using crosswalks at a given time to allow vehicles to pass, or any other reasonable measures to manage the safe and efficient flow of pedestrian and vehicular traffic.

12A.4 Permits Required; Exceptions.

Any person desiring to conduct or organize a Special Event in the City of Fairfield shall first obtain a Special Event permit from the Director.

Except, a Special Event permit is not required for the following:

- a. An activity or use authorized under a Conditional Use Permit issued pursuant to chapter 25.

- b. Temporary events regulated under section 25.32.8.
- c. Funeral processions.
- d. Carnival, Concert, Dance, or Fair conducted inside any auditorium, public hall, or other similar facility which is owned by a governmental entity that is not the City of Fairfield.
- e. Carnival, Concert, Dance, or Fair conducted inside any auditorium, public hall, or similar facility which is owned by a religious organization, association, or any nonprofit civic association. Note that any such events are still subject to the requirements of the Fairfield Building Code and the Fairfield Fire Code and may require a permit from the Building Safety Division and Fire Department.
- f. Carnival, Concert, Dance, or Fair conducted in any hotel or motel having in excess of one hundred rentable rooms or suites and a suitable conference center, banquet hall, or other large space which meets all fire and building codes for public assembly uses. Any such events are still subject to the requirements of the Fairfield Building Code and the Fairfield Fire Code and may require a permit from the Building Safety Division and Fire Department.
- g. Parades involving a total of 40 or fewer pedestrians marching along a Parade route which is restricted to marching on sidewalks and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls. Pedestrians participating in the Parade shall cross crosswalks in units of 15 persons or less, and shall allow vehicles to pass between each unit.
- h. Any event occurring exclusively in or within a City of Fairfield park or recreational facility, with fewer than 75 attendees. Nonetheless, such an event may require a Permit for exclusive Use of Park or Open Space Area Facility, as described in Section 12B.15.
- i. The following activities that are sponsored in whole or in part by the City:
 - 1. Tomato Festival
 - 2. Independence Day Parade
 - 3. Matt Garcia Run for Good
 - 4. Candlelight Parade/Christmas Tree Lighting
 - 5. Veterans Day Parade
 - 6. Downtown Farmers Market

By resolution adopted no later than 60 days prior to the event, the City Council may designate additional City-sponsored events.

Exclusion from the requirements of the Special Events Ordinance does not exempt an event from other legal or regulatory requirements, including but not limited to, encroachment permits from the Public Works Department, building permit requirements, or any requirement for a fire permit.

Prior to any City-sponsored event listed in subsections (i)(1) through (6) above or designated by the council by resolution, the event organizer shall submit an application containing the information required by section 12A.6 to the Director for review and approval through the process stated in Section 12A.7. The event organizer shall provide the information at least 60 days prior to the scheduled event, with the exception of expedited permit applications and Minor Special Events.

12A.5 Application Procedure/Fee.

a. Any person desiring to organize a Special Event not exempted by section 12A.4 shall apply for a Special Event permit by filing a Special Event permit pursuant to section 12A.6.

b. An application for a Minor Special Event permit shall be filed not less than 30 days nor more than 90 days before the date on which the event is to occur.

c. An application for a Major Special Event permit shall be filed not less than 60 days nor more than one year before the date which the event is to occur. For events which plan to accommodate greater than 2,000 people, the City encourages the permit application to be submitted at least 90 days in advance. The City recommends the Applicant consult with staff to identify any potential issues and concerns before submitting the permit application required by this chapter.

d. Notwithstanding subsections (b) and (c), applications may be submitted less than 30 days prior to the event for a Special Event and less than 60 days for a Major Special Event if the Expedite Fee is paid. Except as set forth in subsection (e), upon payment of an Expedite Fee, applications may be submitted at least 10 days prior to an event.

e. Event permit applications submitted less than ten days prior to the event will not be accepted. Except, the Director shall consider an application which is filed after the filing deadline if the Applicant has demonstrated good cause for the failure to file within the time prescribed, and if the Director determines that there is sufficient time to process the application. Good cause may be shown by the Applicant demonstrating that the circumstances which gave rise to the permit application did not reasonably allow the participants to file within the time prescribed and that the event is for the purpose of exercising the right of free speech. Such applications must pay the Expedite Fee, unless Applicants meets both requirements for a waiver of fees, as specified in Section 12A.16(e).

f. The application shall be accompanied by the applicable permit application fee and Expedite Fee, if applicable. A fee schedule shall be set by City Council Resolution and shall not exceed the actual costs of processing and investigating Special Event applications, and administering the Special Event permit program.

12A.6 Contents of Application Form.

The form of the Special Event permit application shall be prescribed by the Director. The application form shall solicit the following minimum information:

- a. The name and address of the Applicant.
- b. The name and address of the proprietor or person to be in immediate charge of the event (if different from the name of the Applicant).
- c. The date or dates of the event.
- d. For Carnivals, Fairs, and outdoor events, such as Concerts likely to generate substantial noise, as determined by the Director, proof that the event will not be located within 150 feet of any residential use.
- e. The proposed location or route of the event and written permission from the respective landowner, leaseholder, and other persons holding an easement over the property to use the property for such an event, if other than the City.

For events proposed to occur within City's Right-of-way:

- 1. An encroachment permit may be required from the Public Works Department.
- 2. A Traffic Control Plan may be required from the Police Department.
- 3. Proposals for a Block Party must include documentation that all neighbors have been notified and that 50% of the residents of dwellings along the affected block(s) accept the proposed date, time, and location of said Block Party. Applicant shall submit a list containing the addresses and names of all property owners or occupants on or along the affected block(s) and with the required number of signatures.
- f. Proof the Applicant will be able to meet the insurance requirements contained in section 12A.15 or whether the Applicant is seeking a waiver.
- g. A statement indicating whether or not alcoholic beverages will be sold or furnished at the event.
- h. A statement certifying:

1. The correctness of the information given on the application.
 2. The Applicant's agreement to the indemnification requirements in section 12A.14.
 3. The Applicant's agreement to observe all local, state, and federal laws, regulations, and orders, including health, safety, and sanitation requirements.
- i. The Director may request additional or supplemental information from the permit Applicant as is reasonably necessary to verify or clarify that the Applicant meets the provisions of this Chapter, to determine appropriate permit conditions or limitations, or which otherwise is reasonably necessary to perform the duties under this chapter. For Carnivals, such supplemental information may include fingerprint records of every employee.

12A.7 Director Review of Special Events Permit Application.

The Director shall approve, conditionally approve, or deny an application following the grounds specified in section 12A.8. Notice shall be given to the Applicant in writing within 30 days of application unless further information from the Applicant is required by Director.

The Director shall take action no later than 5 days after receiving a completed application for a Special Event along a pre-established route or on a site which has previously held a similar event, pursuant to subsections (d) or (e) of section 12A.16. Action on applications for all other Minor Special Events shall be taken no later than 30 days after receiving a completed application. Except, the time for review may be less if an Expedite Fee has been paid pursuant to subdivision (e) of section 12A.5.

If the permit application is approved, the Director shall notify the Applicant of all permit conditions at the time the application is approved and of the existence of an appeal process. If the application is denied or conditionally approved, the Director shall inform the Applicant of the grounds for denial in writing, or the reason for a change in the date, time, route, or location of the event, and of the existence of an appeal process. If the Director relied on information about the event other than that contained in the application, the Director shall inform the Applicant what information he or she considered.

12A.8 Grounds to Deny Permit.

- a. The Director shall approve an application for a Special Event or Major Special Event permit unless:
1. Information contained in the application, or supplemental information requested

from the Applicant, is found to be false in any material detail.

2. The Applicant failed to complete the application form or failed to provide necessary additional information or documents required within a reasonable time period.
3. Another Special Event permit application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the Applicant, or so close in time and place as to cause undue traffic congestion, or the police department is unable to meet the needs for police services for both events.
4. The time, route, or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route or disrupt the use of a street at a time when it is usually subject to significant traffic congestion.
5. The concentration of persons, animals, or vehicles at the site of the event, or the assembly and disbanding areas around an event, will prevent proper police, fire, or ambulance services to areas contiguous to the event.
6. The size of the event will require diversion of so great a number of police officers of the city to ensure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to prevent normal protection to the rest of the City of Fairfield. Nothing herein authorizes denial of a permit when additional peace officers would be available to the city under applicable state law and mutual aid plans, if requested by the City in advance of the event. Nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of event participants with the number of police officers available to police the event.
7. The Parade, or other event moving along a route, will not move from its point of origin to its point of termination in eight hours or less or as determined by the Director.
8. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the city streets, or a previously granted encroachment permit.
9. The event shall occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class thereof.

10. The event will violate any law, regulation, or order of the City of Fairfield, the State of California, the United States, or any agency thereof.
 11. No permit will be issued for any Carnival, which employs any person who has been convicted of a felony, or any crime involving moral turpitude, or is required to be registered as a sex offender.
 12. The Applicant has been convicted of a felony or a misdemeanor involving moral turpitude or a violation of any federal, state or local law respecting the business or activity for which the Applicant is seeking a permit.
- b. When the grounds for denial of an application for a permit specified in subsections (a)(4) through (a)(9) above can be corrected by altering the date, time, duration, route, or location of the event, the Director shall conditionally approve the application upon the Applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the Applicant's proposed event as are necessary to achieve compliance with subsections (a)(4) through (a)(9) above.

12A.9 Permit Conditions.

The Director may condition the issuance of a Special Events permit by imposing reasonable requirements concerning the time, place, and manner of the event as are necessary to protect the health, safety and general welfare of persons and property, including the control of traffic; provided such conditions shall not unreasonably restrict the right of free speech. Such conditions include:

- a. Reasonable alteration of the date, time, route, or location of the event proposed on the event application. Accordingly, no Carnival or Fair is permitted to operate before 9:00 a.m. nor after 10:00 p.m.
- b. Conditions concerning the area of assembly and disbanding of Parade or other event occurring along a route.
- c. Implementation of a Traffic Control Plan.
- d. Provision of first aid or sanitary facilities.
- e. Requirements for proper and adequate lighting in, around, and between areas readily accessible to the general public.
- f. Use of event monitors and/or notifying event participants of permit conditions.

- g. Restrictions on the number and type of vehicles, animals, or structures at the event and/or physical parking barriers to prevent entrance of vehicles. The Director may require parking barriers to be established at least 50 feet from any concession or amusement activity on a Carnival site.
- h. Implementation of fire safety measures.
- i. Compliance with animal protection ordinances and laws.
- j. Requirements for use of garbage containers, cleanup, and restoration of City property.
- k. Restrictions on use of amplified sound.
- l. Submittal of a security plan to assure that the public safety and peace will be kept, and to assure that the provisions of the Special Events permit, and all applicable laws and ordinances are observed.
 - 1. A minimum of two security officers shall be required for any Major Special Event. For events larger than 100 persons, the ratio of security officers to attendees is one security officer for every 50 attendees. All security officers must be properly licensed by the California Department of Consumer Affairs to provide security.
 - 2. The Director may require the employment of police, public safety officers, or private security.
 - 3. The number and duties of such police or public safety officers and security officers, and private security may be adjusted by the Director after an assessment of the following factors: the past experience and performance of the Applicant's security firm with the security needs of the type of event for which the permit will be issued, the nature of the surrounding land uses, the design and layout of the facility where the event is proposed, the hours of the day and the day of the week during which the event will be scheduled, the availability of alcohol, and the number of people expected to attend.
 - 4. If the Director requires Applicants to use police, public safety officers, or private security, or requires the Applicant to provide a number of personnel in excess of the ratio stated in subsection (l)(1) above, the Director shall provide the Applicant with the reason(s) in writing.

m. Compliance with all relevant ordinances and laws and obtaining any legally required permit or license.

12A.10 Permit Conditions for Sale or Furnishing of Alcohol at Special Events.

The sale or furnishing of alcohol at a Special Event shall be authorized only under the following conditions:

- a. A license to sell alcoholic beverages is obtained from the State of California if required by state law or regulation.
- b. The sale or furnishing of alcohol is limited to those persons who may lawfully consume alcoholic beverages.
- c. The sale or furnishing and consumption of alcohol is confined to a specific, predetermined location approved by the Director, such as a beer garden or wine garden, which is segregated from other event activities by means of fixed or portable barricades, walls, ropes, or other devices.
- d. Alcohol is not sold or furnished in metal or glass containers; however, event souvenir containers of metal or glass may be approved if the Applicant demonstrates that their use will not constitute a safety hazard.
- e. The sale or furnishing of alcohol can be accomplished without jeopardizing the safety of event sponsors, event participants, and the surrounding community.

12A.11 Appeal Procedure.

- a. An Applicant or Permittee aggrieved by the decision of the Director with respect to the denial of a permit, a permit condition, a permit revocation, or any requirement of this chapter, may appeal to the council by filing a notice of appeal with the city clerk within seven days of such decision. The notice of appeal shall describe the reason why the decision of the Director should be reversed or modified. The council shall fix a time and place for hearing such appeal and the Director shall give notice in writing to Applicant or Permittee of the time and place of hearing by serving it personally or by depositing it in the post office in the city, postage prepaid, addressed to the Applicant at the address appearing on the application. In addition, notice of the hearing may be given by posting a notice on the premises where the activity is to be conducted. The findings of the council shall be final and conclusive and shall be served upon the Applicant or Permittee in the manner prescribed above for service of notice of hearing.
- b. If there is insufficient time for an appeal to be heard by the council prior to the date on which the event is scheduled, the Applicant or Permittee may, at his option, request

that the city clerk schedule the appeal before the city manager. The city manager or his designee shall hold a hearing no later than the second business day after the filing of the appeal and will render his decision no later than the next business day after hearing the appeal. If the appeal is heard before the city manager, the city manager's decision is final.

12A.12 Permit Issuance.

The Director shall issue the Special Events permit once the application has been approved, and the Applicant has agreed in writing to comply with the terms and conditions of the permit, and the following sections of this chapter have been complied with:

- a. Section 12A.13 pertaining to fire inspections and fire permits.
- b. Section 12A.14 pertaining to indemnification.
- c. Section 12A.15 pertaining to insurance.
- d. Section 12A.16 pertaining to traffic and crowd control fees.
- e. Section 12A.17 pertaining to cleanup deposits (when applicable).

12A.13 Inspection of Premises by Fire Chief and Fire Permit May be Required.

For this section, "Fire Chief" means the City of Fairfield Fire Chief, or his duly authorized representative.

The Fire Chief shall conduct a fire safety inspection of all proposed Special Events and Major Special Events to ensure that the requirements of the Fire Code of the City of Fairfield are met. A fire permit shall be required for all Carnivals and Fairs. For all other events, the fire safety inspection shall determine whether a fire permit is required in accordance with Article I of Chapter 8 of the Fairfield City Code. The Special Event permit shall not issue until the Fire Chief grants a final fire permit or written determination that no fire permit is required.

12A.14 Indemnification and Reimbursement Agreement.

As a condition of approval for a Special Event permit, the permit Applicant, or person authorized to bind the permit Applicant must sign an agreement stating that the Permittee shall indemnify, defend, and hold harmless the City, its elected officials, officers, employees, agents, and volunteers from any and all loss, claims, liability, expense, suits, and damages, including attorneys' fees, arising in connection with the permitted event and proximately caused by the actions of the Permittee, its officers, employees, or agents, or any person who was, under the Permittee's control insofar as permitted by law. The Permittee, at his, her, or its sole cost and expense, upon demand

of the City, shall appear in and defend any and all suits, actions, or legal proceedings arising out of the permitted event.

In the agreement, the Permittee shall also agree to reimburse the City for any and all costs incurred to repair damage to City property occurring in connection with the permitted event proximately caused by the actions of the Permittee, its officers, employees, or agents, or any person who was under the Permittee's control insofar as permitted by law.

12A.15 Insurance.

a. The Permittee must possess or obtain comprehensive general liability insurance to protect against loss or damages for bodily injury and property damage arising from the event. The City shall determine minimum insurance requirements based on the unique risks of each event.

b. If food or non-alcoholic beverages are sold or served at the event, the policy must also include an endorsement for foodborne illness liability. If alcohol is sold or furnished at the event, the policy must also include an endorsement for liquor liability.

c. The Applicant must submit a copy of all insurance documents with all necessary endorsements to the risk manager or his or her designee no less than fifteen days before the date of the event. The Director may extend the deadline if good cause exists. The Director shall not issue the Special Events permit until the certificate(s) of insurance and/or policy endorsements have been approved.

d. The insurance requirements of subsections (a), (b), and (c) above shall be waived by the Director for Non-Athletic Events if the following condition is satisfied:

1. The Applicant or an officer of an Applicant Organization signs a verified statement that he or she believes the event's purpose is First Amendment expression, and that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression, or that it has not been possible to obtain insurance coverage. The statement shall include the name and address of one insurance agent or other source for insurance coverage contacted to determine insurance premium rates for insurance coverage.

The City of Fairfield may, at its discretion, require the permit Applicant to apply for insurance coverage for the event under a policy selected by the City of Fairfield. The Applicant must provide any information pertinent to qualifying for the insurance coverage. The premium for the insurance coverage may be paid by the City of Fairfield or be charged to the permit Applicant in whole or in part, depending on the financial burden to First Amendment expression.

12A.16 Traffic and Crowd Control Fees/Use of Pre-Established Event Routes.

- a. Computing Traffic and Crowd Control Fees. The traffic and crowd control fees will be computed by determining the number of police personnel who will be required for traffic and crowd control in addition to those who would otherwise be on duty at that time, the number of hours the police personnel will be on duty for the event, and the City's full cost of providing the personnel on an hourly basis as established by police department fee schedule. In calculating the number of additional police personnel required for the event, the Director shall account for the permit Applicant's use of monitors and private security for the event.
- b. Prepayment of Fees. Upon approval of an application for a Special Event permit, the Director shall provide the Applicant with the traffic and crowd control fee. The Applicant shall deposit the traffic and crowd control fee prior to the issuance of a Special Event permit.
- c. Refunds. If the cost for traffic and crowd control on the date of the event is less than the estimated cost pursuant to subsection (a) above, the Applicant will be promptly refunded the difference by the City of Fairfield except for non-refundable application fees, if any.
- d. Pre-established Event Routes and Fees. The Director shall pre-establish several event routes within the City of Fairfield. The routes shall specify the number of police personnel assigned for traffic and crowd control on the routes. The pre-established routes and the fee schedule for police traffic and crowd control services shall be made available to the public.
- e. Waiver of Fees. Traffic, Crowd Control, and Expedite Fees shall be waived by the Director for Non-Athletic Events if the following conditions are satisfied:
 1. The Applicant or an officer of the Applicant's Organization signs a verified statement that he or she believes the event's purpose is First Amendment expression, and that the cost of traffic and crowd control fees is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression; and
 2. The Applicant selects one of the pre-established Free Speech Routes for the Parade or other events.

12A.17 Cleanup Deposits for Special Events.

- a. For Special Events held on public property involving the sale or furnishing of food or beverages, erection of structures, horses or other large animals, or water aid stations, the permit Applicant shall provide a cleanup deposit prior to the issuance of a Special Event permit. The amount of the cleanup deposit shall be the amount established in the most recent cleanup fee schedule adopted by council resolution.
- b. The cleanup deposit may also be required to cover the cost of city staff (including staff overtime) required to install and remove temporary traffic control measures such as traffic cones, barricades or similar items necessary to ensure public safety during a Special Event within the public Right-of-way. The Director shall determine the amount of the deposit on a time and materials basis.
- c. The cleanup deposit shall be returned to the Permittee after the event if the area used for the Special Event has been cleaned and restored to the same condition as existed prior to the event.
- d. If the property used for the event has not been properly cleaned or restored, the Permittee shall be billed for the city's actual cost of the cleanup and restoration, and the cleanup deposit (or a portion thereof) shall be applied toward payment of the bill. If the Permittee disputes the bill, he or she may appeal to the Director of public works within 5 days after receipt of the bill. Should there be any unexpended balance on deposit after completion of the work, this balance shall be refunded to the Permittee. Should the amount of the bill exceed the cleanup deposit, the difference shall become payable to the City upon the Permittee's receipt of the bill and due within 10 days.

12A.18 Duties of Permittee.

- a. The Permittee shall comply with all terms and conditions of the Special Event permit.
- b. The Permittee shall ensure that the person leading a Parade or other event along a route, or the person in charge of any other event shall carry the Special Event permit on his person for the duration of the event.
- c. The Permittee shall ensure the area used for the permitted event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event, if held on public property.
- d. Each Permittee event shall post any permit issued under this chapter in a conspicuous place at the location of the special event. Permits must be available for review by any enforcement officer, upon demand, at any time during the special event or during the set up or cleanup of the event.

12A.19 Unlawful to Organize or Participate in an Event Without a Permit.

It shall be unlawful for any person to organize or conduct a Special Event without a Special Event permit when one is required under this chapter. It is unlawful for any person to participate in such an event with the knowledge that the organizer of the event has not been issued the required permit. Nor shall any person interfere with or disrupt a lawful Parade, Athletic Event, or other Special Event.

12A.20 Unlawful to Exceed Scope of Permit.

The Special Event permit authorizes the Permittee to conduct only such event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the Permittee to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof, to willfully violate the terms and conditions of the permit.

12A.21 Revocation.

The Director may revoke a Special Event permit if the event is conducted, maintained, or carried out in violation of any federal, state or local law or any provision of the Special Event permit. The Permittee may appeal the Director's decision in accordance with section 12A.11.

12A.22 Penalties.

Any person willfully violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$500 for each violation. Such violations may also be addressed by administrative citation or civil action or any other legal or equitable remedy."

SECTION 2. Subsection (c) within Section 12.17, "Intoxicating beverages on public streets and parking lots," of Chapter 12, "Offenses - Miscellaneous," is hereby amended as follows, with additions in underline and deletions in strikethrough text:

"(c) Notwithstanding paragraphs (a) and (b) of this section, it shall not be unlawful for any person to consume or possess an open container of ~~beer or wine~~ alcohol upon any public street, sidewalk, alley, highway, or public or private off street parking lot if such person has purchased or been furnished said ~~wine or beer~~ alcohol from premises which are selling or furnishing ~~wine or beer~~ alcohol as part of a Special Event which has received a permit pursuant to section 12A.12 of this code, and said ~~wine or beer~~ alcohol is consumed within the confines of the segregated area described in section 12A.610(c) of this code."

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction,

such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. This ordinance shall be effective 30 days following its adoption by the council. A summary of this ordinance shall, within 15 days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the councilmembers voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Fairfield on the 15th day of June, 2021, and

PASSED AND ADOPTED this ____ day of _____, 2021, by the following vote:

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

MAYOR

ATTEST:

CITY CLERK