

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 15 ARTICLE VI. - PROCEDURE FOR THE PERMITTING OF SPECIAL EVENTS, TO REMOVE EXEMPTIONS FOR BICYCLE EVENTS OVER 250 PARTICIPANTS, CREATE NEW STANDARDS FOR EXEMPT BICYCLING EVENTS WITH BETWEEN 100 AND 250 RIDERS, CREATE THE ABILITY TO APPLY FOR PERMITS FOR MULTIPLE EVENTS, CREATE THE ABILITY TO APPLY FOR PERMITS MORE THAN ONE AND LESS THAN FIVE YEARS IN ADVANCE, AND TO MAKE PERMITS DISCRETIONARY; AND DETERMINING EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Chapter 15, Article VI of the Sonoma County Code is amended to read as set forth in Exhibit “A” attached hereto and incorporated herein by this reference.

Section II. The Board of Supervisors finds and determines that this ordinance adoption is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to the categorical exemptions 14 CCR Sections 15061(b)(3), 15301, and 15323. The Board of Supervisors finds and determines that this ordinance and fee adoption are categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to the categorical exemptions provided at State CEQA Guideline §§ 15323, 15301, and 15061(b)(3), as an action that regulates the normal operation of existing public facilities (public rights of way) for public gatherings, where public rights of way have a past history over at least the last three years and traditionally much longer of being used for the same or similar public events, assemblies, and gatherings, and where there is no reasonable expectation that the future occurrence of events would not represent a change in the scope of the use of the public right of way under § 15323; where the operation, use, minor alteration, and permitting of existing public facilities (existing highways, streets, sidewalks, gutters, bicycle and pedestrian trails, and similar public right of way facilities, for public right of way special events represents no or negligible expansion of existing or former use of the public right of way for events, which have been regularly and traditionally held in Sonoma County’s public rights of way for many years under §15301; and where the regulation of special events in the right of way is being strengthened and clarified through the action and is a project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment under the common sense exemption, §15061(b)(3). Discretionary applications for public right of way special events under the amended ordinance must comply with CEQA, unless exempt.

After adoption of the ordinance, the Director of the Permit and Resource Management Department is directed to file a notice of determination that this ordinance is exempt from CEQA and the State CEQA Guidelines.

Section III. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section IV. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the ____ day of October 2022, and finally passed and adopted this __ day of _____, 2022 on regular roll call of the members of said Board by the following vote:

Supervisors:

Gorin: Rabbitt: Coursey: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the
Board

CHAPTER 15 - HIGHWAYS, ROADS AND BRIDGES
Article VI. Procedure for the Permitting of Special Events.

Article VI. Procedure for the Permitting of Special Events.

Sec. 15-24. Purpose and Authority.

This chapter is enacted pursuant to authority granted by Section 21101(e) of the California Vehicle Code and Section 942.5 of the Streets and Highways Code, adopted by ordinance of the board of supervisors, to permit the use of the public right-of-way for special events and to allow the closure of roads in the county for the purpose of conducting special events. Examples of special events include but are not limited to walkathons, runs, marathons, trail rides, bicycle races or rides, fairs, celebrations, parades and other similar activities. This chapter shall be known as the "public right-of-way special event permits and regulations" chapter.

Sec. 15-25. Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this section:

"Annual public right-of-way special event permit or annual permit" means any public right-of-way special event permit that is issued for an event that reoccurs on a weekly or monthly basis, such as a farmers' market. Unless otherwise stated in the permit, all permits shall be valid until the end of the calendar year, at which time the permittee may resubmit for another annual permit for the event.

"Applicant" means any person making written application to the permit and resource management department for a public right-of-way special event permit in any portion of the unincorporated County of Sonoma.

"Application form" means all forms that the Permit and Resource Management Department requires from the applicant to request a public right-of-way special event permit.

"Board" means the County of Sonoma Board of Supervisors.

"Celebration" means any activity involving a group of people gathering for the purpose of socializing and taking part in festivities. Celebrations include, but are not limited to fairs, carnivals, block parties, and festivals.

"County" means the County of Sonoma.

"Demonstration" means a public assembly such as rally or march, of which the principal purpose is to express opinion.

"Department" means the Permit and Resource Management Department or its designee.

"Event" means special event in the public right-of-way for which the Permit and Resource Management Department has issued a permit.

"Event organizer" means any person who conducts, manages, promotes, or organizes a commercial or noncommercial public right-of-way event.

"Expressive activity" means conduct, the principal or sole object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of opinions, views, or ideas. Expressive activity includes, but is not limited to, public oratory and the distribution of literature.

"Fees" means the fees that the applicant is required to pay to the permit and resource management department for a public right-of-way special event permit.

"Highways" means a way or place of whatever nature, publicly maintained and open to public use, for purposes of vehicular travel. "Highway" includes street or roadway.

"March" means an organized walk or event, of which the principal purpose is to express and draw attention to opinion.

"Parade" means a march or procession consisting of persons, animals, or vehicles, or combination thereof, on any street, sidewalk, alley, or other public right-of-way, which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, and does not comply with traffic laws or controls.

"Participant" means any person who is taking part in the public right-of-way special event activities.

"Permit" means public right-of-way special event permit.

"Permittee" means any person who has received a public right-of-way special event permit pursuant to this article.

"Public right-of-way" means the portions of the unincorporated areas of the County of Sonoma that the county owns, controls, or maintains for the purpose of travel.

"Public right-of-way special events" means any activity taking place in any portion of the unincorporated areas of County of Sonoma public right-of-way that uses the right-of-way in a manner other than for its intended use; does not comply with traffic regulations or controls; or may prevent, obstruct, or delay other members of the public from using the public right-of-way in the manner for which it is intended.

"Public right-of-way special event permit" means a permit issued by the county permit and resource management department to the event organizer to hold an event in the public right-of-way.

"Public right-of-way special event venue" means the area for which the permit and resource management department has issued a public right-of-way event permit.

"Director" means the Director the permit and resource management department of County of Sonoma or their designee.

"Signs" means any sign, flag, banner, inflatable display, or other attention-seeking device.

"Sponsor" same as event organizer, see above definition.

Sec. 15-26. Applicability.

A public right-of-way special event permit is not required for the following:

- (a) Funeral processions;

(b) Governmental agencies acting within the scope of their authorized functions;

(c) Bicycle rides with less than 250 participants for which participants are required to comply with the provisions of the California Vehicle Code applicable to persons riding a bicycle upon a highway are not public right-of-way special events for the purposes of the ordinance codified in this article, and not required to obtain a permit under this Article, except that events with 100 or more cyclists with any of the following characteristics, would not qualify as events that comply with the California Vehicle Code for this provision, and shall obtain a permit under this Article: (1) a mass starts of more than 50 riders starting within 5 minutes, (2) the ride has a determined a winner, or (3) where each rider's finish time is used to qualify for prizes or entry into other events.

Sec. 15-27. Permit requirements.

No special event shall take place on Sonoma County highways which involves more than fifty (50) participants, unless the sponsoring persons, corporations, city, club, organization, association, etc. has applied for and been issued a special event permit pursuant to this article, unless exempt pursuant to the terms of this Article.

The county's purpose for requiring permits to be obtained is to ensure the safety of both the special event's participants and vehicular and pedestrian traffic, to improve environmental sustainability of events, and reduce temporal and locational conflicts between events.

Sec. 15-28. Permit issuance.

The director may issue a written permit for an applicant to hold a special event. Once the application has been filed, the permit will be either approved, conditionally approved, or denied.

Any person desiring to conduct a public right-of-way special event shall file an application for a permit not less than sixty (60) days nor more than five (5) years before the date on which such public right-of-way special event proposed to be conducted.

Any person desiring to conduct a reoccurring special event, where the event is substantially similar in route, size, time of year, in public right-of-way shall file an application for a permit not less than sixty (60) days nor more than five (5) years before the series of dates on which such public right-of-way reoccurring special event is proposed to be conducted.

Upon a showing by applicant of good cause, the director may direct the processing of and consider an application which is filed less than sixty (60) days before the date such single event is proposed to be conducted, or the first date a reoccurring event is proposed to occur, provided that the director's decision is final and not subject to any administrative appeal.

An application for a special event by an applicant engaging in expressive activity for which a permit is required will be filed not less than seven calendar days prior to the event. It is also the intent of the Board of Supervisors to protect the rights of people to engage in expressive activities in the county's public places and to establish reasonable time, place and manner regulation of these activities. An application for a right of way special event by an applicant engaging in expressive activity for which a permit is required must be acted on within two business days of submission of the application.

Any public right-of-way special event allowed under the authority of a permit issued pursuant to this ordinance shall be conducted in accordance with the terms and conditions shown on the permit.

Sec. 15-29. Revocation of permit.

The director reserves the right to cancel, postpone or terminate a public right-of-way special event for which a permit has been issued, at any time if, in the opinion of the director, weather or any other conditions are present which may significantly affect the safety of event participants and/or vehicular traffic.

The department, or any deputy sheriff, fire marshal, or state highway patrol officer may suspend or revoke a permit if the permittee, its agents, employees, or contractors fail to comply with the permit requirements; the permittee provides false or misleading information in obtaining the permit; or the event activities are a risk to public safety.

If the county or other agency revokes the permit during the event, the permittee shall cease all event activity in a safe and timely manner. Applicants may appeal a permit suspension or revocation with the director, whose decision on the appeal is final, and not subject to administrative appeal.

Sec. 15-30. Violations.

Except as otherwise provided in state law, Division 17, Offenses and Prosecution, Paragraph 40000.1 of the California Vehicle Code, it is unlawful and constitutes an infraction for any person to violate or fail to comply with the provisions of this article. Failure to comply with permit conditions may lead to the revocation of the permit and a prohibition on new permit applications for up to three (3) years.

Sec. 15-31. Fees for the issuance of public right-of-way special event permits.

The board of supervisors may establish fees to recover actual costs associated with permit issuance.

Sec. 15-32. Supervision of public right-of-way special event activities.

The director shall not supervise any of the activities conducted under the authority of a permit. Supervision of the activities which result from the permit having been issued is entirely the responsibility of the permittee.

The permittee, its sponsoring organization, or its representatives will be required to provide the name and contact information for at least one responsible person charged with monitoring and ensuring conformance and compliance with permit conditions, if any.

Sec. 15-33. Insurance.

If required as a condition of the permit, the event organizer shall procure general liability insurance, automobile liability insurance, and a minimum of one million dollars in property damage insurance, and maintain said insurance for the duration of the event. County risk management or the permit and resource management department may increase the liability insurance coverage requirement as necessary. Insurance certificate shall name the County of Sonoma, its officers, agents, and employees as "additional insured," and the event organizer must submit insurance certificates to the department prior to issuance of the permit, and no less than two weeks prior to the event.

Sec. 15-34. Liability and indemnification.

Prior to the issuance of the permit and no less than two weeks prior to the beginning of the event, the applicant shall sign an indemnification agreement, provided by the department, and in a form approved by County Counsel, that holds the County of Sonoma, its officers, agents, and employees harmless for any actions of the applicant, its agents, and employees.

Sec. 15-35. Discretionary Permits.

Public right-of-way special event permits are discretionary and may be subject to conditions. Before issuing the permit, the director may confer with the county environmental health department, permit and resource management department, the California Highway Patrol, and other governmental agencies or county departments

which they deem necessary in order to adequately condition the permit being requested. Permit terms and conditions may, where applicable, address the following matters:

- (a) Events starting and ending times;
- (b) County roads which will be travelled or closed for the proposed event;
- (c) Avoidance of conflicts with existing permitted events occurring in temporal and locational proximity to the proposed event. Event applications will be evaluated on a first come, first served basis;
- (d) The number of event participants expected;
- (e) The maximum number of event participants allowed;
- (f) Advanced posting and noticing of the event location or route;
- (g) Traffic control signing and barricades;
- (h) Traffic and event participant monitors;
- (i) Trained special event traffic monitors: Such monitors will only be required if a training program is available and where, in the opinion of the director, such specialized training is required for the safety of the public;
- (j) Adequate, safe parking for event participants;
- (k) Adequate off-road staging area for event participants;
- (l) Arrangements for emergency services for participants and the communities surrounding the event;
- (m) Sanitation facilities for event participants;
- (n) Environmental sustainability of events including disposal of waste;
- (o) Event route signs for directing participants;
- (p) Sweep vehicles to pick up stragglers or injured participants, route signs, litter, barricades, cones or other traffic control devices;
- (q) Communication of pedestrian/bicycle/equestrian road use responsibilities described in California Vehicle Code to trail ride, walkathon, run, marathon or bicycle race participants;
- (r) Return, replacement or repair of traffic control devices or other equipment provided by the department of transportation and public works;
- (s) Plans for evacuation and disaster notification;
- (t) Other matters which the director determines may significantly affect the safety or welfare of event participants or vehicular or pedestrian traffic.

Sec. 15-36. Appeals.

- (a) The applicant has the right to appeal to the board of supervisors, or their designee, in the case of an expedited appeal, any condition, or conditions, of the issued permit, the non-issuance of a permit, or revocation of an issued permit prior to the event.
 - (1) The department will provide notice of the director's decision on the permit or permit condition(s), which will be accompanied by information concerning how to appeal the decision and may include an appeal form or identify a link to an online form that the applicant may complete and submit for an appeal of the Director's decision.
 - (2) In order to initiate an appeal, the permit applicant shall file a written notice with the clerk of the board of supervisors within five (5) working days of a denial of its application or issuance of a

conditionally approved permit. The appeal must be signed and identify the permit application number, name of the person appealing the decision, his or her contact information including email and phone number, describe the facts on which the appeal is based, include as attachments any supporting documents or evidence, and indicate whether an expedited appeal to the County Administrator, or his or her designee, is requested.

- (3) The appeal shall be considered at the first regular meeting of the board of supervisors to be determined in accordance with the established agenda scheduling procedure, unless the person appealing a decision under this article has requested an expedited appeal, in which case such appeal will be considered solely on the papers by the County Administrator or his or designee without a hearing. The purpose of the expedited appeals process is to provide an alternative process to ensure expeditious review of appeals of decisions on permits for events involving expressive activity. Expedited appeals for which complete information is provided will be acted on within one business day of receipt of the appeal by the County Administrator or his or her designee.
- (4) The board of supervisors, or the County Administrator, or his or her designee, as appropriate, shall hear all appeals de novo and approve, disapprove, or modify the decision of the director.
- (5) The decision of the board of supervisors on an appeal, or a decision of the County Administrator, or his or her designee, on an appeal for events involving expressive activity, are final, subject only to judicial review.
- (6) All notices issued pursuant to Section 15-34 must be made in a manner that will facilitate receipt of the decision on the day it is made. This includes electronic mail or facsimile, or both. Notification must also be made by a telephone call to the applicant within 24 hours of the decision.