

**BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, CALIFORNIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 28, ROADS, OF THE COUNTY CODE OF THE  
COUNTY OF SANTA BARBARA, AND TO ADD A NEW CHAPTER 28A AUTHORIZING THE  
ISSUANCE OF PUBLIC RIGHT-OF-WAY SPECIAL EVENT PERMITS AND THE COLLECTION  
OF FEES**

**SECTION 1. Purpose and Findings**

California Vehicle Code Section 21101(e) provides that any City or County may, by ordinance or resolution, temporarily close a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of the local authorities having jurisdiction, or a public officer or employee that the local authority designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closure.

Streets and Highways Code Section 942.5 provide that the Board of Supervisors may restrict the use of, or close, any County highway whenever the Board considers such closing or restriction necessary for the protection of the public, and no liability shall attach to the County, or to the Board of Supervisors, for the restricted use or closing of any County highway. Streets and Highways Code Section 942.5 further provides that the Board of Supervisors may delegate the powers contained in section 942.5 to the County Road Commissioner. The County permits the use of the public right-of-way for certain special events.

Due to the lack of permitting fees, the issuance of Public Right-of-Way Special Event Permits (PRWSEP) and related supervision caused the County to incur a deficit of approximately \$22,000 in fiscal year 2010/11 and approximately 300 hours of time. Creation of a fee for this work is therefore necessary to recover the cost of providing these services.

Pursuant to Government Code Section 54985, the Board of Supervisors has determined reasonably necessary fees to recover the cost of providing the services set forth above based on fee studies of the cost required to provide each service. The fee amounts set forth and adopted in this Ordinance are based upon the results of a fee study completed for FY10/11 costs. Fees set forth are based on this study and are intended to recover an average amount no greater than that required to recover actual County costs. Adjustment to these fees will be made on an annual basis using prior fiscal year costs, and will be brought to the board for review if they increase fees by more than 10% in one year.

In adopting this ordinance, the Board finds that the fees charged by this ordinance are set in an amount equal to or less than reasonably necessary to recover the County's average actual cost of providing the services for which the Department of Public Works charges.

Setting of these fees is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 CCR 15273 and California Public Resources Code section 21080(b)(8)(A) and (B), as the fees will be used for operating expenses, supplies, equipment and materials.

**Section 2: AMENDMENT CHAPTER 28:**

Ammend Chapter 28 of Santa Barbara County Code to include Section 28A, Public Right-of-Way Special Event Permits and Regulations, as follows:

**Sec. 28A-1 Authority and Title**

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. This chapter shall be known as the "Public Right-of-Way Special Event Permits and Regulations" chapter.

**Sec. 28A-2 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. 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. Annual Events are designated Category E on the Fee Schedule.

**"Applicant"** means any person making written application to the Public Works Department for a Public Right-of-Way Special Event Permit in any portion of the unincorporated County of Santa Barbara.

**"Application Form"** means all forms that the Public Works Department requires from the Applicant to request a Public Right-of-Way Special Event Permit.

**"Block Party"** means a celebration on a County road requiring closure of the roadway to vehicular traffic and the use of the street for the gathering. Block Parties are designated Category B on the Fee Schedule.

**"Board"** means the County of Santa Barbara 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 Santa Barbara.

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

**“Department”** means the Public Works Department or its designee.

**“Event”** means Special Event in the public right-of-way for which the Public Works 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.

**“Fees”** means the fees that the applicant is required to pay to the Public Works Department for a Public Right-of-Way Special Event Permit.

**“Fee Schedule”** means the categorized list of Public Works Department fees for issuing Public Right-of-Way Special Event Permits.

**“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.

**“Large Events”** means any public right-of-way event requiring the closure of four or more streets. Large Events are designated Category D on the Fee Schedule.

**“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 Santa Barbara 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 Santa Barbara 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 Fee”** means the fee paid by the applicant at the time the Public Right-of-Way Special Event Permit application is initially approved. A Fee Schedule shall be set by the County and update at the beginning of each year. The fee shall cover the actual cost (or portion thereof) of processing and investigating the Public Right-of-Way Special Event Permit application and administering the Public Right-of-Way Special Event Permit program.

**“Public Right-of-Way Special Event Permit”** means a permit issued by the County of Santa Barbara Public Works 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 Public Works Department has issued a Public Right-of-Way Event Permit.

**“Road Commissioner”** means the County of Santa Barbara Board of Supervisors’ appointed Road Commissioner, as well as the County of Santa Barbara Director of Public Works.

**“Sidewalk”** means the portion of the public right-of-way other than the roadway specifically for pedestrian travel, set apart by curbs, markings, barriers, or other delineators.

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

**“Spectator”** means any person in the area of the public right-of-way event, who is not part of an organized activity, or staff, volunteer, or a vendor for the event.

**“Sponsor”** same as Event Organizer, see above definition.

**“Sporting Events”** means any competitive or recreational organized activity held in the 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 a manner for which it is intended. This includes activities that require signage to be placed in public right-of-way, water stands, or marking in the roadway. Small

sporting events (category C on the Fee Schedule) are events that require up to three public roads to be closed or restricted in operation. Large sporting events (category D on the Fee Schedule) are events that require more than three public road closures.

“**Vendor**” means any person who sells, or offers to sell any services, goods, food, or beverages within a Public Right-of-Way Event Venue.

### **Sec. 28A-3 Public Right-of-Way Special Event Permit Required**

A Public Right-of-Way Special Event Permit shall be required by any person intending to conduct or sponsor an Event (see definition) in the unincorporated public right-of-way.

### **Sec. 28A-4 Public Right-of-Way Special Event Permit Exemption**

A Public Right-of-Way Special Event Permit is not required if all of these conditions apply to the activity:

- (a) The activity is using the public right-of-way in a manner it is intended to be used;
- (b) All participants in the activity are using the public right-of-way lawfully;
- (c) The activity is not preventing or delaying other members of the public from using the public right-of-way in a manner for which it is intended to be used;
- (d) The activity does not require road closures, additional traffic control, water stations, signs, pavement markings, or placement of any other items in the public right-of-way.

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) Parades involving 40 or fewer participants along a parade route that uses pedestrian facilities, and all participants obey traffic regulations and controls.

### **Sec. 28A-5 Annual Public Right-of-Way Special Event Permits**

The Department may grant annual Permits for Events occurring several times a year such as a weekly or monthly farmers’ market. Annual Permits shall be valid for the calendar year that they are issued. Annual Permits are only valid for the times stated on the permit. All rules under this section apply to annual Permits. The Road Commissioner or his designees can revoke annual Permits at any time.

### **Sec. 28A-6 Public Right-of-Way Special Event Permit Application Form**

The Organizer of any Event that requires a Permit shall submit an application to the Public Works Department. The Organizer shall submit the application 30 days prior to the first day of the Event for Category A and B Events. For Category C and E Events, the Organizer shall submit the application 60 days prior to the first day of the Event. For Category D Events, the Organizer shall submit the application 6 months prior to the first day of the event. The Department may deny any applications that are not submitted within the required time period.

### **Sec. 28A-7 Public Right-of-Way Special Event Permit Approval/Denial**

Within 5 days of submitting a complete application to the Department, the Applicant will receive an initial approval or denial of the Event. The Department may deny an application at its discretion for any of, but not limited to the following reasons:

- (a) The nature of the Event violates County Codes, or State or Federal laws;
- (b) The Event conflicts with another scheduled Event for which the Department has issued, or is processing a Permit;
- (c) Applicant failed to comply with the conditions of a Permit during a previous Event;
- (d) The requested Event location is under construction and would pose a risk to the public to hold such event.

### **Sec. 28A-8 Public Right-of-Way Special Event Permit Standard Conditions**

The Department will place conditions on the Permit by imposing requirements as to the time, place, manner, and duration of the Event, and will reference these requirements on the terms and conditions attached to the Permit.

### **Sec. 28A-9 Public Right-of-Way Special Event Permit Fee**

Within 5 days of submitting the application to the Department, the Applicant will receive an estimated Fee for the Event based on the following categories:

**Category A** – Includes Events that do not require traffic control plans, public notification, field review, or assistance from emergency services. Examples of these Events include, but are not limited to sidewalk sales, small sporting events with an open course, and temporary parking.

**Category B** – Includes Events that require road closures, assistance from emergency services, traffic control plans, field review, and/or public notification. Examples of these Events include, but are not limited to, parades, block parties, celebrations, sporting events with one block of road closures, and car shows.

**Category C** – Includes Events that require one to three blocks of road closures, assistance from emergency services, public notification, field review, meetings involving Public Works or other County employees, and/or traffic control plans. Examples for these Events include, but are not limited to sporting events and festivals.

**Category D** - Includes large Events that require multiple road closures, assistance from emergency services, public notification, field review, meetings involving Public Works or other County employees, and/or traffic control plans. Examples for these Events include, but are not limited to large sporting events and large celebrations.

**Category E** – Includes reoccurring Events requiring an annual Permit such as farmers' markets.

The Department determines Permit Fees based on the average time required for County staff to process and investigate Permit applications, to ensure public safety and protect public interest. The Department shall update Fees in the beginning of January each year and list Fees on the Public Right-of-Way Special Events Fee Schedule. The Fee Schedule shall be available on the County's website, along with Event application packets. Permit Fees are due at the time the fee is determined, usually within 5 days of submittal of a completed application. The Department shall not process or issue Permits until the Applicant has paid the fee in full.

**Sec. 28A-10 Changes to a Public Right-of-Way Special Event Permit**

The County reserves the right to change the conditions and provisions of a Permit after it is issued. The Event Organizer's will be responsible for any costs derived from such changes.

Changes requested by the Permittee as to the nature, time, location and/or duration of the Event after the Department has issued the Permit, require further Departmental review and approval. The Department is authorized to approve changes without requiring a new application or permit. Revisions to the Permit may require a Change Fee, in addition to the initial Permit fee.

**Sec. 28A-11 Public Right-of-Way Special Event Permit Insurance Requirement**

The Event Organizer shall procure general liability insurance, automobile liability insurance, and a minimum of \$1million in property damage insurance, and maintain said insurance for the duration of the Event. County Risk Management or the Public Works Department may increase the liability insurance coverage requirement as necessary. Insurance certificate shall name the County of Santa Barbara, 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. Failure to provide liability insurance to the satisfaction of Risk Management or the Department shall result in denial of the application and forfeiture of all fees paid to the County.

**Sec. 28A-12 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 insurance and indemnification agreement, provided by the Department, that holds the County of Santa Barbara, its officers, agents, and employees harmless for any actions of the applicant, its agents, and employees.

**Sec. 28A-13 Duties of the Permittee**

The Permittee, its agents, employees, and contractors shall comply with the following requirements:

- (a) Comply with all terms and conditions of the Permit;

- (b) Shall not deviate from the nature, location, time and/or duration of the Event as described in the Permit application submitted to the Department;
- (c) Shall comply with instructions issued by County employees or law enforcement assigned to regulate the Event, including but not limited to, the County Sheriffs Deputies, California Highway Patrol officers, or Public Works Department employees;
- (d) Shall clean and restore all County-owned property utilized during the Event to the same condition that existed prior to the Event;
- (e) Shall comply with all County Codes, as well as State and Federal Laws.

**Sec. 28A-14 Traffic Control Plan and Road Closures**

The Department may require the Applicant to submit a traffic control plan. Traffic control plans shall show all traffic control signs for the Event. For category C and D Events, the Department may require a traffic control plan stamped by a licensed Engineer. The Department may determine that road closures are necessary to safely conduct the requested Event, in which case the traffic control plan shall show alternate detour routes.

**Sec. 28A-15 Penalties**

The Department may issue a notice to cease and desist for any Event activity that it determines is in breach of the provisions of the Permit. A special investigation and processing fee of up to \$500 shall be assessed by any or all County agencies involved, prior to or after the Event.

**Sec. 28A-16 Deposit Requirement**

Prior to, and as a condition of the Permit, the Department may require the Applicant to provide a deposit for the purpose of restoring County right-of-way after the Event. The Department may return the deposit to the Permittee, contingent on the Permittee restoring the County right-of-way to its previous condition. If the Permittee fails to restore the County right-of-way to the conditions prior to the event, and to the satisfaction of the County Road Commissioner, the Permittee will forfeit the deposit, in full or in part.

The Permittee is responsible for restoring the County right-of-way to its prior condition immediately following the Event. If the Permittee fails to restore the County right-of-way to its prior condition immediately following the Event, the Department will notify the Permittee of the infringements within 5 days of the close of the Event, using the contact information submitted on application. The Applicant will have 10 days from the date of the notification to respond to the County and correct the infringements. If the Applicant fails to respond within 10 days of the notice, they shall forfeit the deposit, in part or in full.

**Sec. 28A-17 Public Right-of-Way Special Event Permit Revocation or Suspension**

The Department, or any Deputy Sheriff, Fire Marshall, or California 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 County Road Commissioner, who will issue the final decision.

**Sec. 28A-18 Notice of Public Right-of-Way Special Events**

The Department may require the Applicant to notify owners and patrons of adjacent properties prior to the Event. The Department will determine the appropriate type and duration of the notification requirements at its discretion.

The Department may change or alter the terms and conditions of the Permit based on comments and concerns from the public. The Permittee shall conform to the additional conditions or risk revocation of the Permit.

**Sec. 28A-19 Violations**

Violations of any terms and conditions of the Permit may result in revocation or suspension of the Permit, denial of future Permits for a minimum of two years and/or misdemeanor or infraction charges, at the discretion of the County District Attorney.

**Sec. 28A-20 Unlawful to Sponsor or Participate in a Public Right-of-Way Special Event without a Permit**

It is unlawful for any person to sponsor or conduct a parade, sporting event, or other Public Right-of-Way Special Event that would require a Permit, unless the Department has issued a Permit for the Event. It is unlawful for any person to participate in such an Event with the knowledge that the Event Sponsor has not obtained the required Permit; nor shall any person interfere with, or disrupt a lawful parade, sporting event, or other public right-of-way event for which the Department has issued a Permit. Violation of this section could result in a fine of up to \$500 and/or denial of future Permits.

**SECTION 3. Ordinance**

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

- (a) The Purpose and Findings set forth above are found to be true and correct.
- (b) Pursuant to Government Code section 54985, the fee schedule shown in Exhibit "A," attached hereto and incorporated herein by this reference, is adopted for

the services set forth therein, all of which are related to Public Right-of-Way Special Event Permits.

- (c) All Public Works and other fees not expressly revised by this Ordinance shall remain in effect.
- (d) The Rate Schedule adopted hereby shall be effective 30 days following the Board of Supervisors' final action adopting this Ordinance.

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

**PASSED, APPROVED, AND ADOPTED** by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAINING:

ATTEST:

CHANDRA L. WALLAR  
CLERK OF THE BOARD

COUNTY OF SANTA BARBARA

By: \_\_\_\_\_  
Deputy

By: \_\_\_\_\_  
Dorren Farr, Chair  
Board of Supervisors

APPROVED AS TO FORM:  
DENNIS A. MARSHALL  
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:  
ROBERT W GEIS, CPA  
AUDITOR-CONTROLLER

By: \_\_\_\_\_  
Deputy County Counsel

By: \_\_\_\_\_  
Deputy

