

Additions are underlined.
Deletions are ~~struck through~~.
Revision markers are noted in left or
right margins as vertical lines.

ORDINANCE NO. _____

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING CHAPTER 10.24 (SPECIAL
EVENTS ON PUBLIC ROADWAYS) OF THE NAPA COUNTY CODE**

WHEREAS, Chapter 10.24 of the Napa County Code establishes the requirements for conducting special events on public roadways under the jurisdiction of Napa County;

WHEREAS, on March 17, 2015, the Board of Supervisors discussed these requirements in response to various concerns which had been raised by the public. At that meeting, following public testimony and Board discussion, the Board designated a subcommittee of Supervisors Diane Dillon and Alfredo Pedroza to work with staff and stakeholders to identify potential modifications to the current requirements;

WHEREAS, staff met with the subcommittee numerous times to review the current ordinance and issues with its implementation (i.e., where it is lacking, where it causes problems for Napa County or for applicants, etc.). The subcommittee also reviewed the requirements of other agencies, including local cities and neighboring counties. An initial list of potential modifications was developed and discussed with representatives of local public agencies (local cities and town, as well as Emergency Medical Services and California Highway Patrol representatives) for the purpose of hearing their concerns and to arrive at general conclusions about what might change. The list was modified in response to this input and reviewed with event organizers and local bicycling/walking groups on September 14, 2015;

WHEREAS, on December 15, 2015, the subcommittee recommended that the proposals be reviewed for conceptual approval by the full Board of Supervisors, which was granted. With that approval, staff has been working with County Counsel to develop ordinance language for implementation which is presented for first reading today.

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

SECTION 1. Chapter 10.24 (Special Events on Public Roadways) of the Napa County Code is amended to read in full as follows:

CHAPTER 10.24

SPECIAL EVENTS ON PUBLIC ROADWAYS

Sections:

10.24.010	Definitions.
10.24.020	Permit - Required.
10.24.030	Permit - Not required when.
10.24.040	Permit - Application - Fee.
10.24.050	Permit - Insurance requirements.
10.24.060	Permit - Hold harmless agreement.
10.24.070	Permit - Application - Review by director.
10.24.080	Permit - Issuance conditions - Notice.
10.24.090	Conduct of special event - Conditions.
10.24.100	Supervision of activities.
10.24.110	Permit - Revocation conditions.
10.24.120	Appeal procedure.
10.24.130	Violation - Penalty.

10.24.010 Definitions.

For purposes of this chapter, the following words and phrases shall be defined as set forth in this section, unless it shall be apparent from the context that a different meaning is intended.

“Aggrieved person” means any person who objects to the actions of the director in processing an application for a special event permit, whether such action constitutes the granting of a permit, the denial of a permit, or the imposition of conditions thereon. “Aggrieved person” is not limited to the applicant himself or herself.

“Arterial roadway” means any roadway designated Rural Thoroughway on the Circulation Map of the Napa County General Plan.

“Director” means the director of public works of the county ~~of Napa~~.

“Filming activity” means the use of any facilities owned by the county, including buildings, land and highways, for the purpose of motion picture filming.

“Highway” means the entire width of the right-of-way of any street, highway, road, thoroughfare or alley under the jurisdiction of the county.

“Maximum participant load” means the total number of participants associated with all event(s) at a particular location.

“Relay events” means events in which multiple participants act as a team, whereby one participant hands off active status to another.

“Special event” means an organized procession or assemblage of more than fifty people on a highway which would significantly affect traffic or create a safety problem. Examples of special events include, but are not limited to, walkathons, runs, marathons, trail rides, bicycle events and races, fairs, celebrations, parades, and other similar activities. Bicycle events for which there are expected to be more than fifty participants, but for which participants are required to comply with the California Vehicle Code as it applies to persons riding a bicycle upon a highway, are subject only to Sections 10.24.050 and 10.24.060 of this chapter. Organizers of such bicycle events shall notify the director in writing at least thirty days before the event.

“Special event monitor” means a person who has completed a traffic-control program approved by the California Highway Patrol in accordance with the provisions of Section 21100 of the California Vehicle Code.

“Special events permit” means a permit issued pursuant to this chapter.

10.24.020 Permit - Required.

It is unlawful for any person to sponsor or conduct any special event or filming activity unless he or she first obtains a special event permit and the special event is conducted in compliance with all terms and conditions of that permit.

10.24.030 Permit - Not required when.

A special event permit shall not be required for:

A. -A regular and bona fide funeral procession;

B. -Students going to and from school classes or participating in authorized educational activities, provided such conduct is under the immediate direction and supervision of appropriate school authorities;

C. -Events which are expected to have fifty or fewer participants, do not require road closures or traffic control, and in which all participants are required to comply with the provisions of the California Vehicle Code.

10.24.040 Permit - Application--Fee.

A. Any person desiring to conduct a special event shall file with the director a request to reserve a date up to one year in advance of the requested date. This request shall include the date requested, a map depicting the course of the event, and the expected number of participants.

B. A deposit equal to one-half of the base fee established by resolution of the board of supervisors shall be submitted to the director no less than six months in advance of the event date.

C. Notwithstanding any other provision of the county code or policies, a waiver of the fee for special events shall not be approved by the director unless (1) the applicant is a local 501c(3) organization or has designated a local 501c(3) partner; and (2) a minimum of twenty-five percent of net revenues are designated for said local organization or local partner.

~~A.~~ D. ~~Any person desiring to conduct a special event shall file with the director~~
~~an~~ A complete application for a special event permit shall be submitted to the director not less than ~~sixty-ninety~~ calendar days, nor more than twelve months in advance of the proposed special event. Upon a showing of good cause, late applications may be accepted if filed sufficiently in advance of the date of the proposed special event to enable the director to thoroughly consider and investigate the application, but no special events permit shall issue upon such late applications unless the local commander of the California Highway Patrol informs the director in writing that the shortened time period will not prevent said agency from entering into any traffic control contracts determined by that agency to be necessary.

~~B.E.~~ Applications for permits pursuant to this chapter shall be accompanied by that fee established by resolution of the board of supervisors.

F. Applications for permits pursuant to this chapter shall also be accompanied by a deposit established by resolution of the board, to ensure cleanup of the event course of litter, debris or damage associated with the conduct of the event. Said deposit shall be used to perform cleanup or repair if the course is not left in satisfactory condition, as determined by the director. Balance of said deposit shall be refunded to applicant within thirty days of the completion of the event.

10.24.050 Permit - Insurance requirements.

A. Before issuing a special event permit, the director shall require the applicant to file with the director a certificate of insurance showing that the applicant has obtained insurance in the amount of one million dollars to cover the liability of the applicant for property damage and/or injuries, including death, to any persons in connection with the activities conducted in accordance with the permit. The county and its respective officers, employees, and agents shall be named as additional insured on said certificate which shall further provide that it shall not be cancelled without thirty days prior written notice to county. It is a specific condition of each special event permit that the applicant shall maintain at least this level of coverage in full force and effect during the life of the license and thereafter as to activities which occurred during the life of the license.

B. The applicant shall require all participants and all volunteers to sign a waiver of liability. The form of the waiver shall be approved by the director prior to issuance of the permit.

10.24.060 Permit - Hold harmless agreement.

As a condition to the issuance of a permit, the applicant shall defend, indemnify and hold harmless the county and each and all of its officers, agents and employees from any and all claims, actions, damages, costs and expenses, including attorneys fees, to the extent they are caused by the negligent acts or omissions of the applicant or authorized participants in the special event.

10.24.070 Permit - Application--Review by director.

Before issuing a special event permit, the director shall confer with the California Highway Patrol and such other governmental agencies or county departments as ~~he~~ the director deems appropriate to fully review the application. The director shall issue a written permit as provided for in this chapter when, from a consideration of the application and from such other information as may otherwise be obtained, ~~he~~ the director finds that:

A. The special event will not substantially interrupt the safe movement of other traffic, and is not reasonably likely to cause injury to persons or property on or adjacent to the route of the special event; and

B. The concentration of persons, animals and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, areas where the special event will take place, or contiguous thereto, or the movement of any emergency equipment en route to an emergency; and

C. No other special event has been previously approved for the same time and place, or so close in time and place as to cause undue traffic congestion, or cause safety personnel to be unable to meet the safety and security needs of both special events; and

D. The special event is not to be held solely to advertise the goods or services of a particular business establishment or vendor-; and

E. The special event has met all medical equipment, standby, and transportation requirements, and has paid all fees as established by guidelines and policies of the Napa County Emergency Medical Services Agency. The requirements may include first-aid stations, physician support, ambulance transportation, and access to emergency medical supplies and equipment. Emergency medical requirements will be based on the size, location, and duration of the event. Medical response plans must be approved by the Emergency Medical Services Agency prior to issuance of a special event permit; and

F. There will be a maximum of two events per month at any location on an arterial roadway; and

G. There will be a maximum of one event per weekend at any location on an arterial roadway.

H. Notwithstanding the provisions of subsections (F) and (G) above, one additional event may be permitted on a given date if the maximum participant load does not exceed three thousand.

I. Relay events are not permitted.

10.24.080 Permit - Issuance conditions - Notice.

A. Issuance. The director shall approve, conditionally approve or deny the special event permit application within twenty working days after the date the application is filed. If the director does not act on an application within twenty working days, the permit shall be considered approved as applied for as long as the requirements of Sections 10.24.050 and 10.24.060 have been met, unless the permit has been appealed pursuant to Section 10.24.120.

B. Notice. Upon approval of the permit by the director, or automatic approval if the director has not acted on the application within the time period set forth in subsection (A), above, the director shall notify the local commander of the California Highway Patrol of the approval or deemed approval of the permit and the details of the special event. Such notification shall occur no less than thirty days prior to the date of the special event.

10.24.090 Conduct of special event - Conditions.

A special event shall be conducted only in accordance with the terms and conditions imposed to ensure the findings required by Section 10.24.070 will exist during the continuation of the activity. Such conditions may include, when necessary:

A. The time and location of the special event, including conditions to accommodate pedestrian and vehicular traffic;

- B. The maximum number of participants;
- C. Advance posting of event location and route, including traffic-control signing and barricades where required;
- D. Use of a method acceptable to the California Highway Patrol for providing notice to event participants of their responsibilities, including their responsibility to comply with all applicable California Vehicle Code laws;
- E. Use of special event monitors, provided, however, such monitors shall only be required if a training program is available and, in the opinion of the director and the local commander of the California Highway Patrol, such specialized training is required for the safety of the public in view of the circumstances of the particular special event;
- F. Adequate, safe parking and staging areas for the participants;
- G. Arrangements for emergency services and sanitation facilities for participants;
- H. Sweep vehicles to pick up stragglers or injured participants, litter, route signs, barricades, cones or other traffic-control devices;
- I. Authorization for and conditions of use, including maximum decibel levels and duration of use, of any mobile public address sound system equipment;
- J. One or more contracts with the California Highway Patrol to reimburse that agency for traffic control services required specifically to minimize negative impacts on traffic caused by the special event, as long as such additional services and contracts have been determined in writing by the director and the local commander of the California Highway Patrol to be necessary under the circumstances of the particular special event;
- K. Other matters which the director determines may significantly affect the safety or welfare of event participants or vehicular or pedestrian traffic-;
- L. Full closure of any arterial roadway shall only be permitted for special events with a minimum of one thousand participants.
- M. Notification of all special events or filming activities shall be posted along the course for all special events or filming activities conducted on county highways, as approved by the director.

10.24.100 Supervision of activities.

- A. The director shall not supervise any of the activities conducted under the authority of a special event permit. The applicant shall supervise all such activities. The applicant, sponsoring organization, or its representatives, shall provide the director with the name of at least one person who shall be responsible for special event monitors whenever special event monitors are required as a condition of the special event permit.
- B. The written permit obtained pursuant to this chapter shall be carried by the person heading or leading the special event for which the permit was issued.

10.24.110 Permit - Revocation conditions.

The director may revoke a special event permit at any time if, in the opinion of the director, conditions exist which may significantly affect the safety of event participants and/or traffic, or if the applicant violates any condition of the permit. The director shall immediately notify the applicant of such revocation and the reasons therefor. For purposes of the appeal procedure set forth in Section 10.24.120, such revocation shall constitute a denial of the permit.

10.24.120 Appeal procedure.

A. Filing for Appeal. Any aggrieved person may appeal the conditions of approval of the special event permit or the denial of the special event permit to the board of supervisors by submitting written notice thereof within four working days after the director gives notice of his determination to issue or deny such permit.

B. Hearing on Appeal. Upon receipt of a written notice of appeal, the director shall cause the matter to be set for public hearing before the board of supervisors no later than the next regular meeting of the board of supervisors, at which time the board shall hear a report from the director and testimony from the aggrieved person and may receive additional written or oral evidence from any other person.

C. Decision. At the conclusion of the hearing, the board may sustain, modify or overrule the determination of the director. The decision of the board shall be final. If the overruled determination of the director was for denial of the permit, but the appeal could not be heard prior to time and date for the event requested in the application, the applicant shall have the right to reapply for a permit to hold the event at the same location but at a different time and date, and the fee for such reapplication shall be waived.

10.24.130 Violation - Penalty.

Except as otherwise provided in Division 17, Offenses and Prosecution, Paragraph 40000.1 of the California Vehicle Code, violation of Section 10.24.020 shall be punishable as provided in Section 1.20.150 of this code.

SECTION 2. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 3. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 4. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and read at a regular meeting of the Napa County Board of Supervisors, State of California, held on the ____ day of _____, 2016, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the ____ day of _____, 2016, by the following vote:

AYES: SUPERVISORS _____

 NOES: SUPERVISORS _____

 ABSTAIN: SUPERVISORS _____

 ABSENT: SUPERVISORS _____

 ALFREDO PEDROZA, Chairman of the
 Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Janice D. Killion (e0sign)</u> Deputy County Counsel</p> <p>By: _____ County Code Services</p> <p>Date: _____</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed By: _____ Deputy Clerk of the Board</p>	<p>ATTEST: GLADYS I. COIL Clerk of the Board of Supervisors</p> <p>By: _____</p>
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
 GLADYS I. COIL, CLERK OF THE BOARD