OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R05-0116

APR 0 4 2005

REPORT RE:

DISCUSSION DRAFT OF SPECIAL EVENTS ORDINANCE

Honorable Budget and Finance Committee
of the City Council of the City of Los Angeles
Room 395, City Hall
200 N. Spring Street
Los Angeles, California 90012

Council Files Nos. 99-1582 and 02-0088

Honorable Committee Members:

Pursuant to the directions of your Honorable Committee we have prepared and transmit a Discussion Draft of an ordinance that would establish a centralized Special Event Permitting process, including waivers of fees and charges for qualifying Non-commercial events. The Draft ordinance was prepared with the assistance of the Chief Legislative Analyst's Office and the Office of the City Administrative Officer, and reflects the various actions that have been taken by other Council Committees. We note that this is a Draft for Discussion purposes and we are still reviewing it for the purpose of making minor technical corrections and other non-substantive changes that might be necessary. In addition, on some points contained in this Draft, further direction from your Committee is necessary.

There is some question about the direction given by your Committee as to the waiver of fees for Certified Farmers' Markets that are sponsored by a non-profit entity or a government agency. The Discussion Draft provides for waiver of fees for up to two events per sponsor, per year. During your most recent discussion of this matter, there were comments made that for those events, a waiver of fees and charges for up to one year be provided. It is unclear whether that was the direction of the Committee. Clarification of that point is necessary in order to proceed with the drafting of the ordinance.

The Discussion Draft currently does not provide for a time in which the One Stop Special Event Permit Center must respond to a Special Event Permit Application. Direction on that point is also necessary.

Los Angeles Municipal Code Section 62.203 addresses the coordination, evaluation and issuance of certain Special Event Permits for Westwood Village. Specifically, it makes the EIDC responsible for coordinating and assisting in the evaluation of permit applications for those types of events, including movie premieres. However, subsection (B) provides that those provisions "shall remain in effect until such time as the City Council has adopted a City wide special Events Process that encompasses movie premieres and other Special Events and such process is formalized and properly adopted and codified in the Los Angeles Municipal Code." Direction is need as to the desired impact of the Discussion Draft ordinance on that provision of the Code. In order to clarify its impact, the proposed ordinance should either repeal Section 62.203 or expressly exclude it from its application.

If you have any questions, please contact Chief Assistant City Attorney Pete Echeverria at (213) 978-8748. Either he or another member of this office will be available when you consider this Discussion Draft to review its provisions in more detail and answer any questions you might have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By
TERREE A. BOWERS
Chief Deputy City Attorney

TAB:PBE:ac(111201)
Attachment

cc: James K. Hahn, Mayor
William Fujioka, City Administrative Officer
Gerry Miller, Acting Chief Legislative Analyst

ORDINANCE NO. _____

An Ordinance amending Section 41.20 and adding Section 41.20.1 to the Los Angeles Municipal Code to establish a Special Events Permit Procedure.

WHEREAS, the Los Angeles City Council recognizes that many special events constitute good public policy, especially those events open to the general public for their benefit; and

WHEREAS, special events occur periodically, and provide unique social, cultural, economic, and educational benefits to the City as a whole, and provide visibility for charities and charitable causes; and

WHEREAS, special events help to promote goodwill and a sense of pride in the community and the City; and

WHEREAS, the Los Angeles City Council finds that there is a need to streamline the existing special events process through centralization, improved interagency communication and coordination of special events and a uniform system for obtaining permits for special events.

NOW THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Subsection (a) of Section 41.20 of the Los Angeles Municipal Code is amended to read as follows:

(a) **Street Closures and One-Stop Special Events Permit Office.** The Director of the Bureau of Street Services may temporarily close any local street, including collector streets, or major or secondary highway, or lane(s) thereof, after receiving a recommendation from the Department of Transportation, when such closing is necessary for the safety and protection of persons who are to use that portion of the street or highway during the temporary closing. The Board of Public Works shall establish a One-Stop Special Events Permit Office in the Bureau of Street Services for the issuance of all Special Event permits, other than permits for Parades and Assemblies as defined in Section 103.111 (b) of this Code, which are to be issued by the Los Angeles Police Department. The Director of the Bureau of Street Services shall have authority to waive fees and costs for Special Events in accordance with the provisions of this Section and Section 41.20.1 upon approval of an application that includes a request for such a waiver and qualifies therefor; provided, however, that the requirement set forth in Section 41.20.1, subsection (b), that General Liability Insurance be provided shall not be waived. The Bureau of Street Services, through the One-Stop

Special Events Permit Office, shall be the permitting office for all Special Events, including Athletic Events. The Police Department shall remain the permitting entity for Parades and Assemblies, as defined in Section 103.111 (b) of this Code. The provisions of this Section and of Section 41.20.1 shall not apply to the issuance of permits or waivers of fees and costs for events on property controlled by the departments of Recreation and Parks, Library, Water & Power, Harbor and Airports, nor shall they negate any requirements to obtain permits from those departments or any other departments, and pay the applicable fees and costs, for events on property under their respective control or subject to their regulatory powers.

Sec. 2. Subsection (b) of Section 41.20 of the Los Angeles Municipal Code is hereby amended to read as follows:

(b) **Application for Permit.** Applications for street closures of local streets, including collector streets, and of major and secondary highways, or lane(s) thereof, for Special Events shall be filed with the One-Stop Special Events Permit Office in the Bureau of Street Services at least forty-five (45) days prior to the expected first day of a Special Event. Beginning on January 1, 2006, and thereafter, there shall be a non-refundable administrative late fee of $312 for all applications submitted within twenty-one days of an event. The Bureau of Street Services shall establish notification procedures to immediately notify all affected City departments and offices and affected non-City government agencies, if known, as well as the respective Council office, the Los Angeles Police Department, the appropriate Neighborhood Council, if any, and the Business Improvement District, if any, in which a proposed event is to be held, whenever a Special Event application is submitted to the Bureau for processing. Special Event Permits shall be issued for the dates of the event and necessary days for setup and take-down. Special Event Permits issued for recurring Certified Farmers' Markets sponsored by a nonprofit organization or a local government agency may be issued for all events on the days specified for up to one year. Applications for special event permits may be filed directly at the One-Stop Special Events Permit Office or may be completed and submitted on-line through the City's web-based Special Events Permit Application. Any changes made by the applicant to the initial Special Event Application or Site Plans for the event will require payment of a $100, non-refundable, processing fee. Decisions to deny or to condition the issuance of a Special Event Permit which are contested by the applicant shall be reviewed as set forth in Section 41.20.1. Decisions regarding the commercial or non-commercial nature of an event that are contested by the applicant shall be referred to the Special Events Governance Committee as provided in Section 41.20.1. The Police Department shall remain the permitting entity for Parades and Assemblies, as defined in Section 103.111 (b) of this Code.

The Bureau of Street Services shall develop a "How to Obtain a Special Event Permit Application" informational brochure with updates, as appropriate, and make the information available on the City's web site, at public counters, and through Neighborhood Councils.

If the Special Event is designed to be held by and on behalf of or for any organization other than the applicant, the applicant for the permit shall file a communication in writing from the organization authorizing the applicant to apply for the permit on its behalf. The Bureau of Street Services shall take reasonable steps to verify that information.

No persons shall conduct, manage or sponsor any Special Event without a written permit from the Bureau of Street Services. No person shall participate in any Special Event with the knowledge that its sponsor has not been issued the required permit. No person shall knowingly join or participate in any Special Event conducted under permit from the Bureau of Street Services in violation of any of the terms of the permit, or knowingly join or participate in any permitted Special Event without the consent, and over the objection, of the permittee, or in any manner interfere with the progress or orderly conduct of a permitted event.

Sec. 3. Subsection (c) of Section 41.20 of the Los Angeles Municipal Code is hereby amended to read as follows:

(c) **Permit Fees and Charges.** Issuance of all Special Event Permits shall be subject to advance payment of all applicable fees and charges, including salary costs, for required City services, equipment and materials. Upon request made in a written application and supported by the necessary information and documentation, including proof of nonprofit or charitable status, fees and charges, including salary costs, shall be waived for no more than two non-commercial events, as defined in Subsection 41.20.1 (a) 7, per event sponsor per year **[,including recurring Certified Farmers' Markets sponsored by a non-profit organization or a local government agency].** The City shall not waive fees or charges, including salary costs, for Commercial Events (as defined in Subsection 41.20.1(a)5, except to the extent provided for by contract approved by the City Council. The issuance of a permit for Commercial Events shall be subject to the payment of all fees and charges, including salary costs. Except as expressly provided in this Section, Section 41.20.1 or by ordinance, no other fees or charges shall be waived by the City for City permits, equipment, materials or services. If the actual fees and charges for the event are less than the estimated amount, the permittee shall be refunded the difference. If the actual fees and charges for the event are greater than the estimated amount, the permittee shall be billed for and required to pay the difference within fifteen (15) calendar days of receipt of an invoice therefor.

Sec. 4. Subsection (d) of Section 41.20 of the Los Angeles Municipal Code is amended to read as follows:

(d) **Conditions for Granting Permits.**

1. The Board of Public Works shall approve the forms for Special Event Permit applications and Special Event Permits and shall adopt written procedures and requirements to be applied by the Bureau of Street Services for

the granting of permits, including but not limited to the requirement of adequate barricades, lights and warning devices to be provided and maintained during a street closure, other traffic control measures, cleaning deposit, charges for sanitary units and barricades, insurance and other fees and charges. In addition to any other information as determined by the Board, the Special Event Permit application shall require, as applicable, the following information:

A. The date(s) and time(s) of the event,

B. The assembly area, or event area, as applicable,

C. The start time(s),

D. The minimum and maximum speed(s) for the event, if applicable,

E. The exact route of the event, if applicable,

F. The portions of streets to be traversed by the event, if applicable,

G. The disbanding area and disbanding time, or ending time, as applicable

H. The number of persons required to officiate or monitor the event,

I. The number and types of vehicles, if any, and

J. The material and maximum size and dimensions of all signs, banners, placards, or carrying device(s) therefor,

2. The following criteria shall be used in reviewing applications for Special Event Permits:

A. Location and surrounding area at which the event is to take place;

B. Dates, number of hours, time(s) of day, the number of days an event will be held and the impact on the public and the community;

C. Inclusion of information on the Special Events Permit Application as to whether the event provides a social, economic, cultural, or educational benefit to the community;

D. Consideration of traffic in the area where the proposed event will be held, and the impact of the event on residential and business access in the area;

E. Anticipated impacts of the event on activity and noise levels in residential and business areas;

F. Availability of personnel and other resources needed from the Police, Building and Safety, Fire, Transportation, General Services, and Cultural Affairs departments and from the Bureaus of Street Services, Street Lighting and Sanitation;

G. Number of participants expected to attend the event;

H. The number and nature of other events occurring at approximately the same time, and in the same area of the proposed event;

I. Conditions existing within the surrounding area that when occurring in conjunction with the event or with a proposed street closure, may create a severe hardship or an unnecessary inconvenience to the general public;

J. The history and experience of the applicant and organizer in conducting special events of the type proposed;

K. The results of required petitions in residential and commercial areas;

L. Construction activities in the proposed area of the event;

3. The sponsor of a Special Event, including a Certified Farmers' Market, must ensure that a City Business Tax Registration Certificate is obtained by all event participants as required by applicable law.

4. Any unresolved issues regarding the issuance of a permit shall be resolved as set forth in Section 41.20.1.

5. Following approval of a Special Event Permit, but prior to the start date for the event, the Department of Transportation, through the Bureau of Street Services, shall provide the permittee with a statement of the estimated costs of providing traffic control services for the event, unless fees and charges have been waived pursuant to Section 41.20 (c). The permittee shall pay the traffic control costs prior to the event. Traffic control services consist of clearing the event route or area of unauthorized vehicles, posting any parking restrictions

necessary for the event, diverting traffic around the event, and directing pedestrian and vehicular traffic along the route of the event. The traffic control costs shall be computed by determining the number of Department of Transportation personnel that will be required for traffic control beyond that which would otherwise be required at that time multiplied by the number of hours for which those additional services are to be rendered at the rate of the City's full cost of providing personnel at the respective classifications on an hourly basis. If the actual costs for traffic control for the event are less than the estimated costs, the permittee shall be refunded the difference. If the actual costs for traffic control for the event are greater than the estimated costs, the permittee shall be billed for and required to pay the additional costs within fifteen (15) calendar days of receipt of an invoice therefor.

6. Following approval of a Special Event Permit, but ten (10) days prior to the start date for the event, the permittee shall provide a cleanup deposit in an amount established in a cleanup fee schedule adopted by the Board of Public Works, unless fees and charges have been waived pursuant to Section 41.20 (c). The cleanup deposit shall be returned to the permittee after the event if the area used for the event has been cleaned and restored to the same condition as existed prior to the event, as determined by a representative of the Bureau of Street Services. If the property used for the event has not been cleaned and restored to the condition that existed prior to the event, the permittee shall be billed for and required to pay the actual cost of the cleanup and restoration, and the cleanup deposit shall be applied toward the total amount of those costs. If there is a balance remaining in the cleanup deposit after the cleanup and restoration costs are paid, the balance shall be refunded to, or credited to the account of, the permittee. If the permittee disputes the amount of the charges for cleanup and restoration, the applicant may appeal to the Board of Public Works within five (5) days after receipt of the bill. The decision of the Board on such appeals shall be final.

Sec. 5. Subsection (e) of Section 41.20 is repealed.

Sec. 6. Section 41.20.1 is added to the Los Angeles Municipal Code to read as follows:

Sec. 41.20.1. SPECIAL EVENT APPLICATION PROCESS AND DEFINITIONS.

(a) **Definitions**. For purposes of Sections 41.20 and 41.20.1 the following terms and phrases shall have the meanings set forth herein:

1. **Athletic Event** means an event, not involving as a primary component, Expressive Activity, as that term is defined in Section 103.111 (b), in which a group of people collectively engage in a sport or form of physical exercise

including, but not limited to, jogging, bicycling, walking, roller skating, or running, upon any public street, sidewalk, alley or other public place, that does not comply with normal and usual traffic regulations and controls.

2. **Certified Farmers' Market** shall have the same meaning as set forth in California Code of Regulations (Title III, Division 3, Chapter 1, Subchapter 4, Article 6.5, Direct Marketing) Section 1392.2 (a) as a location approved by the County Agricultural Commissioner of that county where agricultural products are sold by producers or certified producers directly to consumers. A Certified Farmers' Market may be operated by one or more certified producers, a nonprofit organization, or a local government agency. For purposes of this Code, a Certified Farmers' Market shall mean the direct marketing, as that term is used in the California Code of Regulations, of agricultural products by certified producers to consumers in accordance with the applicable provisions of the California Code of Regulations.

3. **Charitable Event** means an event, or a series of related events, involving a subject matter of interest to a significant portion of the residents of the City of Los Angeles and where the proceeds, if any, will directly benefit a charitable organization which maintains its charitable status pursuant to Internal Revenue Code Section 501(C)(3).

4. **City of Los Angeles Special Event** means an event, or series of related events, involving a subject matter of interest to a significant portion of the residents of the City of Los Angeles, which is also an event sponsored by the City of Los Angeles, its operating departments, boards, commissions or bureaus, and which has been approved by the City Council as a special event and a Non-Commercial Event.

5. **Commercial Event** means an event that does not qualify as a "non-commercial" event as defined herein.

6. **Community Event** means an event, or a series of related events involving a subject matter of interest to a significant portion of the residents of the City of Los Angeles that promotes civic pride in the City or in a local community within the City, that is not a commercial event, and where the proceeds, if any, will directly benefit either a charitable or non-profit organization.

7. **Non-Commercial Event** means Special Events that are open to the public, or in the case of block parties to all residents living within the block party area, free of charge and without restriction, sponsored and produced by a charitable or non-profit organization, and from which no individual or other entity receives any proceeds, or benefits from those proceeds either directly or indirectly. At such events, advertising, sponsorship, and food and merchandise sales shall be permitted, provided net proceeds, if any, from such activities are

used for the benefit of a non-profit or charitable organization or of the charitable or non-profit sponsoring organization. The sponsor(s) of Non-commercial events must comply with all legal requirements, including all applicable requirements regarding registering with the Police Commission for charitable solicitations. Non-Commercial Events include, but are not limited to, Charitable Events, Community Events and City of Los Angeles Special Events.

8. **Special Event** means an event, or series of related events, of cultural, economic, social, or educational nature, including athletic events, held by a non-profit community group, charitable organization or for-profit organization or group, that is: (1) held wholly or partially on property owned or maintained by the City; or (2) held on any other property, and that requires for its successful execution, the provision and coordination of municipal services to a degree over and above that which the City routinely provides. Religious events are not considered Special Events. Motion picture and television filming and still photography shoots are not considered Special Events. The Police Department shall remain the permitting entity for Parades and Assemblies, as defined in Section 103.111 (b) of this Code.

(b) **Special Events Permit Application Evaluation.**

1. Each application for a Special Event Permit shall be reviewed and evaluated by the One-Stop Special Event Permit Office, which shall make a determination to grant the permit, to impose conditions on the permit that may be granted, or to deny the permit. Upon approval of the Special Event Permit Application and General Liability Insurance requirements being met, a permit for a street or lane closure shall be issued by the Bureau of Street Services, within one (1) business day. All affected City departments and offices, and affected non-City government agencies, if known, shall be provided a copy of the permit. No insurance form or certificate other than those approved by the City Risk Manager shall be acceptable, and the evaluation of an application may be delayed until such documentation is submitted. General Liability insurance is required and shall not be waived. If a determination is made to condition or to deny the permit and that determination is contested by the applicant, the One-Stop Special Event Permit Office shall consult, as necessary and appropriate, with representatives of the Department of Public Works, Bureaus of Street Services, Street Lighting, Engineering, and Sanitation, the Police and Fire Departments, and the Departments of Building and Safety, Transportation, General Services, and Recreation and Parks as well as the Mayor's Office, the Chief Legislative Analyst, and the City Administrative Officer, in an effort to resolve the matter. The One Stop Special Event Permit Office shall conclude its consultation with those other departments and offices and make a determination regarding the application within ten (10) City business days. If after such consultation the matter is not resolved, the Director of the Bureau of Street Services, within two (2) business days, shall report on the matter in writing to the

Board of Public Works and recommend a course of action. Copies of the Director's report shall be provided to the applicant and to the respective Council office. The Board shall agendize the matter of the Special Event Permit Application at the earliest possible time, but not more than five (5) regular meetings following the referral by the Director, consistent with applicable notice requirements for public meetings. After considering the matter and all information that it deems necessary at that meeting, or at some subsequent meeting as determined by the Board, the Board of Public Works shall take action to grant the permit, grant the permit with conditions, or deny the permit.

(c) **Special Events Governance Committee.** There is hereby established a Special Events Governance Committee to review Special Event Permit Applications whenever a dispute arises as to whether or not a proposed event qualifies for a waiver of applicable fees and charges based on its commercial or non-commercial nature. The Special Events Governance Committee shall be comprised of the Chief Legislative Analyst, the City Administrative Officer, and the Mayor, or their respective designees, with advice from the City Attorney. Whenever an applicant contests a determination by the Director of the Bureau of Street Services regarding the commercial or non-commercial nature of a Special Event, the matter shall be referred to the Special Events Governance Committee within one (1) City business day for consideration and final determination. The Chief Legislative Analyst shall act as Chair of the Committee and provide the necessary administrative support.

(d) **Special Events Coordination.**

1. All Parade and Assembly Permit Applications shall be submitted to the Los Angeles Police Department in accordance with applicable provisions of this Code. The Police Department shall coordinate evaluation and review of those applications with the One-Stop Special Events Permit Office as necessary.

2. The City may contract for permit coordination services for City-issued permits for entertainment industry-related activities, such as motion picture filming, television filming and fashion photography. The City's contractor, and not the One-Stop Special Events Permit Office, will coordinate the film permits the City issues for those types of events.

(e) **Events at Major Sports and Entertainment Venues.** The types and levels of municipal services provided for events at major venues, including but not limited to, the Staples Center, Coliseum, Dodger Stadium, Sports Arena, and Kodak Center, and for events such as the Emmy and Grammy Awards Shows and other similar events, shall be determined and provided solely within the discretion of the City. Applicable fees and charges for all such services shall not be waived unless otherwise provided by contract, or unless it is determined by the Special Events Governance Committee that such event is non-commercial in nature. If the City determines, in its own discretion, that traffic control measures or other services are not needed at particular venues or for

specific events, the City will not provide those services. Should a venue or event sponsor wish to ensure that certain types and levels of services will be provided for purposes of an event, the venue or event sponsor will be required to negotiate a contract with the City to clearly define the types and levels of services requested, and to provide for payment for all services beyond the normal level of services which the City in its sole discretion would have provided to meet public needs.

(f) **Tracking Special Event Expenditures.** The Bureau of Street Services shall track all funds expended for Special Events by all City departments. All City departments that incur costs and expenses for Special Events shall report on those costs and expenses on a quarterly basis to the Bureau of Street Services. The Bureau of Street Services shall report to the Board of Public Works and the City Council regarding all such expenditures within 45 days after the end of each calendar quarter.

(g) **City Equipment Cost Recovery.** Special Event permittees shall pay the City for the repair or replacement costs as determined by the Bureau of Street Services on behalf of the City, for traffic control devices or equipment not returned within 24 hours of an event, or returned in a damaged condition, excluding reasonable wear and tear. All payments for damaged or lost equipment shall be made in a manner as determined by the Bureau of Street Services.

Sec. 7. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street Lobby to City Hall; one copy on the bulletin board located on the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles on _____ and was passed at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved as to Form and Legality

_____
Mayor

ROCKARD J. DELGADILLO, City Attorney

By _____
JANET JACKSON
Deputy City Attorney

Date _____

File No. _____