



# Visalia City Council

Visalia City Council  
707 W. Acequia  
Visalia, CA 93291

## Legislation Text

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File #: 23-0378, Version: 1

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### **Agenda Item Wording:**

**Special Event Ordinance** - A Public Hearing and First Reading of Ordinance No. 2023-12, a request by the City of Visalia to amend Visalia Municipal Code Section 12.48 "Special Events".  
Deadline for Action: 10/16/2023

**Submitting Department:** Community Development

### **Contact Name and Phone Number:**

Tracy Robertshaw, Neighborhood Preservation Manager, (559)713-4187,  
[tracy.robertshaw@visalia.city](mailto:tracy.robertshaw@visalia.city) <<mailto:tracy.robertshaw@visalia.city>>

Paul Bernal, Community Development Director, (559)713-4025, [paul.bernal@visali.city](mailto:paul.bernal@visali.city)  
<<mailto:paul.bernal@visali.city>>

### **Department Recommendation:**

Staff recommends that the Visalia City Council hold a public hearing, receive a presentation and staff report, and introduce the first reading of Ordinance No. 2023-12 amending Visalia Municipal Code Section 12.48 "Special Events".

### **Summary:**

On August 21, 2023, a work session item was held with the City Council to conduct a review of current processes and ordinance requirements related to Special Events (Chapter 12.48 of the Municipal Code). During the presentation, and as noted in the staff report, several areas of the Special Events ordinance were identified that required revisions to address current procedural requirements to align with how these applications were being processed by City staff. Based on public input and information provided during the work session, the City Council directed staff to proceed with processing changes to Chapter 12.48.

### **Overview and Revisions to the Special Events Ordinance (Chapter 12.48):**

The following is a summary of the revisions made to the applicable sections of Chapter 12.48 to address and clarify procedural requirements for Special Events.

#### **1. Special Events Committee Name (reference throughout Entire Chapter)**

Throughout the ordinance, "Special Events Committee" is referenced. This language is misleading since this group is not a committee of appointed members but rather City staff members from various City Departments. In addition, language in the ordinance also requires that the applicant meet with the committee.

The ordinance was updated and all references to "committee" were removed and replaced with "city staff" where appropriate. Additionally, the requirement to meet was removed. If further information is needed from applicants, then staff will reach out to the applicant without the need for a formal meeting.

### Downtown Annual Community Events Section 12.48.075

This new section was added to assist in establishing and defining long-standing downtown events that have a community and/or regional draw to the downtown area. In soliciting feedback from event organizers over the current special event permit process, a common complaint is compliance with the Good Neighbor Policy even when an event has a long history and is widely accepted by persons along the planned route. In many instances due to the size of large events, compliance with the Good Neighbor Policy can be difficult and time-consuming for applicants. The proposal is to simplify this process for large events that have a longstanding history and an established route/location.

The events that are defined in this section have a long-standing tradition of being held in the downtown area and include, but are not limited to the following:

1. Lions Club Band Review, generally held in October;
2. Hometown Heroes, generally held in October
3. Taste the Arts, generally held in October;
4. Race Against Hunger, generally held on Thanksgiving Day
5. Candy Cane Lane Parade, generally held the Monday after Thanksgiving;
6. Breakfast Lions Club Car Show, generally held in May.

The proposed ordinance includes a process for longstanding events to qualify as this type of event, the definition of a "Downtown Annual Community Events" has also been drafted and defines these types of events as "any large scale annual outdoor public event utilizing public areas, including streets and parking lots in the vicinity of Downtown Visalia, generally identified as the area north of Mineral King Avenue, east of Conyer Street, south of Murray Avenue and west of Tipton Street, that have historically had in excess of 1000 attendees and been held in three of the prior five calendar years before the application was submitted".

Events that meet the qualifications of a Downtown Annual Community Events, will be able to utilize a streamlined Good Neighbor Policy. This will enable to provide verification of advertisement of the event and copy of the flyers that were passed out along the event route instead of signatures approving the proposed event route. However, if these events modify, by more than twenty five percent, of their location or change in size, then full compliance with the Good Neighbor Policy over the impacted area will be required until the revised event location meets the ordinance requirements.

This same process will also include events that do not require street closures but may still impact traffic such as bicycle races and walks in and along public right of ways that would otherwise require compliance with the Good Neighbor Policy.

All other special event requirements, such as prior submission and approval of traffic control plans, and payment of fees shall be required in advance for these types of events.

### Special Event Authorization (Section 12.48.080 and 12.48.90)

Language requiring that special events not be permitted for events that are not for strictly commercial reasons was deleted. This avoids placing City staff in a position to determine when an

event is or is not being held for a commercial purpose.

The remaining authorizations focus on requiring events to meet health and safety concerns, along with reviewing whether an applicant has a history of violating municipal requirements.

**Rejection and Notice (Section 12.48.090)**

The section was updated to simplify the language for denial and notification to the applicant.

**2. Insurance, Indemnification, Risk Mitigation Requirements (Section 12.48.100)**

This section was updated to simplify the language while making sure that activities or events that are protected under First Amendment rights were not infringed upon.

Additionally, a written agreement will be added to the online application process as outlined in 12.48.100 (2) limiting the City's liability and agreeing to cover expenses incurred by the City because of the event.

**3. Monetary Deposits for Certain Special Events (Section 12.48.130)**

Section 12.48.130 identifies that staff may require an applicant to pay a deposit reasonably calculated to reimburse the city for its reasonable and necessary costs in providing services for a special event. However, a "reasonable calculation / formula" has never been established based on staff's research related to this ordinance provision. This has resulted in no deposits being collected for special events.

The intent of the deposit was to ensure that the public right of way was clear of debris and other items related to the event. Staff researched several ways to calculate a reasonable deposit, determining that the best way to assure compliance was to require that trash receptacles, necessary staff and safety equipment was paid for prior to the event.

The ordinance has been updated to reflect that in lieu of a deposit, the applicant will be required to provide verification that the number of required refuse containers as outlined in the on-line application have been rented for the event. Additionally, if staff determines that police officers, traffic control or fire safety are necessary for the event, documentation will be required prior to the issuance of the permit, that the applicant has secured the determined number of necessary city staff at the hourly rate outlined in the City's Rates and Fees schedule. The online permitting process will also be updated to reflect the requirements. Applicants will be provided a copy of the proposed billing along with the basis used by City to determine the applicable fee and have an opportunity to appeal this amount if the applicant feels City staff is mistaken in estimating the size and scope of the proposed event. It should be noted that the ordinance also reserves the right of the City to bill event applicants for costs incurred by City after an event if the event results in additional clean-up costs for example.

**4. Traffic and Usage of Public Facilities Concerns (Section 12.48.085)**

There have been concerns raised with City staff about repeated usage of the same streets for special events and whether that can cause disruptions of traffic patterns and parking. Staff identified during the City Council work session meeting that frequent use of public streets and/or public property for events is a matter of public policy that can be set by the City Council through the special event ordinance, which can be worded to generally allow the use of public streets for special events or be more restrictive in the use of streets.

To address traffic pattern disruptions and impacts to adjacent businesses caused by a special

event that is consistently held, in the same location, using public streets or publicly owned outdoor facilities over a specified timeframe in the same calendar year, staff has drafted new Section 12.48.085 for the City Council's consideration. The new drafted section states:

*In order to prevent long term disruption of traffic patterns and to encourage the use of parks and/or public or private facilities, and not public streets for special events, for purposes of this ordinance, the city may determine that an event substantially interrupts the safe and orderly movement of vehicular traffic contiguous to the streets where the proposed event is to be held if the applicant is requesting to hold an event, other than a parade, in a street that will impact traffic patterns for more than twelve (12) days in a calendar year or has filed similar event applications impacting the same streets within the previous twelve (12) months. The city may find that no substantial interruption is occurring if the applicant for the special event, or a sponsor of the special event, is a property owner or tenant of property with street frontage in the area proposed for closure, or if the requested closures for special events only impact alleyways.*

This new section provides the City with the ability to encourage the use of parks or public/private facilities for special events, not public streets, when it is found that the use of public streets for special events can cause disruptions of traffic patterns, parking issues when usage of the street for the special event is frequent, particularly when the proposed special event is being conducted by persons that are not associated with the businesses that utilize the street and parking area being used during the special event.

#### **Stakeholders Meeting:**

On September 19, 2023, City staff held a meeting with stakeholders to allow them the opportunity to have input on proposed changes as well as weigh in on the possibility of limiting the number of allowed ongoing events.

The meeting was attended by 18 community organizations and/or businesses representing the Chamber of Commerce, Breakfast Lions Club, Tulare County Child Abuse Prevention Council, CASA Tulare County, Pedal Pub, Downtown Visalia, Fox Theater, Visalia Emergency Aid Council, Revel Event Venues, Downtown Farmers Market, and Race Time Services.

The group voiced concerns over the following:

1. Limiting the number of ongoing events.
2. Are the changes necessary based on the actual number of complaints received that warrant the revisions to the special events ordinance.
3. Revisions to the forms and notice policies should be considered.
4. Most felt that changes limiting the number of ongoing events was unnecessary.

Other concerns expressed by the stakeholder group that were not applicable to the ordinance included the following:

1. Good Neighbor Policy clarification.
2. Standardization on the number of required trash receptacles, security, and restroom facilities.
3. Clarification on timeframes and notification when an event has been approved.

In addition to the proposed additions and revisions to the Special Event ordinance, staff is also updating the Good Neighbor policy document and the online application, while also working on an

extensive update to the Special Events webpage.

**Fiscal Impact:**

N/A

**Prior Council Action:**

On August 21, 2023, the City Council directed staff to move forward with revising Visalia Municipal Code 12.48 Special Events, subject to conducting outreach and scheduling a meeting with stakeholders.

**Other:** N/A

**Alternatives:**

The City Council may, in lieu of the recommended motion specified above, consider any of the following alternatives:

1. Refer all parts of the ordinance back to staff for further review; or
2. Direct staff to not process any amendments to Visalia Municipal Code Section 12.48 Special Event; or
3. Continue the matter to a future City Council hearing for additional information.

**Recommended Motion (and Alternative Motions if expected):**

I move to introduce the first reading of Ordinance 2023-12 amending Visalia Municipal Code Chapter 12.48 Special Events.

**Environmental Assessment Status:**

The requested action is considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption has been prepared for the project because Section 15061(b)(3) states that the project is exempted from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. 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, the activity is not subject to CEQA. A Notice of Exemption No. 2023-49 has been prepared.

**CEQA Review:**

The ordinance update is exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). Notice of Exemption No. 2023-49 has been prepared.

**Attachments:**

1. Ordinance No. 2023-12 amending Visalia Municipal Code Chapter 12.48 Special Events
2. Updated On-line Process/Policy Procedures
3. Notice of Exemption No. 2023-49

4. Power Point Special Event Ordinance First Read