

ORDINANCE No. 2024-11

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
AMENDING CHAPTER 12.48 OF THE VISALIA MUNICIPAL CODE
RELATING TO SPECIAL EVENTS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

SECTION 1. The City of Visalia has identified the need to amend the existing provisions to the Visalia Municipal Code to update and streamline the procedure used for making administrative determinations regarding the authorization of parades and other types of “special events” that take place in or otherwise encroach upon the City’s public right-of-ways or City owned properties such as parks.

SECTION 2. The following provisions in Chapter 12.48 of the Visalia Municipal Code, consisting of sections 12.48.020, is hereby added and/or amended as follows with deleted language in ~~strikeout text~~, and new and/or revised wording in *italics*:

Section 12.48.020 Definitions.

As used in this chapter, the following terms are defined in this section:

"Applicant" shall mean any person, firm, organization, association, or corporation, and their authorized designees, that has submitted an application for authorization to conduct, sponsor, or organize an event governed by this chapter. An applicant must be 18 years of age or older.

"Special Event" shall mean any parade, march, procession, pageant, review, ceremony, festival, assembly or exhibition consisting of persons, animals or vehicles, or a combination thereof which:

1. Is likely to be, planned to be, or actually conducted in, upon, or along, any portion of any city street, sidewalk, alley, or other public right-of-way, or other property owned or controlled by the city;

2. Is likely to, planned to, or actually does obstruct, delay, impede, impair or interfere with the usual, normal and free pedestrian use, vehicular use, or other lawful use of the location; or is likely to, planned to, or actually does not comply with traffic controls or other applicable law; and

3. Provided, however, that a special event shall not include any association of persons which does not present serious traffic, safety, or competing use concerns beyond those presented on a daily basis by ordinary use of the streets and sidewalks, or which does not otherwise implicate significant government interests.

"Downtown Annual Community Event" means 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 in one day.

"Expressive Event" shall mean any special event organized or conducted solely or primarily for the purpose of engaging in speech protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution.

"Spontaneous Expressive Events" shall mean any expressive event occasioned by news, affairs, or circumstances coming into public knowledge less than five days prior to the date of such event.

"Application Fee" shall mean the fee to be paid by the applicant for a special event at the time the application is filed with the special events committee, or its authorized designee. A fee schedule shall be authorized or established by resolution of the city council and shall cover the actual full costs (or a portion thereof) of processing special event applications.

"Chief of Police" shall mean the chief of police of the City of Visalia, or his/her authorized designee.

"City Manager" shall mean the city manager of the City of Visalia, or his/her authorized designee.

"Street Frontage" shall mean the property line where a lot abuts upon a street and when referring to an area near a business owned by a special event applicant or sponsor it shall refer to the public street abutting the lot where the applicant or sponsor's business is located and extend to the nearest cross street on either side of the business. The area may be reduced from the nearest cross street if alley access is needed for emergency vehicles, or if the street closure would interfere with public usage, such as transit operations, or block private property access.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 4. This Ordinance shall take effect thirty days after its adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted as required by law.

PASSED AND ADOPTED:

BRIAN POOCHIGIAN, MAYOR

ATTEST:

LESLIE CAVIGLIA, CITY CLERK

APPROVED BY CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Leslie Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance _____ passed and adopted by the Council of the City of Visalia at a regular meeting held on _____ and certify a summary of this ordinance will be published in the Visalia Times Delta.

Dated:

LESLIE CAVIGLIA, CITY CLERK

By Jennifer Gomez, Chief Deputy City Clerk