

## **SEC. 72.249.5. SPECIAL EVENTS.**

### **a. Definitions.**

1. "Neighborhood Block Party" means a special event involving the gathering of one hundred fifty (150) or less people on a County road or within County road right-of-way for neighbors and invited guests. Only a local resident may file a SETOP application for a Neighborhood Block Party. Neighborhood Block Parties are private events and shall not be open to the general public and are not a Community Event as defined in section 21.201.
2. "Offsite Event" means a special event held outside the County road right-of-way that requires traffic control on a County-maintained road right-of-way because persons or vehicles are not reasonably anticipated or able to comply with normal traffic operations, regulations or controls to access or leave the event.
3. "Special event" means an event not to exceed four (4) consecutive days in duration which includes any bicycle event, running event, block party, parade, march, procession, assembly, celebration, festival, fair, carnival or similar special event consisting of persons, animals or vehicles, or combination thereof, on County-maintained roads or within County road right-of-way which does not comply with normal traffic operations and traffic regulations or controls.
4. "Special Event Traffic Operations Permit (SETOP)" means a written permit issued by the Road Commissioner, Chief Administrative Officer (CAO), or CAO designee which allows for the special event to occur under specific requirements.
5. "Traffic control" means the use of trained flaggers, law enforcement, signs, barricades, cones, and/or signal devices to direct motor vehicle and non-motorized traffic around a special event. SETOP applicants are responsible for contracting with certified traffic control companies, and/or law enforcement to provide traffic control for their events. Event staff shall work under the supervision of a certified traffic control supervisor.
6. "Traffic control plan" shall mean a plan prepared, signed and sealed by the SETOP applicant's civil engineer and/or traffic engineer and approved by the Road Commissioner, or a plan in a County of San Diego Special Event permit previously approved by the Road Commissioner. A previously approved plan is acceptable when the event is identical to the roadway conditions and the time, place, and manner as the previously approved special event.

### **b. SETOP Required.**

1. No person shall conduct or manage a special event within the County right of way or such event that may impact normal traffic operations without obtaining a SETOP from the Road Commissioner, unless exempted pursuant to Section 72.249.5(j).
2. It is the intent of the County to protect the rights of its citizens to engage in protected free speech expression activities and allow for the least restrictive and reasonable, time, place and manner regulation of those activities within the overall context of regulating Special Events that have an impact upon public facilities and services.

3. Any Special Event that is also a Community Event, as defined in section 21.201., will require a Community Event Permit (CEP) in addition to a Special Event Traffic Operations Permit, and is subject to separate CEP application deadlines and fees.
  4. Any Special Event that is also an Outdoor Assemblage Event, as defined in section 21.801., will require an Outdoor Assemblage License in addition to a Special Event Traffic Operations Permit, and is subject to separate Sheriff's Department application, deadlines, and fees.
  5. Guidance Documents. The Road Commissioner may prepare, maintain and disseminate guidance documents identifying traffic control practices for Special Events that have been determined by the Road Commissioner to be effective and practicable in specified circumstances. The Road Commissioner may take any such guidance into account when determining whether any practice proposed in a SETOP application, traffic control plan, contracts with law enforcement for traffic control, coordination with other agencies, or other submittal, is in compliance with this Section 72.249.5.
  6. The issuance of a SETOP confers no guarantee, assurance, or promise that a SETOP for the proposed event or a similar event will be issued in the future. Any submittal will be processed as a new SETOP subject to all applicable regulations.
- c. Upon receiving a complete application pursuant to Section 72.249.5(d), the Road Commissioner shall issue a SETOP where the Road Commissioner determines that:
1. The proposed Special Event substantially complies and conforms with all requirements set forth in this Section 72.249.5;
  2. Any conditions imposed upon such Special Event approval, which are required to be completed or performed prior to SETOP issuance, have been satisfied;
  3. The SETOP fee specified in Section 362.2 has been provided, if required;
  4. The Traffic Control Device rental fee specified in Section 362.2 has been provided, if required;
  5. Denial is not required pursuant to Section 72.249.5(h).
- d. Application of SETOP.
1. Applications for a SETOP shall include all of the following materials to be deemed complete:
    - i. Written approvals from California Highway Patrol, San Diego County Sheriff's Department, and local fire agency.
    - ii. Proof of insurance pursuant to Section 72.249.5(e)(3).
    - iii. Proof of tax-exempt non-profit or government agency status where applicable.
    - iv. Traffic control plan

- v. Proof of certification of traffic control supervisor.
  - vi. The full name, mailing address and telephone number of the permittee.
  - vii. Payment of the applicable cost as specified by Section 362.2.
  - viii. Completed and signed Environmental Review Questionnaire demonstrating whether or not the special event could result in environmental impacts under the California Environmental Quality Act (CEQA).
  - ix. All applicable information identified on the application forms.
2. Any person desiring to conduct or manage a special event requiring a SETOP shall file a completed application with the Road Commissioner by the following deadlines:
- i. Neighborhood Block Parties – not less than thirty (30) calendar days and no more than one hundred eighty (180) calendar days before the proposed event.
  - ii. Special Events with no environmental impacts demonstrated in the Environmental Review Questionnaire – not less than sixty (60) calendar days and no more than one hundred eighty (180) calendar days before the proposed event.
  - iii. Special Events with environmental impacts demonstrated in the Environmental Review Questionnaire – not less than ninety (90) calendar days and no more than one hundred eighty (180) calendar days before the proposed event. These events will undergo environmental review and are not guaranteed permit issuance.
- e. Requirements Applicable to All Events: The following shall be included as conditions of all SETOPs issued by the Road Commissioner:
- 1. Cost Responsibility. Persons issued a SETOP shall be responsible for providing at no cost to County all services, equipment, or personnel needed to provide traffic control in accordance with the traffic control plan approved by the Road Commissioner.
  - 2. Defense and Indemnity. All persons issued a SETOP shall defend, indemnify and hold harmless the County, and the County's officers, agents and employees, from any liability or responsibility for accident, loss or damage of any kind to persons or property arising by reason of the special event.
  - 3. Insurance. The County's Risk Management Division of the Department of Human Resources, shall determine the amount of insurance and whether a proposed insurance policy complies with the requirements of this section. The insurance necessary to comply with this section is commercial general liability insurance. The insurance coverage shall insure the applicant and all event entertainers, vendors, solicitors and all other participants against loss resulting from liability for damages for bodily injury or death and property damage incurred by any person arising from the event. Any insurance policy required by this section shall name the County as an additional insured.

4. Compliance with Laws. Persons issued a SETOP shall comply with all applicable federal, State, and local laws, ordinances and regulations. This includes without limitation, all law enforcement and fire authorities/agencies, the California Environmental Quality Act (CEQA; Public Resources Code Section 21000) and local environmental regulations, all storm water regulations prohibiting the discharge of non-stormwater or the discharge of pollutants in water, and all regulations relating to the disposal of waste generated by the event.
5. Event Promotion. Persons conducting a special event shall not, without the County's written authorization, use the words "County of San Diego", the County seal, or similar words or insignia in the promotional or advertising material for the special event in a manner that implies or represents the County is the sponsor of the event.
6. Clean-Up and Restoration. The permittee shall clean and restore the location where the special event occurs, including the surrounding areas and any adjacent roadways, to the same condition as existed before the event. If the permittee fails to adequately restore or clean-up after a special event, the County may take one or more of the following actions:
  - i. Cause the work to be performed at the permittee's expense. Except where immediate action is determined by the Road Commissioner to be necessary for the safe or efficient operation of County maintained road right-of-way, the Road Commissioner shall provide the permittee with written notice identifying any deficiencies in the clean-up or restoration of the right-of-way. The notice shall include a reasonable time as determined by the Road Commissioner for the clean-up or restoration work to be completed. If the permittee fails to complete the work in the noticed period or when work is determined to be necessary under circumstances where notice is not required, the Road Commissioner may cause the work to be performed and bill the permittee for the work. The permittee shall pay all amounts billed within thirty (30) days from the receipt of the invoice.
  - ii. The Road Commissioner may refuse to issue a future SETOP to the permittee or an entity owned or controlled by the permittee for so long as permittee fails to adequately clean-up or restore the right-of-way.
  - iii. Require the permittee or an entity owned or controlled by the permittee to post security in a form approved by County Counsel in an amount estimated by the Road Commissioner for the County to restore or clean-up the right-of-way as a condition of approval of a future SETOP.
- f. Conditions of Approval of SETOPs. In approving a traffic control plan or in issuing a SETOP, the Road Commissioner will impose conditions to prevent creation of a nuisance or hazard to persons or to public or private property. This also includes the Road Commissioner's ability to reclassify an event type in consideration of public safety and potential adverse impacts to affected roadways and communities.

g. Additional Requirements for Certain Special Events. SETOP applicants shall conduct public outreach in advance of the event date as described below in this subsection commensurate with the type of event and anticipated impact the event will have on affected residents, businesses, emergency responders, transit providers, and other agencies. The following additional requirements shall be applicable to specific types of special events as specified below:

1. Requirements Applicable to Neighborhood Block Parties: For Neighborhood block parties, a petition of support signed by at least seventy-five percent (75%) of the registered property owners of residential property fronting on roads to be used for the special event shall be included with the SETOP application to County.
2. Requirements Applicable to Special Events, including Offsite Event: Special Events shall conform with the following additional requirements:
  - i. Special Events require, information signs (including but not limited to event name, date, time of closure and/or delays, name of roadway(s) affected) shall be posted on affected roadways.
  - ii. If Special Events also include road closures, mailers shall be submitted to affected residents/businesses whose access from the County road right-of-way to their residence/business would be blocked at any time by the event.
3. Additional Requirements for Certain Special Events: Applicants are required to attend and present notification to the applicable community group(s) (e.g., Community Planning Groups, Community Sponsor Groups, and homeowners' associations), and perform public notification via social networking platforms, websites, or other media if any of the below criteria are met:
  - i. The event is attended by six hundred (600) or more participants and guests; or
  - ii. The event will block access to driveways for more than four (4) continuous hours; or
  - iii. The event distance will exceed four (4) miles of County-maintained roads in total length;  
or
  - iv. The event does not provide onsite parking, off-street parking, and/or shuttle service for all attendees; or
  - v. The event is taking place for the first time in a different/new community.

h. Denial or Revocation of SETOP.

1. The Road Commissioner shall deny an application for a SETOP if any of the following circumstances exist:
  - i. If the applicant has not met all the requirements for submitting a complete application under part (c), "Application of SETOP", of this ordinance.

- ii. If the applicant or any sponsor of the applicant responsible for organizing the special event has previously failed to conduct a permitted special event in accordance with federal, State, or local laws or the terms of a previously issued SETOP, or the community experienced substantial negative impacts the last time the event was held.
- iii. If there is an imminent or active private or public construction project at or in the immediate vicinity of the proposed special event location that could be disrupted or delayed by the special event.
- iv. If the applicant or any sponsor of the applicant responsible for organizing the special event has knowingly made any false, misleading or fraudulent statement of material fact in the SETOP application or in a past SETOP application.
- v. If the proposed special event will interfere with or obstruct another scheduled special event or authorized use of a County maintained road right-of-way.
- vi. If the SETOP would adversely impact the safe or efficient use of the County maintained road network.

2. The Road Commissioner shall revoke a SETOP if any of the following circumstances exist:

- i. If the applicant has not obtained any required permits or approvals from any other public agency with regulatory authority over the special event or within whose jurisdiction the special event or portion thereof will occur.
- ii. If the applicant fails to conduct the special event pursuant to the terms and conditions of the SETOP.
- iii. If any activity conducted as part of the special event violates an applicable law or ordinance.
- iv. If any law enforcement agency or other agency with jurisdiction over activities conducted as a part of the special event determines continued conduct of the special event will adversely affect the health and safety of the public.
- v. If there is an emergency requiring immediate revocation of a SETOP.
- vi. If the continued operation of the special event would adversely impact the safe use of County maintained road right-of-way or unduly interfere with a governmental project or activity.

3. If DPW denies a Special Event Traffic Operations Permit, it shall follow the procedures under section 21.110. An applicant denied a permit under this chapter may appeal by following the appeal procedure provided in sections 21.110(a) and 21.116.

- i. Prohibited Special Events. No SETOP shall be issued for a special event which the Road Commissioner determines:

1. Is likely to cause injury to persons or property.
2. Will unduly interfere with the movement of traffic through the County maintained road network or impede the response time of emergency services.
3. Will likely require extraordinary police service as determined by local or state law enforcement.

j. Exceptions. This section does not apply to:

1. Funeral processions by a licensed mortuary.
2. Any governmental agency acting within the scope of its functions.
3. Picketing outside of the travelled lanes of a road.
4. Film making activities which are allowed to be conducted under an encroachment permit approved by the Road Commissioner per Section 71.602 et seq.