

Note

* **Note:** Section 13.54.200 repealed by Ord. No. 3695-3/05.

13.54.010 Definitions

Alert: This item has been affected by: [Ordinance 4301](#). See the [CodeAlert](#) page for details on recent amendments and newly-added provisions.

“Director” refers to the Director of Community Services Department and/or his/her designee.

“Fourth of July Parade” is that annual parade sponsored by the City of Huntington Beach.

“Parade” means any march, parade, procession or public assembly consisting of persons or animals or vehicles or any combination thereof, upon any public or quasi-public street, road, highway, sidewalk, alley, park, parkway, pier, beach, building or other public or quasi-public place, which obstructs or unreasonably interferes with the free passage of vehicular traffic or pedestrian travel.

“Parade route” means the entire route of a parade as approved by the Director.

“Parkway” means that area between the edge of the roadway and the adjacent property line excluding that area occupied by the sidewalk. Parkway shall also include any area within a roadway which is not open to vehicular travel.

“Public property” includes, but is not limited to, sidewalks, parkways, streets, and medians.

“Roadway” means that portion of a street improved, designated, or ordinarily used for vehicular travel.

“Rope” is any rope, ribbon, string, line or other device used to delineate a public area for parade viewing by private parties.

“Seat” is any common chair, stool, folding chair, folding stool, bench or similar device whose purpose is seating.

“Sidewalk” means any surface provided for the exclusive use of pedestrians.

“Specific event” means the temporary use of public property, including, but not limited to, streets, beaches, and parks for any purpose including, but not limited to, events such

as art shows, fund-raising events, sidewalk sales, amusement attractions, walkathons, marathon runs, block parties, ~~parades, demonstrations, rallies, protests, picket lines, public assemblies~~, performances, weddings, company events and sporting events, or any combination thereof. This chapter has no application to events that are conducted on private property.

“**Street**” means all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys, and sidewalks.

“**Structure (including grandstand)**” is that which is framed or erected. “Grandstand” is a structure whose primary purpose is seating. (3608-6/03, 4202-3/20)

“Free Speech Demonstration” is defined as a demonstration, protest, rally, or other gathering protected by the First Amendment.

Commented [TA1]: We want to define this here, so we can reference it later in 13.54.135

13.54.020 Permit Required

No person shall organize, produce, direct, conduct, manage, institute or carry on any specific event without a permit first had and obtained from the Director. ~~No person shall promote, advertise, encourage or solicit attendance or otherwise participate in any way in a specific event for which no permit has been issued, or for which such permit has been suspended or revoked. (3608-6/03) Since event permits are not issued until the weeks leading up to the event, should we change this section to read: “No person shall promote, advertise, encourage, or solicit attendance or otherwise participate in any way in a specific event until the application is submitted and approved by the Director of Community & Library Services and a Letter of Conditions has been issued by the Specific Events Committee.~~

13.54.030 Permit Application

An application for a permit shall be filed with the Director not less than 90 days nor more than two years before the date proposed for holding a specific event. Such application shall be signed by the applicant, who must be at least 18 years of age, or his or her authorized agent and shall be accompanied by a nonrefundable application fee. The amount of said fee shall be established by resolution of the City Council. (3608-6/03)

13.54.040 Application—Contents

Application for a permit to hold a specific event shall be made on forms provided by the City, and shall contain the following:

A. The sponsoring organization, the contact person, and the address and telephone number of each;

B. A detailed description of the specific event proposed to be held, the number of persons participating in the event, the purpose of the event, the date, hours and location where the event is proposed to be held, if alcohol is to be served or sold, or if closure of public streets is required, a description of merchandise to be sold or any food and beverages to be sold or otherwise made available to attendees of the specific event and the admission fee, if any, to be charged;

C. For parades, a description and map of the assembly area, disbanding area and the route to be traveled; the assembly time, the starting time, the disbanding time; the maximum parade length; the total number of bands, sound vehicles or musical units, if any, their type and number of members in each unit; the total number of public address units, including those that are stationary, mounted on vehicles or portable; the total number of marching units, if any, their type and number of members in each unit; the number of animals, if any, and type; the number of floats, if any, their size, type and methods of power; the space between their units and their speed; and the maximum number of persons who will participate in the parade;

D. A detailed description of the equipment to be used, if any, including the number and types of vehicles, the number of public address or amplified sound systems, whether mounted, portable, or stationary, the number and type of special units such as musical or performance groups, animal zoos or shows, [stages](#), bleachers, canopies, tents, [truss structures](#), banners, inflatables, generators and the like;

E. An agreement that the City shall be compensated for any damage to public property, and that the site shall be cleaned and restored to the condition in which it was found prior to the holding of the specific event;

F. Such other information as requested by the Director;

G. Said application shall be signed by the applicant under penalty of perjury. (3608-6/03)

13.54.050 Permit—Specific Event for Other Than Applicant

If such specific event is designed to be held by, on behalf of or for any organization other than the applicant, the applicant for such permit shall file a communication in writing from such organization, authorizing the applicant to apply for such permit on its behalf. (3608-6/03)

13.54.060 Specific Events Committee Established

Alert: This item has been affected by: [Ordinance 4301](#). See the [CodeAlert](#) page for details on recent amendments and newly-added provisions.

There is hereby established a Specific Events Committee composed of representatives of pertinent City departments and community organizations, as appointed by the City Manager. (3608-6/03)

13.54.070 Review of Permit Application by Director

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Within 30 business days of the filing of the permit application with the Community Services Department, the Director shall either issue the permit, deny the permit, or refer the permit application to the Specific Events Committee for further review. (3608-6/03)

13.54.080 Denial by the Director

No action on the part of the Director within 30 business days of the filing of the permit application shall be deemed a denial. (3608-6/03)

13.54.090 Review of Permit Application to Specific Events Committee

At any time, the Director may refer any permit application to the Specific Events Committee for further investigation of the activity proposed to be conducted, the persons involved, and other facts. The Specific Events Committee shall conduct a hearing on the application within 60 days after notification of referral of the permit application, after which hearing the Specific Events Committee shall recommend to the Director to issue or deny the permit. The Specific Events Committee shall also provide the conditions and requirements for the Letter of Conditions. Once all conditions are met and verified by Community & Library Services, a Specific Event permit will be issued. (3608-6/03)

Commented [WA2]: @Uemura, Molly this reads a little confusing to me.

The Specific Events Committee shall provide conditions and requirements in a Letter of Conditions. Once all conditions and requirements are met, a Specific Event Permit will be issued.

Something like that?

13.54.100 Permit—Granting or Refusal

The granting or denial of any permit or part thereof by the Director shall be final unless a written appeal is filed as provided elsewhere in this chapter. Failure to file an appeal within such 10 calendar day period, shall constitute a waiver of the right to such appeal. (3608-6/03)

13.54.110 Permit—Late Applications

- A. Any application received after the deadlines established in Section [13.54.040](#) is a late application. The Director may consider any permit application filed less than 90 days prior to the time requested for holding a Specific Event.
- B. The Director shall accept a late application if he/she finds that:
1. The proposed event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application; and
 2. The imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.
- C. If the Director finds both of the conditions of subsection B are present, he/she shall accept and process the Specific Event application in accordance with this chapter, unless it does not meet the criteria set forth in Section [13.54.040](#), violates Section [13.54.140](#), or there is insufficient time for the City to make necessary preparations for traffic control or to protect the public safety prior to the proposed date. (3608-6/03, 4202-3/20)

13.54.120 Permit—Surety and Insurance

Prior to the issuance of a permit, the Specific Events Committee may require:

- A. In lieu of an agreement to compensate the City for loss or damage to public property, the deposit of cash, check or money order in an amount sufficient to guarantee the cleaning up of the site and the removal of any debris left as a result of the holding of a specific event. If it is determined that such specific event will warrant the presence of City personnel, the Director shall also require payment in full prior to issuance of a permit.
- B. That the applicant provide public liability insurance and property damage insurance, including products liability coverage, workers compensation insurance, and a separate additional insured endorsement written by an insurance company acceptable to the City in the minimum limits as set by resolution of the City Council. (3608-6/03)

13.54.130 Permit—Granting Conditions

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As a condition to granting such permit, the Director may impose reasonable terms and regulations concerning the time and place of such specific event; the area and manner of conducting such specific event; the maximum number of persons participating therein; the use of amplified music, the regulation of traffic, if required, including the number and type of vehicles; evacuation plan, if determined necessary, including time and area of evacuation, evacuation routes, hazard event, evacuation population, and evacuation destination; the number and type of signs, banners, and barricades to be provided by applicant, if any, together with a plan of disposition attached to the application; whether alcohol shall be allowed; whether food sales shall be allowed; and such other requirements as they may find reasonable and necessary for the protection of persons and property. Any change in the approved plan must be submitted to the Community Services Department and approved by the Director 14 days in advance of the event. All applicable fees shall be paid at least 30 days prior to such event. (3608-6/03)

~~13.54.135 Prohibition on Carrying Specified Items or Articles While Attending Specific Event~~ Prohibited Activities and Items

- A. ~~A. Certain activities and items are prohibited on public property without the issuance of a Specific Event permit, including during Free Speech demonstrations, rallies, and/or protests;~~
- a. Use of amplified sound devices, including but not limited to: PA systems, Bluetooth speakers, megaphones, and bullhorns.
 - b. Solicitation of donations of any kind, including but not limited to monetary donations, goods, and services.
 - c. Vendor Booths/Sales
 - d. Food Trucks

B. No person, unless authorized by a valid permit or license from a government agency, shall carry or possess the following items or articles while attending or participating in any parade, demonstration, rally, protest, picket line, public assembly or other Specific Event:

1. Weapons such as firearms, knives, swords, sabers or other bladed devices, axes, hatchets, ice picks, razor blades, nunchucks or martial arts weapons of any kind, box cutters, pellet or BB guns, conducted electrical weapons (CEWs), including, but not limited to, Tasers or stun guns, metal/composite/ wooden knuckles, or any chain greater than 20 inches in length or greater than one-fourth inch in diameter. This subdivision also includes toy or replica firearms unless such toy or replica is florescent colored or transparent.
2. Baseball or softball bats, regardless of composition or size;

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Commented [WA3]: @Uemura, Molly do we need "Rallies and/or Protests" listed here if they are included in the Free Speech Demonstration definition? Or, like Thoby states - do we need to include Rally and Protest Definitions separately?

Commented [WA4R3]: @Uemura, Molly Has Gates seen this information? If no, we should make that clear to the Committee that official definitions/language will be vetted through a RLS.

Commented [UM5R3]: No, first step is committee feedback, then Gates office approval.

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Commented [TA6]: Can we define this better, or does there need to be a definition at the top of the code? I think in essence we want to prohibit any business being conducted during free speech events, such as soliciting for non-profits, selling t-shirts, etc....

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3. Any lengths of lumber or wood, regardless of dimension;
4. Any length of metal or plastic pipe;
5. Any aerosol spray, tear gas, mace, pepper spray or bear repellent;
6. Any projectile launcher or other device, such as a catapult or wrist rocket, which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, whether through force of air pressure, spring action or any other mechanism;
7. Balloons, bottles or any other container such as water cannons or super-soakers, filled with any flammable, biohazard or other noxious matter which is injurious, or nauseous, sickening or irritating to any of the senses, with intent to throw, drop, pour, disperse, deposit, release, discharge or expose the same in, upon or about any demonstration, rally, protest, picket line or public assembly;
8. Glass bottles, whether empty or filled;
9. Open flame torches, lanterns or other devices that utilize combustible materials such as gasoline, kerosene, propane or other fuel sources;
10. Shields made of metal, wood, hard plastic or any combination thereof;
11. Bricks, rocks, pieces of asphalt, concrete, pellets or ball bearings.

B. Notwithstanding subsection A, signs, posters, banners, plaques or notices may be carried and presented during the Specific Event, provided they are constructed solely of soft material, such as cloth, paper, soft plastic capable of being rolled or folded, or cardboard material no greater than one-fourth inch in thickness. Signs, posters, banners, plaques and notices may be mounted on any length of lumber, wood, or wood lath that is less than one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular, it shall not exceed three-fourths inch in its thickest dimension. Alternatively, the signs, posters, banners or notices may be mounted on solid or hollow plastic pipe not exceeding three-fourths inch in its thickest dimension and not exceeding one-eighth inch in wall thickness, and not filled with any material, liquid, gas or solid. Both ends of any wood or plastic pipe permissible under this subsection shall be blunt.

C. When feasible, excluding exigent circumstances, law enforcement personnel shall issue a warning before enforcing the provisions of this section. Such warning shall be sufficient if provided orally, by posted signs or by amplified announcement.

D. Authorized peace officers, or employees, agents or representatives of a government agency, shall be exempt from the provisions of this section when such officers, employees, agents or representatives of the said government agency are engaged in official business of the government agency. In addition, persons permitted

or authorized by a government agency through a valid official permit or license to carry concealed weapons, are also exempt from this section.

E. Nothing in this section shall prohibit an individual from carrying a cane or using a walker or other device necessary for providing mobility so that the person may participate in a public protest, demonstration, rally, picket line or public assembly.
(4202-3/20)

13.54.140 Permit—Denial

The Director, upon recommendation of the Specific Events Committee shall not issue any permit if any of the following conditions exist:

- A. The application is not on the form provided or does not contain the required information;
- B. The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application for a permit;
- C. The building, structure, equipment, or location of such specific event does not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards of all of the ordinances of the City of Huntington Beach or the State of California applicable thereto;
- D. The activity or location of the activity is such as to interfere with or unreasonably obstruct the free flow of vehicular traffic or other means of travel on any public street, or with pedestrian traffic on the sidewalk;
- E. Proof of insurance required by this chapter as a prerequisite to the holding of a specific event has not been filed with the City;
- F. The conduct of the specific event will be contrary to law;
- G. Applicant has had a similar specific event permit denied for good cause within one year prior to the application, and can show no material change in circumstances since such denial;
- H. Applicant refuses to agree to, abide by or comply with all conditions and regulations attendant upon such specific event permit;
- I. Such specific event will interfere or conflict with another specific event for which a permit has already been issued, or will interfere or conflict with another specific event for which no permit is required by this Code;

J. Applicant has failed to pay the assigned fees or failed to meet any other conditions imposed by the Director. (3608-6/03)

K. Applicant has failed to obtain all necessary permits and/or approvals from outside agencies directly related to proposed event footprint or activities outside of the City of Huntington Beach's permitting jurisdiction.

13.54.150 Permit—Contents

A specific event permit shall contain the following:

- A. The name of the person or organization to whom issued;
- B. The name and telephone number of the individual on-site contact person;
- C. The date, hour and location for the specific event; and
- D. Any on-site conditions imposed on the holding of such specific event. (3608-6/03)

13.54.160 Permit Suspension or Revocation

A permit for a specific event issued hereunder, shall be summarily suspended or revoked by the Director at any time when there is reasonable cause to believe that any of the grounds exist for which the original application for permit would have been denied. (3608-6/03)

13.54.170 Appeal—Filing

An appeal from suspension, revocation or denial of a permit, or conditions imposed thereupon by the Director, may be made to the City Manager within 10 calendar days after service of notice of such action on the applicant or permittee. Such appeal shall be in writing, setting forth fully the grounds upon which the appeal is based, and shall be filed with the City Clerk who shall forward copies to the City Manager, and the Director. The Director shall submit to the City Manager the record of the case appealed. The City Manager shall rule on the appeal within 10 calendar days after receipt of such record from the Director. The decision of the City Manager may be appealed to the City Council. Such appeal shall be filed with the City Clerk within 10 calendar days of receipt of the decision of the City Manager. (3608-6/03)

13.54.180 Appeal—Council Action

A. Within 60 days after filing a written appeal from the suspension, revocation, or denial of a permit with the City Clerk, the City Council shall consider the appeal at a regular meeting. Written notice of the time and place the City Council will consider the appeal shall be mailed by the City Clerk to the person who filed the appeal at least 10 days before the date set for hearing unless the applicant/permittee shall waive notice in writing.

B. In any appeal, the City Council shall consider the application, the record of the case submitted by the Director and other pertinent information presented, and may grant or deny the permit subject to the conditions, terms and regulations set forth in this chapter. The decision of the City Council shall be final.

C. The City Clerk shall, within three days after decision of the City Council, notify the applicant/permittee in writing of the decision of the City Council. (3608-6/03)

13.54.190 Exceptions to Provisions

No permit shall be required under this chapter with respect to:

A. Any specific event sponsored by, or held under the auspices of, the City of Huntington Beach;

B. Any bona fide funeral procession, the purpose of which is to transport the remains of a deceased person to a place of burial or cremation. (3608-6/03)

13.54.210 Interference With Specific Events

No person shall knowingly join or participate in any specific event in violation of any of the terms, conditions, or regulations of the permit issued therefor, or knowingly join or participate in any specific event without the consent and over the objection of the permittee or in any manner interfere with the orderly conduct of such event. For purposes of this chapter, "interfere" shall mean:

A. Placing furniture or erecting booths or stands within 20 feet of the area designated for use by the permittee only; or so as to obstruct the view of audience members, after having first been warned;

B. Operating a radio, loudspeaker, or other similar device, whistle, or other machine or musical instrument without permission from the permittee;

C. Making noise, including yelling and screaming, either at a volume higher than that of the event or in a manner so as to disturb the peace of others, after having been warned;

D. Entering upon the stage or otherwise joining a performance without permission of the permittee;

E. ~~Disrobing or~~ Engaging in other conduct which disrupts the event, after having been warned. (3608-6/03)

F. Any other activity being conducted by a person(s) within the approved footprint designated for use by the permittee that affects the permittee's ability to conduct and/or inhibits safe ingress/egress to the event.

13.54.220 Parking of Vending Vehicles

No person shall stop, let stand, or park any vehicle, for the purpose of selling, or offering for sale there from, any goods, wares or merchandise on any street on a parade route. (3608-6/03)

13.54.230 Enforcing Officer

This chapter shall be enforced by the Director, as well as by peace officers having jurisdiction of any area in which a violation of any provision of this title takes place. (3608-6/03)

13.54.240 Permit Conditions

The permittee shall follow all conditions as set forth in the permit. (3608-6/03)

13.54.250 Violation—Penalty

Any person violating this chapter shall be guilty of a misdemeanor, punishable by a fine of \$1,000.00 or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment. (3608-6/03)