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# City of Sebastopol Council Agenda Report

Mayor  
Guy Wilson  
City Council  
Michael Kyes, Vice Mayor  
Kathleen Shaffer  
Sarah Glade Gurney  
Patrick Slayter

City Manager  
Jack Griffin  
City Attorney  
Larry McLaughlin  
City Clerk  
Mary Gourley

Meeting Date: November 9, 2011  
To: Mayor and Councilmembers  
From: Jack Griffin, City Manager  
Larry McLaughlin, City Attorney  
Jeff Weaver, Police Chief

Agenda Report Reviewed by:  
City Manager   
City Attorney

Subject: "Occupy Sebastopol" and the ongoing encampment on the Plaza

Recommendation: That the Council discuss the issue and provide direction to staff as appropriate

Funding: Currently Budgeted: \_\_\_ Yes  No \_\_\_ N/A  
Net General Fund Cost: Unknown, however, cities that have had "Occupy" events have experienced significant costs in terms of staff overtime, additional maintenance and repair and loss of revenues in terms of reduced business activity near the events.  
If Cost to Other Fund(s),

Fund:  
Amount:

Background: On Thursday, November 3, 2011, the Council met in a special meeting to discuss the planned "Occupy Sebastopol" event that was to occur on Saturday, November 5, 2011. The Council discussed how it preferred that the City handle such an event, including an overnight encampment. The Council did not discuss specific issues related to a long term encampment.

The event occurred on Saturday, with an encampment that appears to be intended to be a long term encampment. There were five tents housing 7 to 8 occupants on Saturday night. On Monday morning, there were four tents with fewer occupants. On Tuesday morning, there were five tents with apparently 6 occupants.

The persons camping in the Plaza were informed by the Sebastopol Police Department that they were doing so in violation of the City's ordinance prohibiting camping in City parks. Those persons acknowledged that they knew they were engaging in an unlawful activity.

The encampment was located in the northeast corner of the Plaza and did not appear to directly interfere with the Farmers Market.

Discussion: Staff attempted to follow the Council's direction that while it wished that the City's ordinances be enforced, that a one night encampment that did not interfere with the Farmers Market would be acceptable and that the





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Police Department was free to exercise its best judgment in dealing with an encampment.

As of the morning of Tuesday, November 8, 2011, an encampment remains in the plaza (5 tents). Staff recognizes that the Council discussion at its November 3, 2011 meeting focused on issues related to the public's health, safety and welfare, as well as concerns regarding the potential for conflict between an encampment and the Farmers Market.

Staff wishes to convey to the Council that it is uncomfortable with a policy of not enforcing the City's ordinances or attempting to apply its best judgment to its actions in the hope of meeting the expectations of the majority of the Council.

Staff also wishes to raise for the Council's consideration its concerns regarding the notion that permitting knowingly unlawful activity that does not serve a municipal purpose and can readily be interpreted as toleration of said unlawful activity due to support or sympathy for the "cause" of the campers raises significant policy and law enforcement questions.

Absent the identification of a municipal purpose that the encampments promote, a policy of non-enforcement may be construed as being based on political considerations. This could cause persons or entities that wish to camp on the Plaza to claim a political cause and expect to be entitled to the same lack of enforcement. The Council should be aware that there exists the possibility of other political movements adopting the same or similar tactics.

It seems to staff that a person or entity need only claim some political cause or message to avoid City enforcement of its ordinances and how such a claim would be addressed is unclear. Where does claiming a political cause as the justification for unlawful behavior become an enforceable action on the part of the Police Department is a problematic question for the consistent enforcement of our codes. Asking our law enforcement personnel to factor in the legitimacy of someone's claim of a political cause is not a good prescription for fair and reasonable enforcement of our laws.

The issue of allowing others to camp in the Plaza in the past, requests not associated with a political movement but most frequently from homeless who were looking for a less flood-prone place in the winter, have been rejected by the City.

A second policy question that staff believes the Council should consider is that the general taxpayers of the City pay a portion of their taxes to have access to public spaces, particularly parks. When such a facility, or portion thereof, is rendered inaccessible due to the knowingly unlawful behavior of individuals or some entity, it places those taxpayers in the position of losing some of what they are paying for and incurring additional costs in the municipal time, effort and materials that the City is likely to expend in monitoring and addressing the





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unlawful behavior. This is the crux of why cities require special events permits so that the general taxpayer is reimbursed for the exclusive use of a public facility. The "Occupy Sebastopol" participants, at least those camping at the plaza, do not show any sign or desire to obtain a special events permit, or work with the City in any substantive way. They have made no attempt to contact the City and are availing themselves of City services beyond simply camping on the plaza through the use of the gazebo and public restrooms and the general public will be left with whatever costs are incurred by the City related to this unlawful activity.

On a practical front, the City is not equipped to deal with persons establishing domiciles on public property. Aside from the law enforcement, maintenance and management costs that the "Occupy Sebastopol" has caused and continues to generate, does the City's either explicit or tacit allowance of the establishment of such domiciles create upon the City any requirement to ensure a safe and sanitary environment within the encampment or any liability for substandard conditions?

As staff indicated at the Council's meeting on November 3, 2011, our staff resources are quite limited. We have a total of 1.7 employees dedicated to the maintenance of our park and landscaped areas, Ives Pool and recreational activities. In terms of law enforcement, we generally have no more than three sworn officers, more often two, on duty at any time of the day. Any significant uptick in our need to police or increase maintenance activities as a result of the "Occupy Sebastopol" event will necessarily cause other City functions to be deferred or to incur additional costs through payment of overtime, particularly with respect to the Police Department.

It is often said that the presence of these encampments here and in other cities represent the exhibition of citizen's first amendment rights. The City Attorney has provided information on a federal case, *Stone vs. Agnos*, 1992, heard in the 9th Circuit (San Francisco) that found that a person living in a tent on public property, in that case, the San Francisco Civic Center Plaza, was not denied his constitutional rights when the San Francisco Police Department arrested him after requesting on four occasions to cease residing in the plaza and confiscated his property. A summary of that case is attached.

Staff provides this information simply in an attempt to clarify the legal issues that surround the issue of the persons living or residing, without permission, on public property.

Staff would recommend that the Council consider the experience of other cities that have been the locale of extended "Occupy" events. There have been instances where these events have been quite benign and peaceful. There have also been instances where they have engaged in varying levels of civil disobedience. We see instances of property damage and injuries to both "Occupy"





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participants, law enforcement and non-participant members of the public. In all cities that are home to an "Occupy" event, there have been costs incurred by those cities in relation to the event. A person can google "City Costs for Occupy \_\_\_\_\_" city and generally find numerous published reports regarding the costs those cities have experienced. It's debatable about how accurately cities may be tracking those costs, however, it is our policy to track our time and effort and staff expects that most if not all other "Occupied" cities are doing likewise. An article in the November 3, 2011 Press Democrat stated that the City of Santa Rosa had expended \$5,000 of overtime for police services. That story appeared prior to the events of this past weekend which resulted in at least three arrests. Additional costs through the unauthorized use of city power facilities were not quantified. A report on October 18, 2011 indicated that San Francisco's costs were up to \$100,000 and more recent reports indicated that Oakland was over \$1,000,000.

Regardless, it is clear that these events come at a direct cost to the cities they are located in and there appears to be no way for a city to recover any of those costs.

Staff would also like to reinforce its past observations that we really do not know the persons that are now residing in the Plaza. In watching the videos of the kick off meeting on Saturday November 5, 2011, it appeared clear than several city or local residents were not particularly comfortable with an encampment. The Police Department initially made contact with the campers during the night of Saturday, November 5, 2011 but only knows one of their full names. During the night of Monday, November 7, 2011, there were 6 campers; one was a longterm homeless person that has been a fixture in the Plaza for quite some time, a homeless parolee and a homeless person apparently newly arrived in town from Oregon.

Another concern that staff has is the impact that actions that other cities take could impact on Sebastopol. We are presently aware of two other "Occupy" events in cities in Sonoma County where overnight camping is occurring, Santa Rosa and Petaluma. It is our understanding that a permit has been issued for this activity in Petaluma. Should conditions change in those cities or additional "Occupy" events happen in other cities, our situation could change.

As of the writing of this report, we have not had any incidents of civil disobedience, other than the underlying unlawful camping activity, however that does not necessarily mean that we are immune from such an incident. It seems to be a progression in many of the "Occupy" events that as time goes by the risk of some kind of civil unrest increases.

As stated above, the City has a process for allowing for the use of our facilities. A person or entity may apply for a Special Events Permit. A copy of the permit application is attached. As of this writing, no person representing "Occupy Sebastopol" has approached the City to apply for a permit. Most cities have such permit requirements and those that are the site of an "Occupy" event have had mixed results in requiring the acquisition of such permits. The City of Petaluma has issued a permit with specific conditions, a copy which is attached.





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In summary, staff is of the opinion that the continued willful lack of enforcement of our municipal code with respect to overnight camping in the City could act as a magnet for additional campers and establish a dangerous precedent with respect to the enforcement of our municipal ordinances. It creates uncertainty within our law enforcement employees as well as the general public.

Staff respectfully requests that the Council discuss these issues. We also respectfully request that should the Council wish to not have the camping prohibitions enforced, that the Council affirmatively provide that direction.

## Attachments

1. Police Chief Weaver summary of weekend events
2. Summary of Stone vs. Agnos
3. City of Sebastopol Special Events Permit Application and associated documentation
4. City of Petaluma permit issued to Occupy Petaluma



From: Jeffrey Weaver <JWeaver@sebdp.com>  
Subject: Occupy Sebastopol Update  
Date: November 7, 2011 9:20:54 AM PST  
To: "jgriffin@cityofsebastopol.org" <jgriffin@cityofsebastopol.org>  
Cc: James Conner <JConner@sebdp.com>, "bbraga@sonic.net" <bbraga@sonic.net>

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Good Morning, Jack -

I wanted to give you a quick overview of this weekend's Occupy Sebastopol activity beginning Saturday night.

At my request, Sgt. Scott Verse contacted the group of campers Saturday night. The campers video taped the conversation. Sgt. Verse made sure they had our direct telephone number in case they needed help. He mentioned the disparity between allowing them to camp and enforcing the same ordinance on others. They reported that because they were engaged in a movement, they were comfortable receiving an exemption from laws that are enforced on others. It is my understanding there were somewhere between four and six tents with between seven and eight people.

At my request, Officer Jacques Levesque contacted the group of campers Sunday night. He also made sure they had our direct telephone number. He explained that they were breaking the law, which they indicated they knew. He also explained that we were temporarily not enforcing certain City Ordinances on them at the direction of the City Council.

Jacques took an informal census of those present:

- 1). Chris - A Sebastopol area resident whose daughter attends Park Side School and who is one of the leaders based on Youtube videos.
- 2). "Link" - A New Yorker who arrived in Sonoma County about four months ago and is one of the leaders based on Youtube videos.
- 3). Two people from Cazadero who tried to get an Occupy Cazadero started but were unsuccessful. They said they can only stay on the weekends, so they may leave today.
- 4). Jeremy Johnson - A local young person who doesn't live at home because he can't get along with his mother and enjoys the homeless/transient lifestyle. He has been cited before for violating the City Ordinance against camping on a park.
- 5). Two other unknown individuals who didn't make themselves known and stayed in their tent.

So, there were seven people and four tents; two larger and two smaller. They referred to one of the tents as a "supply tent".

When Chris heard that the folks from Cazadero were only able to stay on the weekends, he said he was trying to attract people from other Occupy locations to come to Sebastopol to help bolster their numbers. Chris said they were going to have another "General Assembly" today at 3pm and they were planning a march to Chase Bank.

Just FYI

Jeff

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Attachment 2

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**960 F. 2d 893 - Stone v. Agnos**

Home960 f2d 893 stone v. agnos

**960 F2d 893 Stone v. Agnos**

960 F.2d 893

Christopher STONE, Plaintiff-Appellant,

v.

Arthur AGNOS, et al., Defendants-Appellees.

No. 91-15206.

United States Court of Appeals,

Ninth Circuit.

Argued and Submitted March 9, 1992.

Decided April 3, 1992.

Richard A. Canatella, San Francisco, Cal., for plaintiff-appellant.

G. Scott Emblidge, Deputy City Atty., San Francisco, Cal., for defendants-appellees.

Appeal from the United States District Court for the Northern District of California.

Before: NOONAN, RYMER and TROTT, Circuit Judges.

NOONAN, Circuit Judge:

1

Christopher Stone brought an action against Arthur Agnos, Mayor of San Francisco; Frank Jordan, Chief of Police of San Francisco; and the City and County of San Francisco (the City) alleging that the defendants violated his constitutional rights by his arrest and confiscation of his property. The district court granted summary judgment for the defendants. We affirm.

## BACKGROUND

2

According to Stone's declaration, the following are the facts of the case:

3

Stone was a homeless person living on the streets of San Francisco, making a living as a street musician. In April 1990 he became "the Homeless Task Force Coordinator," i.e. an apparently self-appointed spokesman for homeless persons, speaking for six evenings in April on KGO TV in opposition to Mayor Agnos' homeless policy.

4

Stone lived in a tent at Civic Center Plaza, a public square owned by the city. One evening in April two San Francisco police officers seized his tent and took it away in a police vehicle. The officers told Stone that Mayor Agnos had "directed the immediate removal of tents of homeless people from the plaza."

5

On the morning of July 6, 1990, police arrived in force at the plaza and, pursuant to earlier notices, told the persons who slept in the plaza that they must leave it. Stone told the police that the shelters were full and there was no place to go. The police insisted he leave. When the media arrived he made a public statement in opposition to the mayor's homeless policy. He continued to refuse to leave. His personal property was then seized, including a guitar and case, bedding, clothes, toiletries, food preparation items, radio, cash, jewelry, books, and papers. He was also arrested and jailed for four days. "Much" of the property "was destroyed." The criminal case against him was later dismissed.

## THE SUIT

6

Stone sued the defendants alleging that Mayor Agnos and Chief Jordan "deliberately and intentionally conspired" to violate his right to privacy and to assemble, associate and express his views in support of the homeless in violation of the First Amendment to the United States Constitution; that these defendants also deliberately and intentionally conspired to violate his right to be secure in person and property against unreasonable seizure and arrest in violation of the Fourth Amendment; and that the defendants also deliberately and intentionally conspired to deprive him of liberty and property in violation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment. Stone alleged that this conspiracy, conducted under color of state law, violated 42 U.S.C. § 1983 (1988) and 42 U.S.C. § 1985 (1988). He also alleged violations of the California Constitution.

7

The defendants submitted the declaration of Police Captain Dennis Martel stating that he arrested Stone on July 6, 1990, after Stone had been advised four times to leave the Civic Center area and had over a period of 1 1/2 hours refused to do so. Martel further declared that Stone's property had been confiscated but not destroyed. He further declared that he had made the decision to have Stone arrested and that "neither Mayor Agnos nor Chief Frank Jordan had any role in the decision to arrest Mr. Stone."

8

The district court granted summary judgment for the defendants. Stone appeals.

#### ANALYSIS

9

Stone first argues that his arrest violated the First Amendment because it was a suppression of his right of free speech. He contends that his sleeping in the park as well as his communications to the media were expressions protected by the First Amendment; that his sleeping in a public place "dramatized" the plight of the homeless.

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Stone appears to make two First Amendment claims: that he was arrested in retaliation for his speech, and that the expressiveness of his conduct renders the statute invalid as applied. As to the first, Stone has produced not the slightest evidence that his arrest by Captain Martel was for any communication made by him or that his arrest was ordered by Mayor Agnos and Chief Jordan. Stone's continued presence in the plaza was a violation of California Penal Code § 647(i) (West 1988) which makes it a misdemeanor to lodge in any place, whether public or private, without the permission of the owner. As far as the record shows, Martel alone decided to arrest him for this crime.

11

Stone's as-applied attack relies on *Texas v. Johnson*, 491 U.S. 397, 402-04, 109 S.Ct. 2533, 2538-39, 105 L.Ed.2d 342 (1989). Although sleeping would seem to be the antithesis of speaking, we need not determine whether Stone's conduct was a form of expression. To meet Johnson's state-interest prong, Stone argues that the city's interest in maintaining its parks in attractive condition "is simply not implicated," *id.*, at 407, 109 S.Ct. at 2541, by unpermitted camping. This contention is wrong. *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 296, 104 S.Ct. 3065, 3070, 82 L.Ed.2d 221 (1984). The as-applied attack fails.

12

Second, Stone argues that his arrest was a violation of the Fourth Amendment. This argument supposes that he was arrested for exercising his right of free speech. The argument fails with his failure to produce evidence to substantiate his free speech claim and his failure to implicate either the mayor or the police chief.

13

Stone, additionally, contends that the destruction of his property violated the Fourteenth Amendment. Accepting for the purposes of summary judgment that much of his property was destroyed, we find no evidence that it was destroyed in violation of the Fourteenth Amendment. He asserts no facts showing that the police behaved unreasonably. To sustain the claim he must show that the taking of the property was unreasonable. Mere negligence of the police would not violate the due process clause, and he would have no federal claim for such negligence if it occurred. *Bergquist v. County of Cochise*, 806 F.2d 1364, 1369 (9th Cir.1986), disapproved on other grounds, *Canton v. Harris*, 489 U.S. 378, 388, 109 S.Ct. 1197, 1204, 103 L.Ed.2d 412 (1989). Nor does Stone make any showing whatsoever that the mayor or the police chief effected the destruction, which Stone concedes was contrary to city policy.

14

AFFIRMED.

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# City of Sebastopol

7120 Bodega Avenue, Sebastopol, CA 95472

[www.ci.sebastopol.ca.us](http://www.ci.sebastopol.ca.us)

707-823-1153 - Phone; 707-823-1135 - Fax

Attachment 3

## SPECIAL EVENTS PERMIT APPLICATION APPLICATION FOR SPECIAL EVENTS TO BE CONDUCTED IN/OR ON CITY FACILITIES

### SECTION A:

#### To Be Filled Out By Applicant:

Date of Application: \_\_\_\_\_ Location/Facility Request: \_\_\_\_\_

(which park or plaza?)

(What area of park/plaza?)

Please include a detailed description of area of park to be used. If request is for Downtown Plaza, please indicate if parking spaces are to be requested to be reserved; if so, how many and in which locations): (Please provide a map indicating location requested): \_\_\_\_\_

Name of Event: \_\_\_\_\_

DATE of EVENT: \_\_\_\_\_

Organization Submitting Application: \_\_\_\_\_

#### **If Non Profit (Tax Exempt Letter Required)**

#### *Applicant Information:*

Contact Person: \_\_\_\_\_ Contact Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_ Cell Phone Number: \_\_\_\_\_

Address for Correspondence:

\_\_\_\_\_

Type of Production/Activity/Event: (Please attach additional pages if needed): \_\_\_\_\_

\_\_\_\_\_



**EVENT DATE(S)**

Inclusive Dates of Event	Exact Hours of Event	Activity Set Up Hours for Event	Activity/Event Hours Clean Up
--------------------------	----------------------	------------------------------------	----------------------------------

-----  
Please provide a complete description of the event: (Please provide additional sheets if necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WILL AN AMPLIFIED SOUND SYSTEM BE USED:**  Yes  No

**SECTION B:**

**OFFICE USE ONLY**

**Thirty (30) day lead time is required for All Applications.**

**APPROVAL**

Application Approved:  Yes  No Date: \_\_\_\_\_  
Reason Not Approved (if applicable): \_\_\_\_\_

Insurance Certificates Approved:  Yes  No Date: \_\_\_\_\_  
Reason Not Approved (if applicable): \_\_\_\_\_

Parking Plan Approved (if applicable):  Yes  No  Not Required  
Food Permit Approved (if applicable):  Yes  No  Not Required

**FEES/DEPOSIT:**

Clean up/Security Deposit for Use of City property required:  Yes  No

Total Amount of Deposit: \$ \_\_\_\_\_ Date Fee Paid: \_\_\_\_\_

Filing Fee: \$ \_\_\_\_\_ Date Fee Paid: \_\_\_\_\_

**POLICE OFFICERS REQUIRED:** Number of Officers: \_\_\_\_\_

Dates and Total Hours Required: \_\_\_\_\_

Police Fee \$ \_\_\_\_\_ Date Fee Paid: \_\_\_\_\_

**PUBLIC WORKS:**

Dates and Total Hours Required: \_\_\_\_\_

Personnel Fee \$ \_\_\_\_\_ Date Fee Paid: \_\_\_\_\_

**CITY EQUIPMENT REQUIRED:**

Fee \$ \_\_\_\_\_ Date Fee Paid: \_\_\_\_\_

**SECTION C: INSURANCE REQUIREMENTS:**

Proof of insurance by submitting Certificate of Insurance and Policy Endorsement (See attached certificates).

Unless a greater amount is requested, coverage shall be a comprehensive general liability insurance policy in the amount of one million dollars combined single limit coverage for bodily injury and property damage. **This liability limit amount may be increased subject to type of event.** The insurance coverage afforded by the policy shall provide at a minimum the equivalent of insurance coverage provided by Insurance Services Office (ISO).

Comprehensive General Liability Insurance Coverage. The insurance policy or certificate of insurance shall name the City of Sebastopol, its officers, employees, and agents as additional insured for any bodily injury or property damage arising from the events activities. Such insurance shall contain primary language as noted in attached endorsement.

Attach evidence of coverage to this application, or submit as soon as possible to the City Manager/City Clerk's Office. Insurance coverage must be maintained for the duration of the events activity. Evidence of coverage must be submitted to the City Manager/City Clerk's office within ten (10) business days prior to the event or the permit shall be cancelled and any approval to that point will be considered null and void.

Insurance Company : \_\_\_\_\_ Insurance Expiration Date: \_\_\_\_\_

Insurance Policy #: \_\_\_\_\_

**ORIGINAL CERTIFICATE OF INSURANCE AND ADDITIONAL ENSURED ENDORSEMENTS NEED TO BE SUBMITTED TO CITY OF SEBASTOPOL NO LATER THAN 10 DAYS PRIOR TO EVENT START DATE.**

**DISCLAIMER**

I, the undersigned, as applicant or on behalf of the applicant, signify that the information provided on this application is true and correct and hereby accept full responsibility for any breakage or damage to property and/or building, and for conduct of those attending the function for which the facility is requested. The undersigned, who is to be in charge of the event, is twenty-one years of age or older. The applicant agrees that he/she will be responsible for the use and care of City property. Applicant further agrees that the character of entertainment at the above named place will conform with that stated in the application. Applicant agrees to indemnify, defend, and hold/save harmless the City of Sebastopol, its officers, employees, and agents, against any and all loss, damage, and/or liability that may be suffered or incurred by the City of Sebastopol, its officers, employees, agents and against any and all claims, demands and causes of action that may be brought against the City of Sebastopol, its officers, agents and employees, caused by, arising out of or in anyway connected with the use by the undersigned of the City of Sebastopol facility or the exercise of the privilege herein granted, except that

arising out of the sole negligence of the City. If permission is granted, I, or my representative, agree to be present during the entire use of the facility. My signature below signifies that I agree to abide by the conditions of this application, the Special Event Use Policy and of any contract issued based on this application. I agree to pay to the City of Sebastopol all costs the City may incur as a result of any failure to comply with all of these conditions including damages due to failure to leave the premises in rentable condition.

I understand that all conditions of approval for this permit must be complied with no later than 10 days prior to the event. Failure to meet all conditions may result in permit being deemed null and void.

**I HAVE READ AND AGREE TO THIS CONTRACT AND WILL CONFORM WITH THE RULES ATTACHED TO THIS AGREEMENT.**

By signing below, I agree that I will be responsible for reimbursing the City of Sebastopol for any costs incurred to repair or replace City property which is damaged as a result of the activity.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Applicant: \_\_\_\_\_

**SECTION D: EVENT INFORMATION:**

List size and type of vehicles to be used (if applicable):

\_\_\_\_\_

Exact Location(s) of streets to be blocked off (if applicable):

\_\_\_\_\_

Describe sets/structures to be erected if applicable):

\_\_\_\_\_

Describe any signs/controls/booths/tables/chairs/sound system/canopies, etc (if applicable):

\_\_\_\_\_

*Please provide a map detailing information listed above if applicable.*

Total # of crew: \_\_\_\_\_ Total # of spectators: \_\_\_\_\_ Total # of Participants: \_\_\_\_\_

**SECTION E: FOOD/ALCOHOL:**

Name of Caterer to be used (if applicable): \_\_\_\_\_

Caterer must have a Sonoma County Food Industry Health Permit, and a City of Sebastopol Business License. All applicants serving food must fill out "Temporary Food Facility Information Sheet" and send to Sonoma County Public Health Department.

Do you plan to serve alcoholic beverages:  Yes  No  
Do you plan to sell alcoholic beverages:  Yes  No

(if a ticket is sold which includes alcohol, ABC considers this selling and full liquor liability must be obtained).

If yes, please check the following:

Beer Only       Beer and Wine  Wine Only       Mixed Drinks  
(Includes Beer/Wine)

Do you have an ABC license?:  Yes  No      If Yes, License #: \_\_\_\_\_  
Do you plan on serving food?:  Yes  No

*Please contact the Department of ABC and Sonoma County Health Department to determine if permits are required for your event. Please notify the City of Sebastopol these departments's responses.*

***THIS IS TO ADVISE YOU THAT FOR ALL EVENTS*** - Parking regulations will be enforced on the surrounding streets. No blocking of access roadways or parking areas. No blocking of sidewalk for ADA accessibility; and ***YOU WILL BE REQUIRED TO:*** Notify residents/businesses adjacent to the Park/Plaza, of the use of this event to include if an amplified system will be used.

Application will be routed to the following City Departments for their review. Once it has been reviewed, the City will forward a conditional approval letter listing conditions for event.

- City Manager
- Police Chief
- Superintendent of Public Works
- Fire Chief
- Planning Director

- Attachments:
- Insurance Requirements/Certificates
  - Fees for Parks
  - Special Events Permit Information
  - Conduct in City Parks

CITY OF SEBASTOPOL APPLICATION  
USE OF ALCOHOL IN CITY PARK  
*THIS APPLICATION IS TO BE SUBMITTED TO THE CHIEF OF POLICE*

TO BE FILLED OUT BY APPLICANT:

Date of Application: \_\_\_\_\_ Location Request: \_\_\_\_\_  
(which park or plaza?)  
(What area of park/plaza?)

DATE of EVENT: \_\_\_\_\_

EXACT Hours of Event: \_\_\_\_\_

CONTACT PERSON: (Must be 21 years or older): \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Cell Phone Number for Person at Activity: \_\_\_\_\_

Address for Correspondence:

\_\_\_\_\_  
\_\_\_\_\_

FULLY DESCRIBE ACTIVITY: (Type of Beverages being consumed; picnic/birthday party, etc).

\_\_\_\_\_  
\_\_\_\_\_

Anticipated Number of Participants: \_\_\_\_\_

**OFFICE USE ONLY**  
**30 lead time is required for All Applications.**

**APPROVAL**

Application Approved:  Yes  No Date: \_\_\_\_\_

Reason Not Approved (if applicable): \_\_\_\_\_

CITY OF SEBASTOPOL APPLICATION  
USE OF ALCOHOL IN CITY PARK  
*THIS APPLICATION IS TO BE SUBMITTED TO THE CHIEF OF POLICE*

DISCLAIMER

The undersigned applicant, who is to be in charge of the event, is twenty-one years of age or over. The applicant agrees that he/she will be responsible for the use and care of City property. Applicant further agrees that the character of the activity of the above named place will conform to that stated in the application.

Applicant agrees to indemnify, defend, and hold/save harmless the City of Sebastopol, its officers, employees, and agents, against any and all loss, damage, and/or liability that may be suffered or incurred by the City of Sebastopol, its officers, employees, agents and against any and all claims, demands and causes of action that may be brought against the City of Sebastopol, its officers, agents and employees, caused by, arising out of or in anyway connected with the use by the undersigned of the City of Sebastopol facility or the exercise of the privilege herein granted, except that arising out of the sole negligence of the City. If permission is granted, I, or my representative, agree to be present during the entire use of the facility.

My signature below signifies that I agree to abide by the conditions of this application, the Special Event Use Policy and of any contract issued based on this application.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Applicant: \_\_\_\_\_

# CITY OF SEBASTOPOL

## Guidelines For Special Event Permit Applicants City Parks and Facilities

Below are listed the guidelines for proper application of a one-time only or annual special event at City Parks and Facilities.

1. **APPLICATION DEADLINE** - Application to conduct any special activity **shall be made at least 30 days prior to the date that activity is to be commenced**. Application is available from the City Manager's Office (90 days is advised for review, especially for promotional purposes).
  
2. **APPROVAL/DENIAL** - The application shall be approved/denied within ten (10) business days of **receipt of a completed application and filing fee paid noted on application**. The permit shall be approved by the City Manager or his designee unless it is determined from consideration of the application or other pertinent information, that any of the following conditions exist:
  - a. The activity will substantially disrupt the use of a street at a time when it is usually subject to traffic congestion, or potentially interfere with the operation of emergency vehicles in the proposed permit area.
  - b. The activity creates a substantial risk of injury to persons or property.
  - c. The applicant failed to complete the application, fails to file the application in the required time or the information contained in the application is found to be false in any material detail.
  - d. The particular activity would violate federal, state or local law including license/permit requirements.

e. The particular activity would propose a potential threat to health, safety & welfare of the City's population.

f. A meeting between event applicant and City Departments (Police, Fire, Public Works) needs to be arranged to finalize details prior to making a final determination.

When the grounds for permit denial can be corrected by imposing reasonable permit conditions, the City Manager/designee may approve the permit.

3. **PERMIT CONDITIONS** - The City Manager/designee may condition the issuance of an activity permit by imposing reasonable requirements concerning the time, place and manner of activities including but not limited to the following:

a. Requirements for the presence of Sebastopol Police, Fire and/or Public Works employees when required for the particular activity at the applicant's expense.

b. If the selling or serving of alcohol is requested, applicant must secure waiver from Police Chief and Department of Alcoholic Beverage Control (ABC).

c. Requirements concerning the posting of no parking signs and placement of other traffic control devices at the applicant's expense.

d. Restrictions on hours of activities.

e. Requirements concerning notice to affected adjacent property owners of the activity.

f. Restrictions on the use of explosives and other noise creating devices.

g. Restrictions on the hours of amplified music and the level of amplification.

#### **4. FEES**

- a. A permit application processing fee is required.
- b. Fees for City services and use of the requested City property shall be paid by applicant with the submittal of the application.

5. **CHANGE OF ACTIVITY DATE** - may be authorized upon 72 hours notice in advance of activity by permittee without requiring a new application or fees.

#### **6. INSURANCE**

a. Applicant must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the activity. Such insurance shall name on the policy or by endorsement as additional insured the City of Sebastopol, its officers, employees and agents. Coverage shall be provided by a Comprehensive General Liability Insurance Policy in the amount prescribed by City Council resolution.

b. A copy of the policy or certificate of insurance along with all necessary endorsements must be filed with the City not less than ten (10) days prior to the activity. Additional insured endorsement with primary wording is required.

c. Proof of insurance coverage as specified must be verified prior to approval of permit.

#### **7. INDEMNIFICATION AND LIABILITY**

a. Applicant must sign agreement to reimburse the City for any costs incurred to repair or replace City property which is damaged as a result of the activity.

b. Applicant shall also defend, indemnify, and hold harmless the City, its officers, agents, or employees from all claims and liability of any kind whatsoever resulting from or arising out of the activity or issuance of the permit.

## **8. PERMIT RESPONSIBILITIES**

•a. Each permittee shall comply with all terms and conditions of the permit. Failure to do so is grounds for immediate revocation.

•b. Each permittee shall clean and restore all City properties utilized during the activity to the same condition as existed prior to the activity.

•c. The person in charge of the activity shall retain a copy of the permit on location.

-d. Each permittee using Parks/Plaza shall notify all residents and businesses adjacent to the park/plaza, of the use of the event. Notice shall contain date and time of event and also contain the date and time if amplified sound system is to be used.

**CERTIFICATE OF INSURANCE**  
For CITY OF SEBASTOPOL (the "City")

Issue Date: (mm/dd/yy)

**PRODUCER:**

THIS CERTIFICATE OF INSURANCE IS NOT AN INSURANCE POLICY AND DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW

**TELEPHONE #:**

**NAMED INSURED:**

		COMPANIES	BEST'S RATINGS
Company	A	_____	_____
Letter			
Company	B	_____	_____
Letter			
Company	C	_____	_____
Letter			
Company	D	_____	_____
Letter			
Company	E	_____	_____
Letter			

This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated, notwithstanding any requirement, term of condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies, limits shown may have been reduced by paid claims.

CO LTR	Type of Insurance	Policy Number	Policy Effective Date (mm/dd/yy)	Policy Expiration (mm/dd/yy)	All limits in Thousands
	General Liability <input type="checkbox"/> Commercial General Liability <input type="checkbox"/> Claims Made <input type="checkbox"/> Occur <input type="checkbox"/> Owner's and Contractor's Prop. Other _____				General Aggregate \$ _____ Products-Comp/Ops Aggregate \$ _____ Personal and Advertising Injury \$ _____ Each Occurrence \$ _____ Fire Damage (anyone fire) \$ _____ Medical Expense (any one person) \$ _____
	Automobile Liability <input type="checkbox"/> Any Auto <input type="checkbox"/> All Owned Autos <input type="checkbox"/> Scheduled Autos <input type="checkbox"/> Hired Autos <input type="checkbox"/> Non-Owned Autos <input type="checkbox"/> Garage Liability				Combined Single Limit \$ _____ Bodily Injury \$ _____ (per person) Bodily Injury \$ _____ (per accident) Property Damage \$ _____
	Excess Liability <input type="checkbox"/> Umbrella <input type="checkbox"/> Other than Umbrella Form				Each Occurrence \$ _____ Aggregate \$ _____
	<input type="checkbox"/> Worker's Compensation and Employer Liability				Statutory \$ _____ Each Accident \$ _____ Disease-Policy Limit \$ _____ Disease-Each Employee \$ _____
	Property Insurance <input type="checkbox"/> Course of Construction				Amount of Insurance \$ _____

Description of Operations/Locations/Vehicles/Restrictions/Special Items

**THE FOLLOWING PROVISIONS APPLY:**

- None of the above-described policies will be canceled until after 30 days' written notice has been given to the City at the address indicated below.
- The City, its officials, officers, employees and volunteers are added as insureds on all liability insurance policies listed above.
- It is agreed that any insurance or self-insurance maintained by the City will apply in excess and not contribute with, the insurance described above.
- The City is named a loss payee on the property insurance policies described above, if any.
- All rights of subrogation under the property insurance policy listed above have been waived against the City.
- The workers' compensation insurer named above, if any, agrees to waive all rights of subrogation against the City for injuries to employees of the insured resulting from work for the City or use of the City's premises or facilities.

**CERTIFICATE HOLDER/ADDITIONAL INSURED**

(City)

City of Sebastopol  
7120 Bodega Avenue  
Sebastopol, Ca 95472  
707-823-1153 - Phone  
707-823-1135 - Fax

**AUTHORIZED REPRESENTATIVE**

SIGNATURE \_\_\_\_\_  
TITLE \_\_\_\_\_  
PHONE NO: \_\_\_\_\_

INSURER  
POLICY NO:  
ENDORSEMENT NO:

ISO FORM CG 20 11 01 96 (MODIFIED)  
COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY, PLEASE READ IT CAREFULLY  
**ADDITIONAL INSURED - MANAGERS OR LESSORS OF PREMISES**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

1. Designation of Premises (Part Leased to You):
2. Name of Person or Organization (ADDITIONAL INSURED):

City of Sebastopol

3. Additional Premium:

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement).

WHO IS INSURED (section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions.

This insurance does not apply to:

1. An "occurrence" which takes place after you cease to be a tenant in that premises.

Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.

**Modifications to ISO for CG 20 11 01 96**

1. The insured scheduled above includes the insured's elected or appointed officers, officials, employees and volunteers.
2. This insurance shall be primary and respects the insured shown in the schedule above, or if excess, shall stand in an unbroken chain of coverage excess of the Named Insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the insured scheduled above shall be in excess of this insurance and shall not be called upon to contribute with it.
3. This insurance provided by this policy shall not be canceled except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the Entity.

\_\_\_\_\_  
Signature-Authorized Representative

\_\_\_\_\_  
Address

ISO FORM CG 20 10 08

INSURER \_\_\_\_\_  
POLICY NO: \_\_\_\_\_  
COMMERCIAL GENERAL LIABILITY \_\_\_\_\_  
ENDORSEMENT NO: \_\_\_\_\_

ISO FORM CG 20 10 11 85 (MODIFIED)  
EXPIRATION DATE \_\_\_\_\_

THIS ENDORSEMENT CHANGES THE POLICY, PLEASE READ IT CAREFULLY

**ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS  
COMMERCIAL GENERAL LIABILITY**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

CITY OF SEBASTOPOL

Name of Organization:

City of Sebastopol  
7120 Bodega Avenue  
Sebastopol, Ca 95472

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement).

WHO IS INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of "your work" performed for that insured.

1. The insured scheduled above includes the insured's elected or appointed officers, officials, employees and volunteers.
2. This insurance shall be primary as respects the insured shown in the schedule above, or if excess, shall stand in an unbroken chain of coverage excess of the Named Insured's scheduled underlying primary coverage. In either event any other insurance maintained by the Insured scheduled above shall be in excess of this insurance and shall not be called upon to contribute with it.
3. The insurance afforded by this policy shall not be canceled except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the Entity.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

\_\_\_\_\_  
Signature-Authorized Representative

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_

**SPECIFIC INSURANCE REQUIREMENTS  
&  
REQUIRED POLICY LIMITS**

**PARK/SPACE RENTAL - SPECIAL EVENTS**

*Including short-term space rental for special occasions, such as but are not limited to: festivals, club or organizational functions, weddings, dances, picnics or social dinners, crafts exhibitions or classes, animal shows and recreational activities.*

Lessee shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the Lessee's operation and use of the leased premises. The cost of such insurance shall be borne by the Lessee.

**Minimum Scope of Insurance**

Coverage shall be as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 0001)
2. Worker's Compensation Insurance as required by the State of California and Employer's Liability Insurance, (if applicable).
3. Host Liquor Excess Liability as required by the State of California, (if applicable).

**Minimum Limits of Insurance**

Lessee shall maintain limits no less than:

1. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this event or the general aggregate limit shall be twice the required occurrence limit. This limit may be increased subject to type of event.
2. Workers' Compensation statutory limit and Employer's Liability: \$1,000,000 per accident for bodily injury or disease.
3. Host Liquor Liability: \$1,000,000 (Occurrence Form CG 0033).

**Other Insurance Provisions**

The General Liability policy is to contain or be endorsed to contain the following provisions:

1. The City of Sebastopol, its officers, officials, employees and volunteers are to be covered as insureds with respect to liability arising out of ownership, maintenance or use of that part of the premises leased to the lessee.
2. The Lessee's insurance coverage shall be primary insurance as respects to the City of Sebastopol, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City of Sebastopol, its officers, officials, employees or volunteers shall be excess of the Lessee's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days prior

written notice has been given to the City.

Waiver of Subrogation

The Worker's Compensation policy is to be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City of Sebastopol, its officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City of Sebastopol.

Deductible and Self Insured Retentions

Any deductible or self-insured retention must be declared to and approved by the City of Sebastopol. If possible, the insured shall reduce or eliminate such deductible or self insured retentions as respects the City, its officers, officials, employees and volunteers; or shall provide evidence satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Verification of Coverage

Lessee shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on other than the City's forms provided those endorsements conform to the City's requirements. All certificates and endorsements are to be received and approved by the City at least ten days prior to the event commences. The City reserves the right to require original copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

## Comprehensive Fee Schedule by Department

Department: **City Clerk**

Nov. 1, 2010

<u>Type</u>	<u>Pg. #</u>	<u>Acct #</u>	<u>Title</u>	<u>Description of User Fee</u>	<u>Fee Amount</u>	<u>Effective</u>
Meetings	1	000-4410	Audio Tapes	Audio Tape(s) of City Council Meetings	\$7.00	11/01/10
Meetings	2	000-4410	City Council Meeting Agendas	Annual Fee for mailing Council agendas	\$50.00	11/01/10
Meetings	3	000-4410	City Council Meeting Minutes	Annual Fee for mailing Council minutes	\$50.00	11/01/10
Park Use	4	000-4425	City Park Full Use - Private	Full use of any City park by private group(s)	\$900.00	11/01/10
Park Use	5	000-4425	City Park Full Use - Non-Profit	Full use of any City park by non-profit group(s)	\$75.00+ \$20 Per day over first day	11/01/10
Services	6	000-4410	Motor Vehicle Certificate	Fee for legal hearing notice and staff time	\$200.00	11/01/10
Item Sales	7	000-4410	Municipal Code on CD	Copy of Municipal Code on compact disk	\$20.00	11/01/10
Park Use	8	000-4425	Partial Park Use - Private	Partial use of City park(s) by private groups	\$350.00	11/01/10
Park Use	9	000-4425	Partial Park Use - Non-Profit	Partial use of City park(s) by non-profit groups	\$50.00+ \$25 Per day over first day	11/01/10
Services	10	000-4410	Photocopy Fee (per page)	Cost of duplication to produce photocopies	\$0.25	11/01/10
Park Use	11	000-4425	Plaza Use-Pavilion-Open Space - Private	Use of City plaza/Pavilion & open space by private groups	\$350.00	11/01/10
Park Use	12	000-4425	Plaza Use-Pavilion-Open Space - Non-Profit	Use of City plaza/Pavilion & open space by non-profit groups	\$50.00+ \$15 Per day over first day	11/01/10
Park Use	13	000-4425	Plaza Use-Pavilion-Open Space & Weeks Way - Private	Use of City plaza/ Pavilion / open space & Weeks Way by private groups	\$600.00	11/01/10

## Comprehensive Fee Schedule by Department

Department: **City Clerk**

Nov. 1, 2010

<u>Type</u>	<u>Pg. #</u>	<u>Acct #</u>	<u>Title</u>	<u>Description of User Fee</u>	<u>Fee Amount</u>	<u>Effective</u>
Park Use	14	000-4425	Plaza Use -Pavilion-Open Space & Weeks Way - Non-Profit	Use of City plaza/ Pavilion / open space & Weeks Way by non-profit groups	\$65.00+ \$15 Per day over first day	11/01/10
Park Use	15	000-4425	School Use of Park	Regular school use of any City Park	Set by City Manager	11/01/10
Park Use	16	000-4425	Security Deposit Park Use - Private	Security deposit for park use by private group(s)	\$1,000.00	11/01/10
Park Use	17	000-4425	Security Deposit Park Use - Non-Profit	Security deposit for park use by non-profit group(s)	\$500.00	11/01/10
Item Sales	18	000-4410	Video Tapes (per tape)	Video Tape(s) of City Council meetings	\$20.00	11/01/10

\* Changes to fee amounts

## Chapter 12.44

### SPECIAL EVENTS

#### Sections:

12.44.010	Purpose
12.44.020	Special Events Defined
12.44.030	Permit Required
12.44.040	Application for Permit
12.44.050	Permit Approval/Denial
12.44.060	Permit Conditions
12.44.070	Fees
12.44.080	Change of Activity Date
12.44.090	Insurance
12.44.100	Indemnification and Liability
12.44.110	Duties of Permittee
12.44.120	Appeals
12.44.130	Reserved
12.44.140	Severability Clause

#### 12.44.010 Purpose

This Ordinance is enacted to provide for the administration of special events at all City parks and facilities.

#### 12.44.020 Special Events Defined.

One-time only or annual special events including, but not limited to, circuses, fairs, carnivals, parades, marathon walks or runs, motion picture or television location filming and such may be permitted by the City at all City parks and facilities subject to these regulations. All provisions of this ordinance are subject to the approval/waiver of the City Manager or his/her designee.

#### 12.44.030 Permit Required.

It is unlawful to conduct any special activities referenced in Section 12.40.020 without first obtaining a permit from the City Manager or his/her designee.

#### 12.44.040 Application for Permit.

A. Application to conduct any special activity shall be made at least 30 days prior to the date that activity is to commence.

B. Application deadlines may be waived by the City Manager where good cause is shown and the City has sufficient time to prepare for the proposed activity.

C. The City Council shall adopt by resolution applicable fees.

#### 12.44.050 Permit Approval/Denial

A. The application shall be approved/denied within ten (10) business days of receipt of a completed application. The permit shall be approved by the City Manager unless he/she determines from consideration of the application or other pertinent information, that the following conditions exist:

1. The activity will substantially disrupt the use of a street at a time when it is usually subject to traffic congestion, or potentially interfere with the operation of emergency vehicles in the proposed permit area.

2. The proposed activity will substantially interfere with municipal functions, or other previously authorized activities.

3. The activity creates a substantial risk or injury to persons or property.

4. The applicant failed to complete the application or the information contained in the application is found to be false in any material detail.

5. The particular activity would violate federal, state or local law including license/permit requirements.

6. The particular activity would pose a potential threat to the health, safety and welfare of the City's population.

B. When the ground(s) for permit denial can be corrected by imposing reasonable permit conditions, the City Manager may approve the permit.

#### 12.44.060 Permit Conditions

The City Manager may condition the issuance of an activity permit by imposing reasonable requirements concerning the time, place and manner of activities including but not limited to the following:

A. Requirements for the presence of Police Department, Fire Department and/or Public Works Department employees when required for the particular activity at the applicant's expense.

B. Requirements concerning the posting of no parking signs and placement of other traffic control devices at the applicant's expense.

C. Restrictions on the use of explosions and other noise-creating or hazardous devices.

D. Restrictions on hours of activity.

E. Requirements concerning notice to affected adjacent property owners of the activity.

**12.44.070 Fees**

A. A permit application processing fee and Use Fee Schedule shall be established by City Council Resolution. The application and use fee shall be paid with submittal of the application to the City.

B. In addition to the Use Fee, an event applicant shall be responsible for reimbursing the City for all City staff and materials costs associated with a permitted event. A deposit against such costs shall be paid in advance, per the provision of the resolution called for in Section 12.40.070A.

**12.44.080 Change Of Activity Date**

Upon 72 hours prior notice by the Permittee in advance of an approved activity, the City Manager is authorized to change the date for which the permit has been issued without requiring a new application or filing fee.

**12.44.090 Insurance**

A. The applicant for a permit must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the activity. Such insurance shall name on the policy or by endorsement as additional insurers the City of Sebastopol, its officers, employees and agents. Insurance coverage must be maintained for the duration of the activity. Coverage shall be provided by a Comprehensive General Liability Insurance Policy in the amount then required by the City's risk management program. The insurance coverage afforded by the policy shall provide at a minimum the equivalent of insurance coverage provided by the Insurance Service Office (ISO) Comprehensive General Liability Insurance coverage.

B. A copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the City not less than ten (10) business days prior to the activity unless the City Manager for good cause waives the filing deadline.

**12.44.100 Indemnification and Liability**

A. Prior to the issuance of the permit, the permit applicant must sign an agreement to reimburse the City of Sebastopol for any costs incurred to repair or replace City property which is damaged as a result of the activity.

B. The agreement shall also provide that the

permittee shall defend, indemnify, and hold harmless the City, its officers, agents, or employees from all claims and liability of any kind whatsoever resulting from or arising out of the activity or issuance of the permit.

**12.44.110 Duties of Permittee**

A. Each permittee shall comply with all terms and conditions of the permit. Failure to comply with all permit terms and conditions is grounds for permit revocation without prior notice by the City Manager.

B. Each permittee shall clean and restore all City properties utilized during the activity to the same condition as existed prior to the activity.

C. The person in charge of the activity shall retain a copy of the permit on location.

**12.44.120 Appeals**

The permit applicant may appeal a permit denial, permit condition, or permit revocation or refusal to waive a deadline under this Ordinance by filing an appeal within five (5) days of the date of the City Manager's decision with the City Clerk. The appeal shall be heard by the City Council at its next regular meeting.

**12.44.130 Reserved**

**12.44.140 Severability Clause.**

If any section, subsection, sentence, clause or phrase or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sebastopol hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

**CHAPTER 8.25**

**NOISE CONTROL ORDINANCE**

**Sections:**

8.25.010	Repeal of Chapter 8.24
8.25.020	Legislative Policy
8.25.030	Findings and Purpose
8.25.040	Definitions
8.25.050	Sound Measuring
Procedures	
8.25.060	Noise Levels
8.25.070	Prohibited Noise
Activities	
8.25.080	Motor Vehicle Noise
8.25.090	Recreational Vehicle
Noise	
8.25.100	Inspections
8.25.110	Enforcement and
Penalties	
8.25.120	Variances
8.25.130	Severability

**8.25.010 REPEAL OF  
CHAPTER 8.24**

Chapter 8.24 of the City of Sebastopol Municipal Code is hereby repealed.

**8.25.20 LEGISLATIVE  
POLICY**

It is hereby declared to be the policy of the City of Sebastopol to prohibit unnecessary, excessive and annoying noises, subject to its police power.

**8.25.030 FINDINGS:** The City Council of the City of Sebastopol finds that:

1. Excessive sound is a serious hazard to the public health, welfare, safety and quality of life; and,

2. A substantial body of science and technology exists by which excessive sound may be substantially abated; and,
3. The citizens have the right to, and should be ensured of, an environment free from excessive sound.

**8.25.040 DEFINITIONS:** The following definitions shall apply in the interpretation and enforcement of this chapter.

**AMBIENT NOISE OR**

**BACKGROUND NOISE** - Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

**CITY** - The City of Sebastopol  
**CITY COUNCIL** - The City Council of the City of Sebastopol or a duly authorized officer.

**COMMERCIAL ZONE** - As defined and set forth in Chapter 17 of the municipal code of the City of Sebastopol and all associated therewith either permitted as a right or as a special use.

**CONSTRUCTION** - Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar properties, but excluding demolition.

**CONSTRUCTION EQUIPMENT** - Any equipment or device operated by any fuel or electric power used in construction or demolition work.

**DAYTIME HOURS** - The hours between 8:00 a.m. and 10:00 p.m., Monday through Friday, the hours between 9:00 a.m. and 10:00 p.m. on Saturday and the hours between 9:00 a.m. through 7:00 p.m. on Sundays. On Sundays preceding recognized federal, state or local holidays that fall on

Mondays, the Daytime Hours for those Sundays shall be considered to be the hours between 9:00 a.m. and 10:00 p.m.

**DECIBEL** - A logarithmic unit of measure in measuring magnitudes or sound. The symbol of dB.

**DEMOLITION** - any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar properties.

**DOMESTIC POWER EQUIPMENT** - Including but not limited to power saws, drills, grinders, leaf blowers, lawn and garden tools and other domestic power equipment intended for use in residential areas by a resident or the resident's agent.

**EMERGENCY** - Any occurrence or set of circumstances involving actual or perceived imminent physical trauma or property damage which demands immediate action.

**EMERGENCY VEHICLE** - Any motor vehicle authorized by the State of California to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

**EMERGENCY WORK** - Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure of imminent danger.

**IMPULSE NOISE** - Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

**INDUSTRIAL ZONE** - As defined and set forth in Chapter 17 of the municipal code of the City of Sebastopol and all uses associated therewith, either permitted as a right or as a special use.

**MOTOR VEHICLE** - Per Section 415 of the California Vehicle Code.

**MUFFLER** - A device for abating sounds such as escaping gases.

**NIGHTTIME HOURS** - The hours between 10:00 p.m. and 8:00 a.m., Monday evening through Friday morning, the hours between 10:00 p.m. and 9:00 a.m., Friday evening through Sunday morning and the hours between 7:00 p.m. and 8:00 a.m., Sunday evening through Monday morning. On Sundays preceding recognized federal, state or local holidays that fall on Mondays, the Nighttime Hours for those Sundays shall be considered to be the hours between 10:00 p.m. Sunday evening and 8:00 a.m. Monday morning.

**NOISE** - Any sound, the intensity of which exceeds the standards set forth in Section 8.25.060 of this chapter.

**NOISE LEVEL** - The sound pressure level as measured with a sound level meter using the A weighting network. The level so read is designated db(A) or dBA.

**PERSON** - Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

**PREMISES** - Any building structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without building or improvements owned or controlled by a person. The emitter's premises includes contiguous publicly dedicated street and highway rights-of-way, all road right-of-ways and waters of the state.

**PROPERTY LINE** - That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from the public right-of-way.

**PUBLIC PROPERTY** – Any property owned by the City of Sebastopol, excepting properties owned by the City that are utilized for residential dwelling purposes.

**PUBLIC RIGHT-OF-WAY** - Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

**RECREATIONAL VEHICLES** - Any internal combustion engine-powered vehicle which is being used for recreational purposes, including but not limited to: ATVs, boats, race cars, snowmobiles, and off-highway motorcycles.

**RESIDENTIAL ZONE** - Those residential districts, community facilities districts, planned community districts and primary wetland districts as defined and set forth in chapter 17 of the municipal code of the City of Sebastopol and all uses associated therewith either permitted as a right or as a special use.

**SOUND** - A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations including but not limited to an auditory response when impinging on the ear.

**SOUND LEVEL METER** - An instrument used to take sound-level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4 - 1971. (Type S2A)

**8.25.050 SOUND-MEASURING PROCEDURE:** For the purpose of determining noise levels as set forth in this ordinance, the following guidelines shall be applicable.

1. All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation.

2. Instruments used to determine sound-level measurements shall conform to the sound level meters as defined by this ordinance.

3. The general steps listed below shall be followed when preparing to take sound-level measurements.

A. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.

B. The sound-level meter shall be calibrated before and after each set of measurements.

C. When measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound level meter as per the manufacturer's instruction.

D. The sound-level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions and at least four (4) feet above the ground. It shall be so placed as not to be interfered with by individuals conducting the measurements.

E. Measurements shall be taken at the point that is located about one (1) foot

beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.

**8.25.060 NOISE LEVELS**

1. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations.

2. Noise level standards:

A. No person in a residential zone shall emit noise beyond the boundaries of his/her premises exceeding the levels stated herein and applicable to adjacent residential, commercial and industrial zones.

Noise Levels shall not exceed:

Daytime Hours – 55dba  
Nighttime Hours – 45dba

B. No person in a commercial zone shall emit noise beyond the boundary of his/her premises exceeding the levels state herein and applicable to adjacent residential, commercial or industrial zones:

Noise Levels shall not exceed.

Daytime Hours – 55 dba  
Nighttime Hours – 45 dba

C. No person in an industrial zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential commercial or industrial zones:

Noise Levels shall not exceed:

Daytime Hours – 65 dba  
Nighttime Hours – 55 dba

D. High background noise levels and impulse noise.

(1) In those individual cases where the background noise levels caused by sources not subject to these regulations exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) dBA at any time and provided that this section does not decrease the permissible levels of other sections of this chapter.

(2) No person shall cause or allow the emission of impulse noise in excess of eighty (80) dB peak sound pressure level during the nighttime to

any residential noise zone.

(3) No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dB peak sound pressure level at any time to any zone.

E. Exclusions. These levels shall not apply to noise emitted by or related to:

(1) Natural phenomena.

(2) Any bell or chime from any building clock, school, or church.

(3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation; provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful.

(4) Warning devices required by the Occupational Safety and Health administration or other state or federal safety regulations.

(5) Farming equipment or farming activity.

F. Exemptions: The following shall be exempt from these regulations subject to special conditions as spelled out:

(1) Noise generated by any construction equipment which is operated during daytime hours, defined for the purposes of this section as from 7:00 AM to 8:00 PM, Monday through

Friday, 8:00 AM to 5:00 PM on Saturdays and from 8:00 AM to 5:00 PM on Sundays.

(2) Noise created as a result of or relating to an emergency.

(3) Noise from demolition work conducted during daytime hours. When considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.

(4) Noise created by any aircraft flight operations which are specifically permitted by the Federal Aviation Administration.

(5) Noise created by any recreational activities on public property which are permitted by law and for which a license or permit has been granted by the City, including but not limited to parades, sporting events, concerts and firework displays.

(6) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public and provided that a permit for such blasting is obtained from the appropriate federal, state or local authorities.

(7) Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(8) Noise generated by the police and other established shooting facilities as permitted by California Law.

(9) Noise created by pick-up or delivery vehicles in commercial or industrial zones during daytime hours. ``Daytime hours, defined for the purposes of this section as from 7:00 AM to 8:00 PM, Monday through Friday, 8:00 AM to 5:00 PM on Saturdays and from 8:00 AM to 5:00 PM on Sundays.

#### **8.25.070 PROHIBITED NOISE**

**ACTIVITIES:** The following activities are prohibited:

1. Vehicle horns. No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident.
2. Truck idling. No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on a city street next to a residential premises.
3. Exhaust discharge. No person shall discharge into the ambient air the blow-down of any steam

vent or the exhaust of any stationary internal combustion engine or air-compressor equipment, unless such discharge be through a muffler as defined in the *Definitions* section of this chapter or through an apparatus providing equal noise reduction.

4. Refuse. No person shall operate a vehicle in the process of refuse collection between the hours of 6:00 p.m. and 6:00 a.m. within a residential area or between 6:00 p.m. and 5:00 a.m. in a commercial or industrial area.

#### **8.25.080 MOTOR VEHICLE NOISE**

1. All motor vehicles operated within the limits of the City of Sebastopol shall be subject to the noise standards and decibel levels set forth in the regulations authorized in California Vehicle Code.

2. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in the Noise Levels section (8.25.060).

#### **8.25.090 RECREATIONAL VEHICLE NOISE**

1. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards set forth in the Noise Levels section (8.25.060).

#### **8.25.100 INSPECTIONS**

1. For the purpose of determining compliance with the provisions of this chapter, the City is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the City may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

2. It shall be unlawful for any person to refuse to allow or permit the City free access to any premises when the City Council or their designated representative is acting in compliance with a warrant for inspection and order issued by the appropriate court.

3. It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.

4. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this chapter.

#### **8.25.110 ENFORCEMENT AND PENALTIES FOR OFFENSES**

The Chief of Police or his designee is the City official responsible for enforcement

of this ordinance. Unless otherwise provided, any person who violates any provision of this chapter may be fined not more than \$500.00 for each violation. Each day's violation shall be deemed a separate offense. It shall be the responsibility of the offender to abate the violation as ordered. In the event the offender does not abate the violation, the town may seek injunctive relief in the Superior Court including fines, legal fees, and costs.

#### **8.25.120 VARIANCES**

1. Any person living or doing business in the City may apply to the office of the City Manager for a variance from one (1) or more of the provisions of the chapter which are more stringent than the California regulations for the control of noise, provided that the applicant supplies all of the following information to the City at least twenty (20) days prior to the start of said activity.

(A) The location and nature of the activity.

(B) The time period and hours of operation of said activity.

(C) The nature and intensity of the noise that will be generated.

(D) Any other information required by the City Council.

2. No variance from those regulations shall be used unless it has been demonstrated that:

(A) The proposed activity will not violate any provisions of the California Department of Environmental Protection regulations.

(B) The noise levels generated by the proposed activity will not constitute a danger to the public health.

(C) Compliance with the regulations constitutes an unreasonable hardship on the applicant.

3. The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.

4. Failure to rule on the application in the designated time shall constitute approval of the variance.

#### **8.25.130 SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, 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, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Sebastopol 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.

ORDINANCE NO: 1027

An Ordinance of the City of Sebastopol to Amend the Sebastopol Municipal Code and Establish an Ordinance to Ban the Consumption of alcoholic beverages and/or the possession of open containers of alcoholic beverages on any public highway, street, road, lane, alley, sidewalk, or other public way or parking lot in the City of Sebastopol and on any private property in the City of Sebastopol which is intended for public use and open to the public without first having secured the express permission of the owner, the owner's agent, or the person in lawfully possession of the property.

I. The Sebastopol Municipal Code is hereby amended to add the following section:

- 9.09.010 Title
- 9.09.020 Prohibition of Consumption and Possession
- 9.09.025 Exemptions
- 9.09.030 Enforcement
- 9.09.040 Penalties

9.09.010 Title: This ordinance shall be known as the Ban on Consumption of Alcoholic Beverages and/or Possession of Alcoholic Beverages Ordinance of the City of Sebastopol.

9.09.020 Prohibition of Consumption and Possession: The purpose of this ordinance is to prohibit the consumption of alcoholic beverages and possession of open containers of alcoholic beverages in public.

Except as provided in Sebastopol Municipal Code section 9.24.265, it shall be unlawful for any person to consume any alcoholic beverage and/or possess any open container containing any alcoholic beverage;

- A. on any public highway, road, street, alley, lane, way, sidewalk, parking lot, in the Town Plaza, or other public place;
- B. on private property which is intended for public use and open to the public without first having secured the express permission of the owner, the owner's agent, or the person in lawful possession of the property.

9.09.025 Exemptions: Residents seeking permission from the Chief of Police to close their neighborhood street pursuant to City Council Policy No. 64 may request in writing an exemption from Section 9.09.020(A). If the Chief of Police, or his or her designee, determines that it will not be detrimental to the public health, safety, peace and welfare, he or she may provide the requested exemption in writing.

9.09.030 Enforcement: Enforcement of this Ordinance shall be the responsibility of the Chief of Police or his/her designee.

9.09.40 Penalties: Violation of this ordinance is considered an infraction.

II. Section 9.24.265 of the Sebastopol Municipal Code is hereby amended to remove the words "with the exception of the Downtown Plaza".

This Ordinance shall take effect thirty (30) days after its adoption.

Approved for First Reading and Introduction of Ordinance on the 15<sup>th</sup> day of September, 2009.

Approved for Second Reading and Adoption of Ordinance at the October 6, 2009 City Council meeting.

APPROVED: *Sarah Glade Gurney*  
MAYOR SARAH GLADE GURNEY

VOTE:

AYES: Councilmembers Robinson, Wilson, Shaffer, Vice Mayor Kelley  
NOES: None  
ABSENT: None  
ABSTAIN: None

and Mayor Gurney

ATTEST: *Mary E. Gourley*  
CITY CLERK MARY GOURLEY

## Chapter 9.24

### CONDUCT IN CITY PARKS

<b>Sections:</b>	
9.24.010	Definition
9.24.020	Vehicles
9.24.030	Horses
9.24.040	Advertising
9.24.050	Destruction of Property
9.24.060	Archeological Features
9.24.070	Smoking
9.24.080	Rubbish and Litter
9.24.090	Sewage or Waste Water
9.24.100	Swimming or Bathing
9.24.110	Wildlife
9.24.120	Hunting and Dangerous Weapons
9.24.130	Fishing
9.24.140	Release of Animals
9.24.150	Dogs
9.24.160	Behavior
9.24.170	Storage of Personal Property in Parks
9.24.180	Camping
9.24.190	Fires
9.24.200	Trailers
9.24.210	Indecent Exposure
9.24.220	Vandalism
9.24.230	Restrooms
9.24.240	Miscellaneous Dangerous Activities
9.24.250	School Use of Park
9.24.260	Private Use of Park
9.24.265	Alcohol Consumption and Possession
9.24.270	Closing of Areas
9.24.280	Prohibited Areas
9.24.290	Utilities
9.24.300	Grazing
9.24.310	Commercial Activities and Sales
9.24.320	Park Hours
9.24.340	Dispersal of Disorderly Persons
9.24.350	Noise Regulation
9.24.360	Public Meetings
9.24.370	Community Garden on City Property.
9.24.375	Penalties
9.24.380	Skatepark
9.24.390	Repeal of Conflicting Ordinances

9.24.010           **Definition**  
Park. As used in this Ordinance, the word "park" shall mean any public park of the City.

**9.24.020           Vehicles**  
No person shall, in any park; drive any vehicle, motorcycle or other motor driven cycle, or automobile except on roads and drives provided for such purposes, or unless permission of the City of Sebastopol has been granted. Bicycles are permitted except where posted, at the direction of the Public Works Department, as not being consistent with public safety.

**9.24.030           Horses**  
No person shall ride, drive, or hitch any horse in any City park except with the specific approval of the City Council.

**9.24.040           Advertising**  
No person shall distribute any handbills or circulars in any park. No person shall post, place, or erect any advertising or commercial or election signs in any park without the prior permission of the City of Sebastopol. The City Manager, upon application, may grant approval for erection of temporal signs advertising community events, or permanent directory signs advertising lists of community organizations.

**9.24.050           Destruction of Property.**  
No person shall cut, break, injure, deface or disturb any tree, shrub, plant, rock, monument, fence, bench, table, structure, apparatus, equipment or property; or remove any flora or natural geological or paleontological features or mark or write upon any building, monument, fence, bench, or other structure or carry any flowers, shrubs, or branches into or through any park area. In addition, no person shall remove, add or introduce any vegetation, wood, soil, rock, sand or gravel from or onto any park area without written permission from the Public Works Department.

**9.24.060           Archeological Features**  
No person shall remove, injure, disfigure, deface or destroy any object of archaeological interest or value.

**9.24.070           Smoking Prohibited.**  
In an effort to provide for the public's health and safety, and more specifically, to reduce the exposure of the public, particularly children, from the adverse impacts of secondhand smoke and to reduce the risk of fire, smoking is prohibited in all city parks and the downtown plaza, except those areas that are specifically designated by the Public Works Department as areas where smoking is permitted.

**9.24.080 Rubbish and Litter**

No person shall dump, deposit or leave any bottles, broken glass, paper, boxes, cans, rubbish, waste, or garbage, or other trash in any park area. Waste or trash from incidental day use must be deposited into

**9.24.090 Sewage or Waste Water**

No person shall deposit waste water, sewage, or effluent from sinks, portable toilets, holding tanks or other plumbing fixtures directly upon or into the surface of the ground or water within a park area, except for use of treated wastewater as authorized by the Public Works Department.

**9.24.100 Swimming or Bathing**

No person shall swim, bathe, wade, change, or alter the water quality of any fountain, pond, river, stream or waterway. No person or persons shall introduce to such waters in a park area substances that alter or change the natural water quality.

**9.24.110 Wildlife.**

Unauthorized persons shall not feed wildlife, nor shall any person hunt, molest, harm, frighten, kill, trap, poison, chase, tease, shoot or throw rocks or missiles at any fauna in any City park area. However, law enforcement officials or agencies directed by the City may trap, hunt, or kill fauna, when necessary.

**9.24.120 Hunting and Dangerous Weapons**

No person, except duly qualified and directed law enforcement officials, shall take into any park area any firearm, air gun or gas weapon, sling shot, cross-bow, bow and arrows, or other articles of like character.

**9.24.130 Fishing**

No person shall take fish within the boundaries of any water area or other such restricted area as may be designated and posted by the City. Fishing in other areas shall be in accordance with the rules and regulations established by the City provided, however, that no person shall utilize a spear or arrow while fishing on park lands. Except as otherwise posted, a valid State of California fishing license shall be required for all persons over the age of 16 years, and all State Fish and Game laws and regulations which are applicable shall apply.

**9.24.140 Release of Animals**

No person or persons shall release, introduce or abandon any animal of any type to a park area.

**9.24.150 Dogs**

the receptacles provided on park lands. If receptacles are not available, persons must, upon departing, carry out all residual items, waste, or trash for subsequent disposal in appropriate waste receptacles.

No person shall bring a dog into park areas unless the dog is on a leash and under the immediate control of the person. Such person shall remove and properly dispose of any feces deposited by such dog.

**9.24.160 Behavior**

No person shall indulge in any riotous, threatening, indecent or abusive behavior, or use profane language while in or on any park area or facility.

**9.24.170 Storage of Personal Property in Parks**

It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in any City park, except as otherwise provided by resolution of the City Council.

**9.24.180 Camping.**

No person shall camp, set up housekeeping or sleep in any City park overnight and specifically between the hours of 11:00 p.m. and 6:00 a.m. unless a Special Events Permit is specifically approved by the City Manager pursuant to Ordinances 916 and 936. As used in this section:

Camp means to pitch or occupy camp facilities; to use camp paraphernalia. Camp facilities include, but are not limited to, tents, huts, or temporary shelters. Camp paraphernalia includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or non-city designated cooking facilities and similar equipment.

**9.24.190 Fires**

No person shall make or kindle a fire for any purpose except in barbeque pits or other places provided for that purpose, in any park.

**9.24.200 Trailers**

It shall be unlawful for any person to cook in, sleep in or otherwise inhabit any camper, camp trailer, or camp house within or upon a City park overnight and specifically between the hours of 11:00 p.m. and 6:00 a.m., or in parking facilities adjacent thereto.

**9.24.210 Indecent Exposure.**

No person shall engage in indecent exposure as defined in Section 314 of the California Penal Code while in any Public Park area.

**9.24.220 Vandalism.**

Parents or legal guardians of minor children shall be held accountable for the acts of their children. Damage or vandalism to park areas, structures or No person over the age of eight years shall enter or use any toilet or restroom facility designated for members of the opposite sex, except for maintenance personnel authorized by the Public Works Department and law enforcement and Fire Department personnel in performance of duties.

**9.24.240 Miscellaneous Dangerous Activities.**

No person or persons shall engage in any of the following activities on park lands, except in areas specifically designated and set aside from time to time by the City for such use:

- (a) Use or possess fireworks of any kind.
- (b) Drive, chip, or in any manner play or practice golf, or hit golf balls.
- (c) Operate self-propelled model airplanes, boats, automobiles or other model craft of any kind or description.
- (d) Throw, release or discharge or launch missiles, rockets or similar projectiles.
- (e) Hang glide or parachute.
- (f) Install an inflatable jumping structure.
- (g) Engage in any activity or operate any device recklessly or negligently so as to endanger the life, limb or property of any person.

**9.24.250 School Use of Park.**

Regular use of parks by schools for recess or recreation programs shall require City Council approval by Resolution. The City Council may require proof of appropriate insurance, and a use fee to address impacts on park facilities.

**9.24.260 Private Use of Park.**

The City Council may by resolution establish standards, regulations and fees for the conduct of any sale, commercial activity, private lessons or training, raffle, public barbecue, or other use where a charge is or may be made or where all or a large portion of the park is proposed to be used. Park Use Permits shall be processed pursuant to Ordinances 916 and 936.

equipment by children shall be the responsibility of the parent or legal guardian having custody or control of the minor.

**9.24.230 Restrooms.**

**9.24.265 Alcohol Consumption and Possession**

No person shall consume or possess "alcoholic beverages" as defined in Subsection A in a public park or on any sidewalk or street adjacent to a park.

~~with the exception of the Downtown Plaza~~ deleted per Ord 1027

A. An "alcoholic beverage" means alcohol, liquor, beer, and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

B. Exemptions. If the Chief of Police, or his designee, determines that it will not be detrimental to the public health, safety, peace and welfare, he/she may from time to time exempt certain prescribed public parks from the prohibitions of the section at specified times, and he/she may exempt all public parks from the prohibitions of this section during specified public holidays, events, celebrations, parades or festivals. Such exemptions shall be set forth in writing, signed by his/her designee, and filed with the City Clerk. Any exemption previously granted may be amended or revoked, which amendment or revocation shall be likewise be in writing and filed with the City Clerk.

C. Enforcement. Before taking enforcement action under Section 9.24.265 the officer who notices or is made aware of the violation shall provide a written warning to the offending party(s) advising them of the ordinance and the consequences of a second violation.

**9.24.270 Closing of Areas.**

The City shall reserve the right to close certain park areas to the public for the purpose of protecting the environmental quality of the area; during period of extreme fire hazard; or other such purposes deemed hazardous or dangerous to persons or property.

**9.24.280 Prohibited Areas**

The Public Works Department may from time to time declare and post a prohibited area for such reasons as unsafe or dangerous conditions, maintenance, construction of improvements, etc. The purpose of this is to insure the safety and health of persons; to avoid interference in development, construction or

management; or to provide for security, safeguarding and preservation of park property.

**9.24.290 Utilities.**

No unauthorized person shall enter a fenced utility area or remove, destroy or tamper with any valve switch or control, any telephone, electrical, water or sewer line or system owned or operated by a public utility company or public agency.

**9.24.310 Commercial Activities and Sales.**

No person shall, in any park, practice, carry on, conduct or solicit for any trade, occupation, business, or a profession without the prior written permission of the City, nor shall any person sell any goods, merchandise, beverages, including but not limited to alcoholic beverages, in any City Park without the express written permission of the City.

**9.24.320 Park Hours.**

The City Council may, by resolution, establish the times that City Parks shall be open. In the absence of a resolution by the City Council, the City Parks shall be open to the public from daylight to 10:00 p.m., except for the Laguna de Santa Rosa Wetlands Preserve, which shall be open from sunrise to sunset.

**9.24.340 Dispersal of Disorderly Persons.**

Any person whether singularly or as part of an assembly of two or more persons, who shall on any park property of the City of Sebastopol, or on public property in the immediate vicinity thereof, commit any act in violation of the rules of the City of Sebastopol or any ordinance or resolution thereof who shall refuse or fail to disperse or move away from said area when commanded by a public officer to so disperse or move on, shall be guilty of a misdemeanor. For the purposes of this section, the term "public officer" shall be construed to include, but not limited to, authorized employees of the City of Sebastopol.

**9.24.350 Noise Regulation.**

A. It shall be unlawful for any person to use sound amplifying equipment for purposes of amplifying music of other recorded or live sounds unless a Special Events Permit is approved by the City Manager.

B. It shall be unlawful for any person to willfully conduct any other activity within any City Park that results in loud or unusual noises which disturbs the peace and quiet of the park and causes

**9.24.300 Grazing.**

Grazing by domestic animals shall not be permitted on park lands, unless it can be clearly demonstrated that such grazing will be of significant benefit to a park area and approval is granted by the City Council.

discomfort or annoyance to any reasonable person of normal sensitiveness using the City Park facilities.

C. In adopting this section, the City Council declares it to be the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. The Council feels obligated to protect the correlative constitutional rights of the citizens of the community in the use of City Park facilities to freedom from public nuisance of loud and unnecessary noises.

**9.24.360 Public Meetings**

No public meetings or other activity with more than 100 persons who may reasonably be expected to participate shall be conducted in any park unless a Special Events Permit therefore has been issued by the City Manager pursuant to the provisions of this ordinance and Ordinances 916 and 936.

**9.24.370 Community Garden on City Property.**

In addition to other provisions of the Municipal Code and other applicable law, any community garden on City property shall be subject to the following provisions.

- A. Fees. Community garden plots shall be made available to the public at an annual charge of \$20.
- B. Deposit. A \$25 security deposit shall be required for each plot. Upon a determination by the Garden Coordinator, the deposit may be forfeited if the plot holder fails to maintain their plot, or causes loss or damage to the plot or park generally. Forfeiture of the deposit shall not limit plot holder liability in the event of substantial loss or damage. The City Manager may waive the security deposit upon showing of hardship or other good cause.
- C. Garden Coordinator. The City Manager shall designate a Garden Coordinator.

- D. Trees. No trees shall be planted in individual plots except by approval of the Garden Coordinator. No pruning of park trees shall be performed except by approval of the Garden Coordinator.
- E. Maintenance. Plots shall be maintained, regularly weeded, and not encroach on other plots or obstruct pathways. Plot holders shall notify the Garden Coordinator should they no longer be able to tend their plot; will be absent for an extended period of time; or have asked another person to tend the plot for an extended period of time.
- F. Watering. Unattended watering is not permitted.
- G. Herbicides and Pesticides. Use of herbicides, pesticides, insecticides and chemical fertilizers is prohibited.
- H. Plot fencing. Individual fencing of plots is allowed. Fencing and other structures within plots shall be kept less than 3 feet tall.
- I. Debris. No debris of any kind should be left at plots or within the park generally. Appropriate composting, trash and recycling receptacles shall be utilized.
- J. Plot assignment. The Garden Coordinator will assign individual plots on a first come, first served basis. No plot holder transfers shall be made without Garden Coordinator approval.
- K. Liability release. Prospective plot holders shall be required to execute a liability release form as required by the City Manager.
- L. Any member not tending their plot for four weeks or longer may receive a warning from the Garden Coordinator. If the plot continues to be untended for two weeks after the warning, the plot holder will receive a second warning, in writing. If left untended for a subsequent two weeks after the written warning, the right to use the plot may be rescinded. The plot will pass to the next person on the waiting list and the former plot

holder will be notified in writing of such action.

Other community garden use guidelines may be established by the Garden Coordinator.

**9.24.375 Penalties.**

With the exception of Municipal Code Sections 9.24.090, 9.24.120, 9.24.210, and 9.24.340, of which every person violating any of the terms or conditions of the above mentioned sections shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by the law, every person violating any of the terms or conditions of any ordinance or any resolution adopted pursuant to the provisions of all other sections in this chapter shall be guilty of an infraction.

**9.24.380 Skatepark.**

In addition to other provisions of the Municipal Code and other applicable law, any skatepark on City property shall be subject to the following provisions.

- A. Hours of Use. Notwithstanding other provisions of this Chapter, unless otherwise approved by the City Council, or by City Manager approval of a special event permit, the park will be closed to the public between sunset and sunrise, with specific hours within such period set by the Public Works Department based on staffing availability and related operational and budget considerations.
- B. State Law. Users are hereby on notice that skatepark use may be defined as a hazardous recreational activity under California law.
- C. Helmet, Elbow and Knee Pads Required. It shall be unlawful for any person riding a skateboard, in-line skates, and skates at any City skatepark, or any other designated public recreational park or area in which skateboarding, in-line skating and skating is permitted, to fail to wear a helmet, elbow pads and knee pads.
- D. Prohibitions. No person shall operate, drive or ride upon any skateboard, in-line skates or skates, bicycle, unicycle, horse or any other animal in any park or park areas except in areas posted and designated for such use.

- E. Smoking. There shall be no smoking of tobacco or other products in any park that includes a skating area.
- F. Portable stereos. Music from portable stereos or other such devices that is clearly audible and causes discomfort or annoyance to any reasonable person of normal sensitiveness at any residential parcel or a place of business shall be prohibited.
- G. Prohibited items and activities. The following items and/or activities are prohibited in any area specifically designated for skate use: glass containers, food, drink, vehicles, bicycles, unicycles, tricycles, motorcycles or wagons, automobiles, animals, or other domestic animals, portable jumps, ramps or other moveable objects, or the throwing of objects such as Frisbees, balls, or other objects.
- H. Vandalism. Graffiti is prohibited in the park.

Closure. In addition to other Municipal Code provisions regarding park closure, with approval of the City Manager, the Public Works Department is authorized to temporarily close the skate area or the entire park in the event of any substantial vandalism, including but not limited to graffiti and other damage to the skate area or other park facilities.

**9.24.390 Repeal of Conflicting Ordinances.**

Ordinances in conflict herewith are hereby rescinded.

City of Petaluma, Recreation Services  
 320 North McDowell Blvd. • Petaluma • CA • 94954 • 707.778.4380 • Fax 707.778.4473

**PARK USE APPLICATION**

This reservation/contract is issued in accordance with the policies as established by the City Council, City of Petaluma. Failure to comply by any group/individual may cause reason to revoke this agreement. Reservations are on a first-come, first-served basis. Your reservation date is not confirmed until reviewed by the Recreation Supervisor.

**CUSTOMER INFORMATION**

Contact Person Tim Noun  
 Street Address 14 Freedom Lane St.  
 City, State, Zip Petaluma, CA 94952  
 Email TimothyNoun@gmail.com  
 Home Phone \_\_\_\_\_  
 Cell Phone 707-364-3795  
 Work Phone \_\_\_\_\_

**COMPANY INFORMATION**

Company Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_  
 Email \_\_\_\_\_  
 Work Phone \_\_\_\_\_  
 Website \_\_\_\_\_

- Commercial  Government/School
- Private, Resident  Private, NonResident
- Non-profit, with fees # \_\_\_\_\_
- Non-profit, without fees # \_\_\_\_\_

Please include a brief description of your event. If your event is a fundraiser or community event please include a complete agenda/description of your event.

SPECIAL CONDITIONS of use -  
See Attached DOC  
\$103. per 200 APPROX.  
place

**EVENT INFORMATION**

Name of Event OCCUPY PETALUMA  
 Date of Event 11/8/2011 - 11/22/2011, 12PM  
 Attendance \_\_\_\_\_ Adults (over 21)  
 \_\_\_\_\_ Under 21 years old  
50/1000 Total # of Guests (include participants, guests, exhibitors, volunteers, performers, employees)

**PARK** (All parks are open from 6am - 10pm)

- Leghorns Park Gazebo  Other Henry Park
- Lucchesi Park\*
- McNear Park #1\* (lg group)
- McNear Park #2\* (sm group)  Swim Center
- Kenilworth Park\*  Cavanagh Pool
- Walnut Park
- Walnut Park Gazebo \*Reservation is for BBQ area only.
- Wickersham Park

**RESERVATION DATE**

Arrival time to set up 6 am/pm  
 Departure time after cleaning 10 am/pm  
 Total Hours \_\_\_\_\_  
 Arrival Time for guests \_\_\_\_\_ am/pm  
 Departure time for guests \_\_\_\_\_ am/pm

**PLEASE ANSWER THE FOLLOWING QUESTIONS:**

	YES	NO
Is this open to the public?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is this a fund-raiser?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Commercial Caterer?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Name / Number	_____	
Vendor/Booth Fee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Entertainment Activities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Admission charged / Tickets sold?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Donations requested?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Describe Donations	_____	
Will alcohol be served?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will alcohol be sold?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Type of alcohol: Beer / Wine / Hard Alcohol	_____	
ABC Permit Number:	_____	
Live Music	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DJ <u>12PM-5PM ONLY</u>	<input type="checkbox"/>	<input type="checkbox"/>
Name of Band/DJ	_____	
Amplified Music <u>speaking</u>	<input type="checkbox"/>	<input type="checkbox"/>

## PARK USE POLICIES

This reservation/contract is issued in accordance with the policies as established by the City Council, City of Petaluma. Failure to comply by any group or individual may cause reason to revoke this agreement. Reservations are on a first-come, first-served basis. Your reservation date is not confirmed until reviewed by the Recreation Supervisor in charge of facilities.

Initials

### A. FACILITY USAGE

1. No vehicles in Parks except emergency vehicles. Vehicles may have access to Lucchesi BBQ area to unload using road behind little league fields. One vehicle only may remain at BBQ site: all others must use parking lot. Keys provided for electricity/water. Please lock after use.
2. No field use 72 hours after rain.
3. Hours requested should include time for any of your group's special setup and cleanup needs (e.g., decorations, caterers, bands). Individuals associated with your event will not be allowed to enter the park before the time indicated. All individuals associated with the event must vacate the park by the indicated ending time. NO EVENTS CAN EXTEND BEYOND 10:00 PM.
4. All permittees must accept the park and areas in the condition found. The City makes no warranty as to the safety and usability of any facility beyond that afforded to the general public.

Initials

### B. LIABILITY/INSURANCE COVERAGE

1. Each permittee shall take out, at their expense, and keep in force during the period covered by the agreement, broad form comprehensive general liability insurance listing the City of Petaluma as certificate holder and/or additional insured at least sixty (60) days prior to the event \*Specific verbiage must be included in the certificate of insurance to meet the insurance requirement. See attached.

Initials

### C. ALCOHOL

1. No glass containers allowed in City parks, beverages must be served in plastic cups. Plastic not permitted at Ellis Creek.
2. Intent to serve and/or sell alcoholic beverages must be noted on the application and must receive departmental approval and is limited to 5 hours per event.
3. Serving alcohol to minors is strictly prohibited and it is the responsibility of the permittee to ensure that minors are not permitted to consume alcoholic beverages at the park.
4. Groups where majority (51%) of participants are under twenty-one (21) years of age will not be permitted to serve, consume or have alcohol. No alcohol shall be served or sold prior to the arrival of security and/or one hour prior to departure. Permittees who charge an admission fee or accept donations and serves alcohol must obtain temporary alcohol sales permit from the State of California Alcoholic Beverage Control Board. A copy of the license must be on file at the Department's office thirty (60) days prior to the event. The original ABC license must be posted on site during the entire event.
5. Only one keg of beer per one hundred (100) adults is permitted.
6. McNear Park Alcohol Policy – (per Ord.1586 NCS 2-Municipal code 13.28.185D) \*ALCOHOL at McNear Park is only permitted in paved BBQ area with prior approval from the Petaluma Parks and Recreation Supervisor.
7. Alcohol is not allowed at Leghorns Park.

Initials

### D. DAMAGE OR LOSS

1. Any damage or loss to park or equipment is the responsibility of the permittee. The permittee shall be liable for costs associated with call-outs of public safety officials and restoring and/or replacing any damages or losses.
2. The permittee's additional liability insurance shall not be limited to the amount of the deposit. If the permittee refuses to pay, legal action may be taken. In any case, the permittee will not be allowed to use any city facilities again until full payment has been made.

Initials

**E. CANCELLATIONS/RESCHEDULING**

1. If the nature of the event or the number of participants changes, the City of Petaluma, Recreation Services staff must be notified at least ten (10) working days in advance, and if necessary, fees will be charged in accordance with applicable rates. The department reserves the right to disapprove of any such changes.
2. A \$25 processing fee may be charged for any re-scheduled event.
3. **Cancellation Policy**
  - (a) Cancellations ninety (90) days or more will result in forfeiture of 50% of the deposit where applicable.
  - (b) Cancellations sixty-one to eighty-nine (61-89) days will result in forfeiture of 100% of the deposit.
  - (c) Cancellations less than sixty (60) days will result in forfeiture of 100% of all fees with deposit refunded where applicable.
4. All fees are due and payable sixty (60) days prior to scheduled use.
5. In the event of wet weather, where the picnic or park area cannot be used as determined by department staff, you may reschedule your event or receive a full refund.

Initials

**F. CANCELLATION BY THE CITY**

1. In addition to the right to terminate this rental agreement upon permittee's default, the Supervisor shall have the right to terminate part or all of this agreement at any time in the following circumstances:
  - (a) Upon thirty (30) days written notice.
  - (b) Immediately without notice if the City Council, City Administrative Officer, the County Emergency Services Director, supervisor, or local state or federal official determines that the facility is required for public necessity or emergency use.
  - (c) Immediately without notice if the facility is destroyed or damaged.
  - (d) Neither City nor any of its officers, agents or employees shall be liable to permittee for any damages that may be sustained by permittee through exercise by City of any of its rights to cancellation pursuant to this section. Upon such cancellation, any deposit and fees paid by permittee shall be refunded.

Initials

**G. PERMIT REVOCATION**

1. A permit may be revoked for failure to observe any rules, regulations and ordinances of the City of Petaluma, for improper conduct or cancellation by City (see "F. CANCELLATION BY CITY" section).
2. If incomplete or incorrect information regarding the nature of the event or expected attendance on application is given to department staff, immediate cancellation of permit may result with no refund of fees and/or deposit.
3. Any publication of the proposed activity that occurs prior to the permit being approved shall cause the permit to be denied.
4. Not being in possession of the ABC license/permit, if applicable, will result in the cancellation of the permit with no refund of fees and/or deposit.
5. Events that exceed attendance capacity may be immediately cancelled with no refund of fees and/or deposit.
6. Fights, vandalism or unacceptable behavior occurring during an event shall cause immediate cancellation of the permit and no refund of fees and/or deposit.

Initials

**H. AMPLIFIED SOUND (per ORD 1990 NCS)**

The use of amplified sound in a park is forbidden unless a facility permit has first been obtained pursuant to 13.28.050. The Director/Supervisor upon approval may impose reasonable conditions concerning the location of the sound system and the maximum decibel level for the sound system to minimize the amount of amplified sound audible in adjacent parks areas and neighborhoods.

**McNEAR PARK Music Policies** – (per Ord. 1990 NCS2, 1993: Ord.1924 NCS 1, 1993: Ord. 1586 NCS 2(part), 1984. Use of live music/amplified sound, with live music in McNear Park LIMITED TO 10 AM TO 3 PM.

**I. SALE OF FOOD AND MERCHANDISE**

No person shall sell or offer for sale any goods, wares, merchandise, or beverages without the prior written approval of the Parks and Recreation Supervisor.

Initials

**J. STAFF/SECURITY/CHAPERONES**

1. Based on the size and type of the event, additional staff/private security may be required. Arrangements and costs are the responsibility of permittee. Private security may be obtained by any security agency licensed and bonded by the State of California. A copy of the security contract must be provided at least sixty days prior to the event.
2. When applicable, the City of Petaluma, Recreation Services may require adult chaperones for youth activities. A list of these chaperones must be submitted to the Department at least sixty days prior to the event, including addresses and phone numbers.
3. City shall have the absolute right to enter premises herein specified, or any portion thereof, at all times.

Initials

**K. OTHER**

1. In compliance with the Americans with Disabilities Act of 1990, renters are prohibited from discriminating against individuals with disabilities in any events, programs, or activities. RECREATIONAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES: We welcome persons with disabilities to participate in any class or activity offered by the Petaluma Parks and Recreation Department. We will make reasonable effort to accommodate the participants' special needs so that they may enjoy the recreational opportunities offered by our department.
2. The City of Petaluma prohibits discrimination in all its programs, facilities, activities, on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program.

**HOLD HARMLESS AND RELEASE AGREEMENT**

In consideration of participation in this rental, the Permittee agrees to indemnify and hold harmless, and to release, waive, and discharge, the City of Petaluma, and its agents, officers and employees, and any community organization co-sponsoring the program, from any and all liability to any person or entity for any injury, including death, or property damage, arising out of or in any way connected with participation by the undersigned and/or other persons pursuant to this permit, including injuries or property damage, except those arising from the established active sole negligence or sole willful misconduct of the City or the City's officials or employees.

I have read the above Hold Harmless and Release Agreement and fully understand that I assume all risks for any injuries and property damage suffered.

  
\_\_\_\_\_  
Signature

11/8/11  
\_\_\_\_\_  
Today's Date

TIM NOWN  
\_\_\_\_\_  
Printed Name

My signature below signifies that: I am 21 years old or older; I agree to abide by all the conditions of this Facility Use Policy; and I also agree to pay to the City of Petaluma all costs the City may incur as a result of any failure to fully comply with all of these conditions.

  
\_\_\_\_\_  
Signature

11/8/11  
\_\_\_\_\_  
Today's Date

TIM NOWN  
\_\_\_\_\_  
Printed Name

  
\_\_\_\_\_  
Signature, Recreation Supervisor

11-8-11  
\_\_\_\_\_  
Today's Date

## City of Petaluma, Recreation Services

320 North McDowell Blvd • Petaluma • CA • 94954 • 707.778.4380 • FAX 707.778.4473

### ALCOHOL POLICY

#### ALCOHOLIC BEVERAGES:

Alcoholic beverages may only be served at City Parks and Recreation facilities upon City approval in accordance with this policy. Alcohol is strictly prohibited at events attended predominately by minors. Approval to sell liquor at City facilities must be obtained from the Director of Parks and Recreation or authorized representative and the Petaluma Police Chief or authorized representative. An ABC license is also required to sell alcohol at City facilities.

#### THE USE OF ALCOHOL AT CITY PARKS AND RECREATION FACILITIES IS ALSO SUBJECT TO THE FOLLOWING:

- Giving, serving or selling alcoholic beverages to any person under age 21 is illegal. In addition to any sanctions under this policy, providing alcohol to minors is subject to criminal enforcement.
- The use of alcohol is restricted to five hours per event.
- All alcoholic beverage services must terminate one hour before the scheduled end of the event unless the event is 4 hours or less in duration.
- Beverage servers/sellers must refuse service/sale to anyone who appears to be intoxicated or under age 21.
- Proof of age must be required for anyone appearing to be 30 years of age or younger. Acceptable forms of identification are Military I.D., Passport, or Driver's License and must include date of birth, physical description, and photograph. Servers must confirm that the I.D. is that of the presenter.
- All beverages must be served in plastic cups. Alcoholic and non-alcoholic beverages must be served in distinctly different containers. Glassware may be used only with permission of the facility manager.
- Beer- Only one keg per 100 adults is permitted. (200 adults= 2 kegs, 300 adults = 3 kegs, etc.).
- For purposes of this policy, a **standard drink** is a 12-ounce beer, a 4-ounce glass of wine or a 1¼-ounce glass of distilled spirits. Serving practices will reflect this equivalency.
- Alcoholic beverage sales/services are not to exceed 2 standard drinks per person per visit to the point of service.
- Non-alcoholic beers and wines may not be sold or served to minors.
- No alcoholic beverages may be brought into or taken out of the event by guests or participants.
- Upon such cancellation or closure, all fees and deposits paid for the event will be forfeited and may be retained by the City.
- Possession of alcohol by minors may result in the event being canceled and closed immediately.
- The license holder/person(s) serving alcohol to minors during events held at the City Parks and Recreation Facilities are solely responsible for any criminal or civil penalties imposed.

**NON ALCOHOLIC BEVERAGES:**

- 1. Non-alcoholic beverages (sodas, juices, waters, etc.) will be promoted and made available for the duration of any event where alcoholic beverages are sold or served.

**FACILITY:**

- All alcohol must be presented to and inventoried by City staff and private security prior to the event. Once alcohol is inventoried no further alcohol will be permitted at the facility.
- No alcohol may be served or sold prior to the arrival of security.
- No alcohol may be allowed outside the area where alcohol is permitted as designated in the contract between the City of Petaluma and permittee.
- Alcohol is prohibited in the parking lot.

**STAFFING/SERVERS:**

- All events with 100 or more guests distributing alcohol, must either utilize the services of a caterer who is licensed and insured to serve alcohol at their client’s event or at least one person trained in **Responsible Beverage Service (RBS)** must be present for the duration of the event to assist servers and monitor the event. Depending on the type and size of event, all servers may be required to participate in **RBS** training. The **RBS** trained personnel will assume responsibility for insuring that alcohol related policies are enforced. The names (s) of the designated (**RBS**) person (s) will be submitted to facility management before the event.  
Contacts for RBS training can be obtained through the Parks and Recreation Department.
- Volunteers are not allowed to drink alcohol while working at the event.

**TRANSPORTATION:**

- At least one person present for the duration of the event will be designated to assist with arrangements for alternative transportation for alcohol impaired individuals, if requested by City staff or event participants. The name of this person will be submitted to City facility management before the event.

**ENFORCEMENT:**

- City facility management reserves the right to close any event that violates this policy or that poses a health or safety risk.
- A uniformed security guard must stand beside the bar and monitor all sales and distribution of alcoholic beverages.
- Uniformed security personnel must be posted at the alcohol serving area.
- Alcoholic beverage servers must be identified as such through the use of badges, buttons, pins, vests, etc.
- Conditions of sale including the ABC Permit if required must be posted in a conspicuous place visible to the public and available upon request by any peace officer.

  
 \_\_\_\_\_  
 Signature

  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 \_\_\_\_\_  
 Date of Event



Attachment 1 to Park Use Permit: # 7080

**Special Conditions for Use of Penry Park for Occupy Petaluma**

Event Date: Nov. 8, 2011 Start Time: \_\_\_\_\_ End Time: Nov. 22, 2011 – 12:00 pm

*Penry Park is a Public Park and as such the City is obligated to manage its use in order to assure that all persons may enjoy and make use of the park, and to protect the rights of those in the surrounding areas. The requested use of Penry Park constitutes a request for exclusive use; is an activity in which 20 or more persons are expected to participate or attend; has been publicized prior to the date of the activity; and, requires special City services. As such, the activity requires a Park Use Permit and the activity shall be carried out in accordance with the conditions of the **Park Use Permit**, and these **Special Conditions**.*

**Special Conditions**

1. The applicant's request for use of Penry Park is approved beginning November 8, 2011, and ending November 22, 2011, at 12:00 pm. After that time, the permitted use will be assessed, and any extension will be subject to issuance of a renewal permit, which may contain amended or additional special conditions as may be needed to ensure safe, lawful use of the park and avoidance of public nuisances. This permit pertains to park use only, and does not constitute a Special Events permit for activity outside the park. To assure the park remains available for the general public use and enjoyment, use of the park for this activity shall be restricted to the area south of the northern most asphalt path, and west of the eastern most asphalt path.
2. Activity sponsor must notify all participants of park rules and the terms and conditions of the park use permit.
3. Portable Sanitation Units (PSU) must be placed on site in a number sufficient to accommodate the expected number of participants. A minimum of 1 PSU is required, and 1 additional PSU shall be added for every 250 people in attendance. One PSU has been provided by the City's waste contractor and must be serviced according to industry standards. Any additional PSU's that are required shall be provided by the permit holder. Trash receptacles, and maintenance of such, are to be provided by the event sponsor in a number sufficient to service the event. There shall be no disposal of food items other than in trash receptacles and there shall be no composting on site.
4. Smoking in parks is prohibited. Alcohol use is prohibited in Penry Park.
5. There shall be no vehicles in the Park, except emergency vehicles and those authorized by the City.
6. Due to the residential location and passive nature of Penry Park, attendees must be mindful and respectful of the adjacent residences so as not to cause unreasonable noise or disturbance. There shall be no amplified music; no beating of drums; and, the use of any form of amplification for public speaking is restricted to the hours of 12:00 pm to 5:00 pm and subject to the noise regulations in Section 21.040 of the Petaluma Zoning Code. It is unlawful to enter or remain in the Park between the hours of 10:00 pm and 6:00 am, with the exception of up to 8 participants who must remain within the south portion of the permitted area.
7. There is no camping allowed, nor is the placement of tents or any other camping equipment allowed. One small supply shelter, subject to review and approval of City Staff, may be allowed for storage of supplies only. Up to 4, open sided canopies are allowed within the permitted area; however there shall be no sides on such structures. During rain or wind events, up to 2 sides of the allowed canopy can be lowered, but at all other times the canopies are to remain open sided.

