

**Chapter 13.44**

**PERMITS FOR STREET EVENTS AND BLOCK PARTIES\***

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\*For vehicles and traffic generally, see Title 14 of this code.

**Section 13.44.010 Applicability.**

A. No person shall conduct, cause to be conducted, participate in, engage in, hold, manage, employ, permit or allow another to conduct an event which requires street closure or other traffic control measures on any public street, sidewalk or alley within the City, without first obtaining a permit from the City Manager or his/her designated representative, or, on appeal, from the City Council.

B. This chapter does not apply to park events regulated by Chapter 6.46 or filming regulated by Chapter 9.78. (Ord. 6647-NS § 2, 2001)

**Section 13.44.020 Definitions.**

A. "Block party" means a gathering, sponsored solely by owners, residents or tenants of properties fronting a street, which causes a closure of the entire street, or a portion thereof, to vehicular traffic and use of the street for the gathering.

B. "Certified Farmers' Market" means a market operated in accordance with regulations established by the California Department of Food and Agriculture, Sections 47000-47026, and California Code Title III, Division 3, Chapter 1, Subchapter 4, Article 6.5, Direct Marketing; and those sections of the Health and Safety Code applicable to Certified Farmers' Markets.

C. "City Manager" shall mean the City Manager of the City of Berkeley and any designee of the City Manager, except as context dictates otherwise.

D. "High impact event" means an event occupying all or a portion of a major street, collector or scenic route street, or more than two adjacent blocks of a local street, where a detour is required, and/or where AC Transit, UCB or LBNL buses would need to be re-routed.

E. "Local streets" means those streets defined in the circulation element of the Berkeley General Plan as local streets.

F. "Low impact event" means an event occupying all or a portion of not more than two adjacent blocks of a local street (other than a major, collector or scenic route street) where a formalized detour is not required, and where AC Transit, University of California-Berkeley (UCB) or Lawrence Berkeley National Laboratory

(LBNL) buses would not have to be re-routed.

G. "Street event" includes any march, demonstration, assembly, parade, festival, street fair, concert or any other gathering which takes place in the public street or right-of-way, and which may impede, obstruct, or interfere with the normal flow of vehicular or pedestrian traffic. "Street event" does not include "block party". (Ord. 6871-NS § 1 (part), 2005; Ord. 6647-NS § 2, 2001)

**Section 13.44.030 Block parties--standards for issuance of permit--City Manager authorized to issue regulations.**

A. Local streets not exceeding one City block or one intersection may be temporarily closed for block parties provided that the following requirements are met:

1. At least two-thirds of the area abutting the street or intersection to be closed is residentially zoned and the purpose of the block party is consistent with residential zoning regulations;
2. A valid permit has been obtained from the City Manager;
3. The applicant agrees to indemnify and hold harmless the City of Berkeley, its officers and employees from any and all claims, damages, or suits that may arise or in any way be occasioned by the granting of a permit or the maintenance of the block party; and
4. The applicant agrees to clean all debris and litter from the street and sidewalk within four hours after the event.

B. The City Manager is authorized to issue administrative guidelines to further the purposes of this section, as well as to establish a non-refundable permit application fee. (Ord. 6647-NS § 2, 2001)

**Section 13.44.040 Street event permits--Application--Information required--Timing--Issuance.**

- A. Application for a permit for a street event shall be made to the City Manager.
- B. Application for high impact events or street events that involve the use of pyrotechnics or Certified Farmers' Markets shall be made at least 30 business days prior to the street event.
- C. Applications for all other street events shall be made at least five business days prior to the street event.
- D. The application for such permit shall be made in writing on a form approved by the City Manager. In order that adequate arrangements may be made for the proper policing of the street event, including the security of participants, and to ensure that the event is conducted in a lawful manner, the application shall contain the following information, as applicable:
  1. The name, address and telephone number of the applicant, including photo identification. If the street event will be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized head of such organization shall also be supplied. Where a street event will be conducted for, on behalf of or by an organization, the organization will be considered a co-applicant;
  2. The name, address and telephone number of all persons who are or will be responsible for the conduct of the street event, including a photo identification of each and effective means by which to reach them during the event, such as cell phone and pager numbers and likely location during the street event;
  3. A description of the street event, including its purpose. These requirements are intended to allow the City to anticipate and provide for additional police services, if necessary, to protect the safety of participants and bystanders;
  4. The date(s) of the street event;
  5. The estimated times that the street event will start and terminate, including assembly and disassembly involving the use of public property;
  6. The route of the street event, if applicable, the maximum length of any parade and whether the street event will occupy all or only a portion of the streets proposed to be traveled, if applicable;
  7. The locations, if any, of the assembly area and dispersal areas of any street event;
  8. If the dispersal area of a street event is located in another city, the location of such dispersal area, and if the required permit has not been issued by such other city, an alternate route and alternate dispersal area in the City of Berkeley;

9. As far as is reasonably practicable, the approximate number of persons; the number and kind of vehicles, animals, musical instruments, sound units, and any other equipment that produces sound or noise during the street event that will be involved in the street event, and whether amplified sound is proposed. In the event the applicant seeks or needs an amplified sound permit, a temporary food permit or a temporary liquor license, the application for the street event should, but need not, be accompanied by copies of applications for such permits and/or licenses;

10. The number and location of portable sanitation facilities and other equipment and services necessary to conduct the street event and other equipment and services proposed for participants, if applicable, with due regard for participant and public health and safety;

11. A description of arrangements that have been made for first aid or emergency medical services, or both, if applicable;

12. A description of arrangements that have been made for security, including the name and telephone number of the lead contact person for the security contractor;

13. Any proposed reasonable rules and regulations necessary for the safe and orderly conduct of the street event and the movement of persons, in furtherance of the goals and purposes of the street event. Such proposed rules may include, but are not limited to, prohibition or other regulation of the use of skates and wheeled vehicles, other than wheelchairs, if necessary for the safety or orderly circulation of persons attending the street event. For purposes of this subdivision, "wheeled vehicles" includes, but is not limited to, bicycles, tricycles, scooters, skateboards or any motorized vehicles of any sort. For purposes of this subdivision, "skates" includes roller skates, roller blades and in-line skates;

14. Insurance and surety bond information, if applicable; and

15. Such other information, in conformity with the requirements of this chapter, as the City Manager may reasonably require. (Ord. 6871-NS § 2 (part), 2005; Ord. 6647-NS § 2, 2001)

#### **Section 13.44.050 Late applications.**

A. Any application received after the deadlines established in Section 13.44.040 is a late application. The City Manager shall accept a late application if he/she finds that:

1. The proposed street event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application; and

2. The imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.

B. When the City Manager finds both of the above conditions to exist, he/she shall accept the application and process it in accordance with this chapter, unless it does not meet the criteria set forth in Section 13.44.040 or there is insufficient time for the City to make necessary preparations for traffic control or other public safety matters prior to the proposed date. (Ord. 6647-NS § 2, 2001)

#### **Section 13.44.060 Permits--Standards for issuance or denial--Notification.**

A. The City Manager shall issue a permit for a street event unless one or more of the following conditions exist:

1. The application is incomplete for failure to provide the information required by Section 13.44.040;

2. The information contained in the application, including supplemental information, if any, is found to be false in any material respect, the purpose of the street event is contrary to law, and/or the applicant has failed to meet the City requirements for a permit;

3. A prior application for a street event to be held at the same time and place has been received or granted;

4. The street event will unduly interfere with vehicular ingress to, egress from, or travel on a freeway, state designated highway, or major arterial or collector street of the City; or

5. The street event will unreasonably interfere with fire or police protection.

B. The applicant shall be notified in writing of the action of the City Manager with respect to the application as early as possible, but no less than two days prior to the date of the proposed event, unless the application was made late, in which case notification shall be given as soon as reasonably possible and by

any reasonable means.

C. If a permit is denied, the written notice shall set forth reasons explaining the denial.

D. If a permit is denied pursuant to the criteria set forth in this chapter, because the proposed time, route, or assembly and dispersal sites are unacceptable, the denial shall contain a statement of alternative acceptable times, routes and sites. (Ord. 6647-NS § 2, 2001)

**Section 13.44.070 Appeals.**

An applicant may appeal the denial of an application made pursuant to this chapter by a designee of the City Manager to the City Manager. The City Manager shall act upon said appeal promptly. The City Manager's decision shall be final. (Ord. 6647-NS § 2, 2001)

**Section 13.44.080 Street event permit--Content and possession--Rules and regulations.**

A. A street event permit shall contain the information given in the application and shall impose reasonable time, place, and manner conditions such that the street event will not pose a traffic or safety hazard or unreasonably interfere with fire or police protection services. The conditions imposed shall be in conformity with the requirements of this chapter and shall provide only for such modification of the application's proposed street event as is necessary to achieve compliance with this chapter. Such conditions may include requiring the applicant to:

1. Maintain a 20 foot wide emergency access lane at all times.
  2. Provide first aid stations and teams within the closed-off area to provide emergency medical aid to participants.
  3. Provide barricades to close off the necessary streets.
  4. Provide sufficient signs and directional arrows to divert traffic and arrange for AC Transit and other public transit detours, subject to the approval of the traffic engineer.
  5. Provide monitors for crowd control and security and establish liaison with the police department concerning the role of the monitors.
  6. Distribute flyers throughout the surrounding areas in advance of the event, notifying the affected residents and business people of the street closure.
  7. Clean all debris and litter from the street and sidewalk area within four hours after the conclusion of the event.
  8. Obey all applicable local, state and federal laws, including but not limited to the requirement for a sound permit under Chapter 13.40 of the Berkeley Municipal Code. However, notwithstanding anything to the contrary in Chapter 13.40, a permit issued under this chapter may authorize the use of sound amplification equipment at a street event (a) for more than four hours and (b) until 10:00 p.m.
  9. If alcohol is to be served at the event, responsible beverage service practices shall be followed, and the applicant shall provide security adequate to maintain order, as determined by the Chief of Police.
- B. City staff will assist applicants in meeting the conditions imposed by this section.
- C. Applicants shall carry the permit during the street event and shall show it, upon demand, to any City employee.
- D. Applicants may not limit the free distribution of literature at the street event by members of the public who have no formal or direct relationship with the applicant with respect to the presentation of the street event. (Ord. 6871-NS § 3 (part), 2005; Ord. 6647-NS § 2, 2001)

**Section 13.44.090 Revocation of permit.**

The City Manager shall have the authority to revoke a permit, in conformity with the criteria articulated in this chapter, if he/she determines that any condition of the permit has not been met or is being violated. A decision by the City Manager to revoke a permit is final. (Ord. 6647-NS § 2, 2001)

**Section 13.44.100 Indemnification.**

A. The permit holder shall indemnify and hold harmless the City of Berkeley, its officers, agents and

employees, from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property resulting from the manner in which the street event is conducted or which were caused by the omissions or authorized acts of the permittee's officers, agents or employees.

B. If City property is destroyed or damaged by reasons of permittee's use, event or activity, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed property. (Ord. 6647-NS § 2, 2001)

**Section 13.44.110 Insurance--Exemption.**

A. If a street event involves one or more of the following conditions, the permittee must obtain insurance in the amount of one million dollars for the duration of the event, which names the City of Berkeley, its officers, agents and employees as additional insured:

1. Closure of major arterial or collector City streets, as defined in the City of Berkeley General Plan;
2. An anticipated crowd in excess of one thousand people;
3. A street closure anticipated to have a major effect on the flow of traffic in the area; i.e., closure of two or more intersections and rerouting of AC Transit or other public transportation.

B. No permit applicant shall be required to comply with the insurance requirement of this section if the activity proposed is protected by the First Amendment to the United States Constitution and the applicant produces satisfactory evidence that complying with the insurance provision is impossible or so financially burdensome that it would preclude the proposed street event from occurring.

C. The amount of insurance required shall not be based on the existence or content of any expression involved in the event, or on the expected reactions of observers.

D. If insurance is required pursuant to this section, a certificate of insurance shall be provided to the City and must be approved as to form and sufficiency by the City no later than two days before the event. If the applicant is unable to obtain insurance or does not provide the City with the certificate of insurance, the City Manager may obtain such insurance on behalf of the permit applicant and charge the permit applicant for the cost. (Ord. 6647-NS § 2, 2001)

**Section 13.44.120 Fees.**

A. The City Council may establish by resolution the fees that shall be charged for permits issued under this chapter.

B. If a permittee is unable to hold or conduct a street event because of inclement weather or due to some other cause not within the permittee's control, and the permittee submits written request for the refund of such fees to the City Manager's office within ten days after the date that the event was to have been held or conducted, the City Manager may authorize the refund of the fees, or a pro rata portion thereof, except for non-refundable application fees, if any.

C. Any indigent person who cannot apply for a permit because of an inability arising from such indigence to pay the application fee shall not be required to pay the fee. Applications for indigent status shall be made upon application for the permit and shall be accompanied by such relevant information and documentation as is reasonably necessary to verify indigence. For purposes of this section, an indigent person is one who is eligible for county relief pursuant to Sections 17000 et seq. of the Welfare and Institutions Code. (Ord. 6647-NS § 2, 2001)

**Section 13.44.130 Violation--Penalty.**

Violation of this chapter is a misdemeanor punishable as set forth in Chapter 1.20 of this code, but may be charged, in the discretion of the prosecutor, as an infraction. For purposes of this section, violation of a street event rule is not a violation of this chapter. (Ord. 6647-NS § 2, 2001)

**Section 13.44.140 Removal.**

Any person who refuses to comply with a street event rule proposed and approved under Section

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13.44.040.D.13 may be removed from the street event. (Ord. 6647-NS § 2, 2001)