

# **Santa Clara County Planning Office**

## **Administrative Permit Application**

### **Entertainment Event / Circus License**

#### **Instructions to the Applicant**

Attached are application forms for an entertainment event / circus license. These forms, together with a Master Land Development Permit Application, must be completed and all requirements must be met before your request will be set for a public hearing. Be sure to read county ordinances and amendments regarding these events to clearly understand your obligations in conducting these activities in unincorporated Santa Clara County.

Once your application has been reviewed by the appropriate agencies and has been deemed complete, it will be set for a public hearing before the Secretary of the Planning Commission. You will be notified of the time and place of the hearing.

The application is to be submitted to the Planning Office at 70 W. Hedding St., 7th Floor, East Wing, San Jose, CA 95110, (408) 299-2454. The submittal shall include the following:

1. Completed Master Land Development Permit Application.
2. Completed Entertainment / Circus License Application form.
3. Form A: List of Officers (as per Item #1 of the application form).
4. Assessor's parcel map for the subject parcel.
5. A map or diagram showing the major access ways to the place of performance, including freeways and local roads.
6. A copy of the current deed for the subject property or a copy of written consent from all the owners of any interest in the real property of the proposed Entertainment Event / Circus.
7. A narrative explanation addressing the nature and type of performance of the

- Entertainment Event / Circus. The narrative shall include the names of proposed or intended performers and a detailed description of all special effects to be used during the performance.
8. A financial statement sufficient to give assurance of the financial ability of the promoter or sponsor to meet conditions of the license and, where appropriate, to be able to adequately respond in damages.
  9. A detailed description of the means of establishing the total number of persons actually attending the Entertainment Event / Circus. The description shall include documentation supporting the estimates and a description of how persons in attendance in excess of the estimate will be accommodated.
  11. A certificate evidencing a public liability and property damage insurance policy issued by an insurance company authorized to conduct business in California. The certificate shall name the County of Santa Clara, the promoters or sponsors, and the owners of all interests in the real property as co-insured and in an amount sufficient to respond in damages.
  12. Copies of agreements with private security guards, doctors, first aid or emergency attendants.
  13. Application fees as established by the Board of Supervisors.

ENTERTAINMENT EVENT/CIRCUS LICENSE APPLICATION FORM

1. Applicant: (Promoters, Sponsors, Organization, etc.)  
Name \_\_\_\_\_ Birthdate \_\_\_\_\_  
Business Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_ Driver's License No. \_\_\_\_\_  
NOTE: If not an individual, please complete the attached  
Form A - List of Officers
2. Agent of promoter/sponsor and property owner(s):  
Name \_\_\_\_\_ Birthdate \_\_\_\_\_  
Business Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_ Driver's License No. \_\_\_\_\_  
NOTE: Agent must be a resident of Santa Clara County
3. Proposed Dates and Hours of Operation:  
(a) Dates: \_\_\_\_\_  
(b) Hours: \_\_\_\_\_
4. Location and occupancy of proposed entertainment event/circus  
(including parking and ancillary activities):  
(a) Address: \_\_\_\_\_  
\_\_\_\_\_  
(b) APN: \_\_\_\_\_  
(c) Expected number of occupants for each performance  
(spectators, participants, etc.) \_\_\_\_\_  
NOTE: Please complete Item #11 of instruction sheet
5. Provide detailed descriptions (numbers, types, and locations) of the  
following:  
(a) Aid Stations \_\_\_\_\_  
\_\_\_\_\_  
(b) First Aid Kits \_\_\_\_\_  
\_\_\_\_\_  
(c) Emergency Facilities \_\_\_\_\_  
\_\_\_\_\_  
(d) Sanitary Facilities \_\_\_\_\_  
\_\_\_\_\_  
(e) Water for Human Consumption \_\_\_\_\_  
\_\_\_\_\_  
(f) Parking (e.g., Capacity, Ingress, Egress) \_\_\_\_\_  
\_\_\_\_\_  
(g) Dust Control \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (h) Proposed Lighting (including location of all light standards and electrical switches) \_\_\_\_\_  
\_\_\_\_\_

NOTE: You may choose to use a site plan for illustrative purposes

6. Provide a detailed description of the manner in which food and beverage are to be acquired, dispensed, and disposed of (include the source of energy or fuel to be used in any food preparation) \_\_\_\_\_  
\_\_\_\_\_
7. Provide a detailed description regarding the manner of clean-up of the premises during and after the conclusion of the entertainment event/circus \_\_\_\_\_  
\_\_\_\_\_
8. Owner(s) of all interests in the real property to be occupied by the proposed entertainment event/circus:
- (a) Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_
- (b) Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_
- (c) Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_
9. Provide description regarding nature and type of performance as well as all special effects to be used: \_\_\_\_\_  
\_\_\_\_\_
10. Provide names of proposed or intended performers (list may be attached): \_\_\_\_\_  
\_\_\_\_\_

We certify, under penalty of perjury, that the foregoing is true and correct.

\_\_\_\_\_  
Signature of Applicant or Organization President & Other Required Officers

\_\_\_\_\_  
Signature of Property Owner

FORM A

LIST OF OFFICERS

1.	_____ (NAME)	_____ (OFFICE OR POSITION)
	_____ (ADDRESS)	_____ (BIRTHDATE)/(DRIVER'S LICENSE)
	_____ (CITY                      STATE    ZIP)	_____ (SIGNATURE)
2.	_____ (NAME)	_____ (OFFICE OR POSITION)
	_____ (ADDRESS)	_____ (BIRTHDATE)/(DRIVER'S LICENSE)
	_____ (CITY                      STATE    ZIP)	_____ (SIGNATURE)
3.	_____ (NAME)	_____ (OFFICE OR POSITION)
	_____ (ADDRESS)	_____ (BIRTHDATE)/(DRIVER'S LICENSE)
	_____ (CITY                      STATE    ZIP)	_____ (SIGNATURE)
4.	_____ (NAME)	_____ (OFFICE OR POSITION)
	_____ (ADDRESS)	_____ (BIRTHDATE)/(DRIVER'S LICENSE)
	_____ (CITY                      STATE    ZIP)	_____ (SIGNATURE)
5.	_____ (NAME)	_____ (OFFICE OR POSITION)
	_____ (ADDRESS)	_____ (BIRTHDATE)/(DRIVER'S LICENSE)
	_____ (CITY                      STATE    ZIP)	_____ (SIGNATURE)
6.	_____ (NAME)	_____ (OFFICE OR POSITION)
	_____ (ADDRESS)	_____ (BIRTHDATE)/(DRIVER'S LICENSE)
	_____ (CITY                      STATE    ZIP)	_____ (SIGNATURE)

with Section B3-94. The Zoning Administrator may revoke or conditionally reaffirm any bingo license on one or more of the following grounds:

- (a) That the license was obtained by fraud; or
- (b) That any person making use of the license is violating or has violated any conditions of the license; or
- (c) That the detriment to the public health or safety, or the nuisance arising from the bingo game or from changed circumstances necessitates the revocation of the license or the modification of or addition to the license conditions; or
- (d) That an inadvertent error or omission in establishing the original conditions requires modifying or adding to the license conditions, but a license shall not be revoked because of such error or omission; or
- (e) That the conduct of the bingo game is in violation of any provisions of this Code or federal or state law; or
- (f) The failure to file reports in accordance with Section B3-99 in a timely or accurate manner.

An appeal to the Board of Supervisors from the decision of the Zoning Administrator may be made within 15 calendar days after the decision and in accordance with the procedures in Section B3-96.

(Ord. No. NS-502.7, § 2, 9-14-04)

#### **Sec. B3-104. Violations, penalties.**

(a) Any violation of Sections B3-77 through B3-89, B3-91, B3-92, B3-98, B3-99 or B3-100 shall be a misdemeanor and any person convicted of violating any of these sections shall be subject to the penalties provided for in Section A1-28 of this code.

(b) In addition to subsection (a), a violation of Section B3-81 shall also be punishable by a fine not to exceed \$10,000.00, which fine shall be deposited in the County general fund.

(c) The County Counsel or District Attorney may bring an action for injunctive or any other appropriate relief for any violation of this chapter. (Ord. No. NS-502.7, § 2, 9-14-04)

#### **Sec. B3-105. Severability.**

(a) If any section, subsection, sentence, clause or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the remaining portions of this chapter.

(b) The Board of Supervisors hereby declares that it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof, even if any one or more sections, subsections, sentences, clauses or phrases is held invalid.

(Ord. No. NS-502.7, § 2, 9-14-04)

#### **Sec. B3-106. Provisions supplementary to state law.**

The provisions of this chapter are intended to supplement, not conflict with, all state laws relating to lotteries, gaming or gambling except that the definition of bingo in Section B3-76 applies exclusively to this chapter and shall not be applied in the construction or enforcement of any other provision of law.

(Ord. No. NS-502.7, § 2, 9-14-04)

#### **Sec. B3-107. Posting of license.**

A bingo license shall be posted in a conspicuous place in the premises where the games are authorized to be conducted.

(Ord. No. NS-502.7, § 2, 9-14-04)

#### **Secs. B3-108—B3-110. Reserved.**

### **CHAPTER VI. ENTERTAINMENT EVENTS AND CIRCUSES\***

#### **Sec. B3-111. Definitions.**

For the purpose of this chapter, unless the context clearly requires a different meaning, the

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\***Editor's note**—Section 1 of Ord. No. NS-519.4, enacted Oct. 21, 1986, amended Div. B3 by adding thereto a new Ch. VI as herein set forth. Subsequently, Ord. No. NS-502.7, § 3, adopted Sept. 14, 2004, amended Ch. VI, in its entirety, to read as herein set out in §§ B3-111—B3-125. See also the Code Comparative Table.



words, terms and phrases set forth in this section shall have the meanings given them in this section:

- (a) "Entertainment event" means any entertainment or amusement event to which the public is admitted and which is organized or promoted for commercial or non-commercial purposes whether or not an admission fee or donation is requested or required. It shall include any entertainment or amusement for the purposes of listening, engaging in or participating in musical or theatrical type performances, or both, to which the public is admitted. Musical and theatrical type performances shall include musical or theatrical renderings by performers from a stage, platform, terrace or other place of central prominence with respect to the audience. "Entertainment event" shall not include any event described above that is conducted or held in any structure that has been lawfully constructed and designed for the conducting of public performances or to an event conducted entirely within a stadium, arena or amphitheater that has been lawfully constructed and designed for the conducting of public performances.
- (b) "Circus" means any exhibition or entertainment at which acrobatic feats and trained or wild animals are exhibited and displayed or at which clowns, jugglers, or similar persons perform, and which may include sideshows, after-shows and carnivals, and a circus parade or procession.

(Ord. No. NS-502.7, § 3, 9-14-04)

#### **Sec. B3-112. License required.**

No person, partnership, association, corporation or other entity shall promote, sponsor, conduct, advertise or sell or furnish tickets or other types of written or oral authority for admission to a circus or entertainment event without first obtaining a license from the Zoning Administrator, except as otherwise provided in Section B3-126.

(Ord. No. NS-502.7, § 3, 9-14-04)

#### **Sec. B3-113. Application for license.**

A written application for a circus or entertainment event license shall be filed with the Planning Office at least 90 days prior to the commencement of the event. The Zoning Administrator may, depending upon unusual circumstances and as long as all required notice requirements are complied with, waive the application time limits and accelerate the process set forth herein. The application shall be accompanied by an application fee in an amount established by resolution of the Board of Supervisors, and shall be signed by the sponsor of the event and the owners of the real property upon which the event is to occur. The application shall contain all of the following:

- (1) The names, addresses, driver's license numbers, birthdates and telephone numbers of all promoters and sponsors. If the application is made by a partnership, the names, addresses, driver's license numbers and birthdates of all partners shall be included. If the applicant is a corporation or other business entity, the application shall be signed by the president and all other officers required to bind the corporation, and shall contain the names, addresses, driver's license numbers and birthdates of all officers. The address and telephone number of the principal place of business of the applicant shall also be included in the application.
- (2) The location and assessor's parcel number for the real property where the event is proposed to be conducted, including all real property to be used for parking or other uses incidental to the event. The applicant shall also furnish proof of ownership of the real property or the written consent of all property owners.
- (3) The dates and hours during which the event is to be conducted.
- (4) The nature and type of performance of the circus or entertainment event, the names of proposed or intended performers, and a detailed description of all special effects to be used during the performance.

- (5) A financial statement of the promoter or sponsor sufficient to show the financial ability to meet any conditions of the license.
  - (6) The number of persons, including spectators, participants, and other persons, expected to be in attendance for each day of the event, detailed information supporting the expected attendance levels, a detailed description of how persons exceeding the attendance estimate will be accommodated, and a description of how the total number of persons actually attending the circus or entertainment event will be determined.
  - (7) A map or diagram showing all major accessways to the event, including freeways and local roads.
  - (8) A detailed description of provisions for water for human consumption and proposed portable or permanent sanitary facilities, both in a manner and amount sufficient to serve the anticipated assembled persons.
  - (9) The location and capacity of the parking areas and the means of controlling traffic flow into, within and out of the parking areas.
  - (10) A map or diagram of the means of access to the performance area.
  - (11) A description of the location, nature and type of medical, first aid and emergency facilities and provisions and who will be providing these services.
  - (12) A detailed description of the proposed lighting, including location of all light standards and electrical switches.
  - (13) A certificate evidencing a public liability and property damage insurance policy issued by an insurance company authorized to do business in California naming the County of Santa Clara as co-insured and in an amount sufficient to cover any liability or damages that might arise from the event.
  - (14) The name and address of a living person residing in the County of Santa Clara who is designated as the agent for service of process for the promoter or sponsor and the owners of all interests in the real property involved for any purpose related to the event.
  - (15) A detailed description of the manner of acquiring, handling, preparing, dispensing and disposing of food and beverages for consumption by persons in attendance, including the source of energy or fuel to be used in any food preparation.
  - (16) A detailed description of the manner for the cleanup of the premises and surrounding area during and after the conclusion of the event and the removal thereof as required by Section B3-122.
  - (17) The names and addresses of the owners of the real property upon which the event is to occur.
  - (18) Any additional information required by the Zoning Administrator, including, without limitation, submission of agreements with private security guards, physicians, or first aid or emergency attendants.
- (Ord. No. NS-502.7, § 3, 9-14-04)

#### **Sec. B3-114. Summary license issuance.**

Upon the filing of a complete application and payment of the license fee, the Planning Office shall refer the application to the Zoning Administrator. The Zoning Administrator shall either approve the application and issue the license, or notify the applicant that a referral and public hearing pursuant to Section B3-115 is required. A public hearing shall be required when the Zoning Administrator, on the basis of the completed application and supporting documentation, cannot determine with reasonable certainty all of the following:

- (a) That the applicant is fit to possess such a license; and,
- (b) That the event location will not pose a public health or safety threat; and,



- (c) That the event and associated activities will not create a substantial negative impact upon the surrounding neighborhood.

If an entertainment event license is approved under this section, the license may contain restrictions and conditions pursuant to Section B3-116(d).

(Ord. No. NS-502.7, § 3, 9-14-04)

#### **Sec. B3-115. Referral, notice and hearing.**

(a) If a public hearing is required, the Planning Office shall refer the application to the Sheriff, the Department of Environmental Health, the Building Official, the Fire Marshal and any other persons, entities or agencies deemed appropriate for their recommendation and investigation.

(b) The Zoning Administrator shall set a date and time for a public hearing on the application for a circus or entertainment event license, which hearing shall be held no later than 45 days following a determination that the application is complete. Notice of the hearing shall be mailed at least ten days prior to the hearing to the promoters or sponsors of the event at their principal place of business as provided on the application, to the owners of all interests in the real property upon which the proposed use is to be conducted, to the owners of all real property located within 300 feet of the exterior boundaries of the real property upon which the proposed use is to be conducted, and to any other person who has filed a written request for notice.

(c) Each applicant and any other interested person shall have the opportunity to review all records, papers, files and other evidence relating to the application for a circus or entertainment event license, except background information on individuals, at least five days prior to the time set for public hearing on the application.

(Ord. No. NS-502.7, § 3, 9-14-04)

#### **Sec. B3-116. Action by the Zoning Administrator.**

(a) At the time and place set for public hearing on the application, the Zoning Administrator shall consider the recommendations of the Sheriff and

the County officials investigating the application pursuant to Section B3-115(a) and all records, papers, files and any other relevant evidence. The Zoning Administrator shall either continue the hearing, hold the matter under advisement or render a decision granting or denying the application.

(b) The Zoning Administrator may refuse to issue a license, after consideration of the application, the recommendations of the Sheriff and the County officials investigating the application pursuant to Section B3-115(a) and any other relevant papers, records, and files, on any of the following grounds:

- (1) The event or associated activity would be injurious to the public health, safety or welfare; or
- (2) The proposed mode of operation of the event is not in compliance with the provisions of this chapter; or
- (3) The person or organization applying for the license, or any officer or member thereof, or any owner of the real property upon which the event is proposed to occur has previously violated the provisions of this chapter or of any similar ordinance, law, rule or regulation of the County or another public agency that regulates circuses or entertainment events; or
- (4) The applicant knowingly made a material misstatement of fact in the license application; or
- (5) The activity is inconsistent with the applicable zoning regulations or any other law, ordinance or regulation.

(c) The Zoning Administrator shall deny a license application if a potential fire hazard or threat to life safety exists at the proposed location.

(d) If a license for a circus or entertainment event is approved, the Zoning Administrator may include such restrictions and conditions in the license as are reasonable and necessary under the circumstances to ensure compliance with the purposes and intent of this chapter, including, without limitation, that the parking area be graded,

marked, or separated by physical barriers from the entertainment area; that a specified number of parking slots be maintained; that hours of operation be limited; that the applicant agree in writing to indemnify and defend the County for all costs or damages incurred related to the event; that the applicant provide proof of adequate insurance coverage; and that the applicant provide agreements and security in an amount, form and manner as are required to secure compliance with any or all of the conditions of the license.

(e) Upon approval of a circus or entertainment event license, the Zoning Administrator shall prepare and forward to the applicant written notice that a license has been granted, and a statement of any conditions attached thereto. A copy of such notice shall be sent to the Sheriff and the County officials investigating the application pursuant to Section B3-115(a). The Zoning Administrator's decision shall not become final until the 15-calendar-day period during which an appeal can be made to the Board of Supervisors has elapsed without an appeal having been filed.

(Ord. No. NS-502.7, § 3, 9-14-04)

#### **Sec. B3-117. Appeal.**

(a) Within 15 calendar days after the decision of the Zoning Administrator on an application for a circus or entertainment event license after a public hearing, any person dissatisfied with the decision may appeal to the Board of Supervisors by filing an appeal with the Planning Office. The appeal application shall be accompanied by a nonrefundable fee in an amount established by resolution of the Board of Supervisors. A copy of the appeal application shall be forwarded to the Sheriff, the Zoning Administrator and the County officials investigating the application pursuant to Section B3-115(a).

(b) The Clerk of the Board of Supervisors shall fix the time and place for the appeal to be heard by the Board of Supervisors. Notice of the hearing shall be mailed at least ten days prior to the hearing to the appellant and the applicant, all owners of real property located within 300 feet of the proposed location of the circus or entertainment event, the owners of the premises if differ-

ent from the applicant or appellant, and to any other person who has filed a written request for notice.

(c) A hearing date for the appeal to be heard by the Board of Supervisors shall be set within 30 days after filing of the appeal.

(d) The Zoning Administrator shall transmit to the Clerk of the Board of Supervisors all records, minutes, papers and files which constitute the record for which the appeal is made.

(e) The Board of Supervisors shall hear and decide the license application as if no other hearing had been held, and may approve, disapprove or conditionally approve the application. The decision of the Board of Supervisors on an appeal is final.

(f) The Clerk of the Board of Supervisors will inform the appellant, the applicant, the Planning Office, the Sheriff, and the County officials investigating the application pursuant to Section B3-115(a) whether the appeal has been granted or denied.

(Ord. No. NS-502.7, § 3, 9-14-04)

#### **Sec. B3-118. Issuance of license.**

Following the granting of a circus or entertainment event license and, in the case of approval by means of a public hearing, the lapse of the 15-calendar-day period in which to appeal such grant, the Planning Office shall issue the license. An entertainment event or circus license is valid only for the number of days applied for and approved and is not renewable.

(Ord. No. NS-502.7, § 3, 9-14-04)

#### **Sec. B3-119. Summary suspension.**

The Sheriff or designee or any authorized representative of the County may suspend the operation of or close any circus or entertainment event prior to the expiration of the license and prior to any hearing for the revocation thereof by the Board of Supervisors if there is a riot, major disorder, or any violation of this Code or federal or state law which endangers public health or safety. Following issuance of a suspension order and within 30 days thereafter, a hearing to revoke, reaffirm or conditionally reaffirm the license shall

be held in accordance with Section B3-120. Any license holder whose license is suspended pursuant to this section shall not conduct a circus or entertainment event unless and until the Zoning Administrator, or the Board of Supervisors on appeal, reaffirms or conditionally reaffirms the license under Section B3-120. The Sheriff or designee or the authorized representative of the County shall prepare and forward a report on a suspension pursuant to this section to the Zoning Administrator prior to the hearing.  
(Ord. No. NS-502.7, § 3, 9-14-04)

**Sec. B3-120. Revocation, reaffirmation or conditional reaffirmation.**

Any license issued under this chapter may be reaffirmed, conditionally reaffirmed, or revoked on the Zoning Administrator's motion or based on a referral from the Board of Supervisors, the Sheriff, the District Attorney or any other County officer or department head to the Zoning Administrator. Except as provided in Section B3-119, a public hearing on the revocation, reaffirmation, or conditional reaffirmation will be held and notice will be given in accordance with Section B3-115(a). The Zoning Administrator may revoke or conditionally reaffirm any circus or entertainment event license on any of the following grounds:

- (a) That the license was obtained by fraud, or false, misleading or fraudulent statements of material facts made in the application for the license or in any other document submitted pursuant to this chapter.
- (b) That any person making use of the license is violating or has violated any conditions of the license.
- (c) That the detriment to the public health or safety, or the nuisance arising from the conduct of the event or from changed circumstances necessitates the revocation of the license or the modification or addition to the license conditions.
- (d) That an inadvertent error or omission in establishing the original conditions requires modifying or adding to the license conditions, but the license shall not be revoked because of such error or omission.

- (e) That the license holder has violated, or caused or permitted any other person to violate, any provision of this chapter or state or federal law in connection with the event.

An appeal to the Board of Supervisors from the decision of the Zoning Administrator under this section may be made within 15 calendar days after the decision and in accordance with the procedures in Section B3-117.

(Ord. No. NS-502.7, § 3, 9-14-04)

**Sec. B3-121. Cleanup.**

The promoters or sponsors and the owners of all interests in the real property upon which a circus or entertainment event is conducted shall keep the real property upon which the event takes place and surrounding property free from all debris, trash, garbage, refuse, vector and animal harboring or breeding sources or other waste. Within 18 hours after the termination of the event, the promoters or sponsors and the owners of all interests in the real property upon which the event occurred shall clean up, remove and properly dispose of from the site and surrounding real property all debris, trash, garbage, refuse, vector and animal harboring or breeding sources or other waste.

(Ord. No. NS-502.7, § 3, 9-14-04)

**Sec. B3-122. Nontransferability of license.**

A license granted under this chapter shall be required for each and every separate entertainment event or circus. A license is not transferable either as to the licensee or location. Any attempt to transfer the license shall automatically render it invalid.

(Ord. No. NS-502.7, § 3, 9-14-04)

**Sec. B3-123. Unlawful acts.**

It shall be unlawful and a crime to:

- (a) Hold or conduct a circus or entertainment event on any real property without first obtaining a license for the holding or conducting of the event pursuant to this chapter.

- (b) Admit a greater number of persons to the event than is authorized by the license.
- (c) Sell tickets for, or advertise or promote, a circus or entertainment event prior to the time a license has been obtained.
- (d) Sell or distribute tickets to a circus or entertainment event in an amount exceeding the attendance authorized by the license.
- (e) Knowingly and fraudulently obtain a license for the conducting or holding of an entertainment event or circus, with the intent not to comply with any provision of the license or this chapter.
- (f) Conduct or hold an entertainment event or circus without complying with all of the conditions of the license or with the provisions of this chapter.
- (g) For the owner of the real property to allow the real property to be used for an entertainment event or circus for which a license has not been obtained pursuant to this chapter.

(Ord. No. NS-502.7, § 3, 9-14-04)

#### **Sec. B3-124. Criminal penalty.**

The violation of any provision of this chapter shall be a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment in the County jail for not more than six months, or by both such fine and imprisonment. A separate offense shall be deemed to have been committed for each day or portion of a day that a violation continues.

(Ord. No. NS-502.7, § 3, 9-14-04)

#### **Sec. B3-125. Exemptions.**

This chapter does not apply to any circus or entertainment event conducted on the Santa Clara County Fairgrounds or pursuant to a valid use permit authorizing the event.

(Ord. No. NS-502.7, § 3, 9-14-04)

#### **Secs. B3-126—B3-144. Reserved.**

### **CHAPTER VII. SPECIAL EVENTS ON COUNTY ROADS\***

#### **Sec. B3-145. Purpose and intent.**

It is the intent of the Board of Supervisors to establish standards for the issuance of a permit for special events to use County roads. The purpose of this chapter is to provide a coordinated process for managing special events to ensure the health and safety of event patrons, residents, motorized and non-motorized users of the roads, workers and other visitors, to prohibit illegal activities from occurring at the events, and to protect the rights of the special event permit holders. Examples of events include, but are not limited to, parades, street fairs, festivals, block parties, organized athletic or sporting events, and community celebrations and observances which involve the use of, or have an impact on, public rights-of-way. It is also the intent of the Board of Supervisors to protect the rights of people to engage in expressive activities in the County's public places and to establish reasonable time, place, and manner regulation of these activities. It is further intended to create mechanisms for cost recovery and use charges to the extent authorized by law, while not unduly impacting the viability of special events.

(Ord. No. NS-502.8, § 1, 9-14-10)

#### **Sec. B3-146. Definitions.**

As used in this chapter, the following terms and phrases have the indicated meanings:

- (a) *Applicant* means any person, partnership, association, corporation or other entity that seeks a special event permit from the Director of Roads and Airports or designee to conduct or sponsor a special event governed by this chapter. An applicant must be 18 years of age or older.
- (b) *Block party* means a festive gathering on a road or area requiring a closure of a road, or a portion thereof, to vehicular

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\***Editor's note**—Ord. No. NS-502.8, adopted Sept. 14, 2010, amended Ch. VII in its entirety to read as herein set out. Former Ch. VII consisted of §§ B3-145—B3-158, pertained to Parades and derived from Ord. No. NS-502.7, adopted Sept. 14, 2004.



traffic or otherwise restricting the general public use of the road right-of-way and use of the road for the festivity.

- (c) *Director* means the Director of the County Roads and Airports Department or the Director's authorized representative.
- (d) *Expressive activity* means conduct, the principal or sole object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of opinions, views, or ideas. Expressive activity includes, but is not limited to, public oratory and the distribution of literature.
- (e) *Road* means any County street or highway, except those under the jurisdiction of the County Director of Parks and Recreation, as the term is defined in the California Vehicle Code, and includes the entire width of right-of-way including, but not limited to, the portion set apart by curbs, barriers, markings, or other delineation for pedestrian travel. A road also includes any portion of an expressway located within unincorporated county.
- (f) *Permit Application Fee* means the fee to be paid by the special events permit applicant at the time the application is filed with the Roads and Airports Department, pursuant to the fee schedule established by resolution of the Board of Supervisors.
- (g) *Permittee* means any person or organization issued a special events permit by the Director.
- (h) *Special Event* means:
  - (1) A parade, march, procession, demonstration, or assembly consisting of 50 or more persons, animals, motorized or non-motorized vehicles (including, but not limited to, cars, motorcycles, and bicycles), which is to assemble on a road or travel in unison on a road; or
  - (2) Any activity or event on the road which requires temporary closure of

a road or portion thereof, or does not comply with normal or usual traffic regulations or controls; or

- (3) Any activity or event on the road which requires the placement of a tent, canopy, or other temporary structure, including, but not limited to, medical stations, rest-stops, and portable toilets, on the road.
  - (i) *Major special event* that requires a special event permit means:
    - (1) A special event which requires temporary closure of a road or portion thereof; or
    - (2) A special event on a road involving 500 or more people.
  - (j) *Minor special event* that requires a special event permit means:
    - (1) A special event on a road involving fewer than 500 people that does not comply with normal or usual traffic regulations or controls; or
    - (2) A special event on a road involving fewer than 500 people that requires the placement of a tent, canopy, or other temporary structure including, but not limited to, medical stations, rest-stops, and portable toilets, on the road.
  - (k) *Special event permit* means a permit issued pursuant to this chapter.
- (Ord. No. NS-502.8, § 1, 9-14-10)

#### **Sec. B3-147. Permits required.**

(a) Any person intending to conduct, organize, or set up a major or minor special event or block party on a road shall first obtain a special event permit from the Director. The following guidelines should be used to determine the type of special event permit required:

- (1) If the event is a festive gathering, which is stationary in nature and is usually characterized by a single neighborhood congregating to celebrate, and requires the closure of a road or otherwise restricts the general public use of the road then the