

ARTICLE X. - SPECIAL EVENTS

Sec. 14.100.010. - Purpose and intent.

The Town of Los Gatos recognizes the social, cultural and economic enrichment that special events bring to the Town and recognize that those coordinated by non-profit organizations that provide proceeds to charitable organizations provide a community benefit. These events enhance the Town's lifestyle and provide benefits to the citizens and businesses. It is incumbent upon the Town to establish policies and procedures which allow for the advance planning and management of Town personnel and financial resources. It is the intent of the Town to protect the rights of its citizens by establishing the least restrictive and most reasonable manner of regulation to maximize the benefits and minimize the burdens of special events. This article is intended to be interpreted in a manner compatible with the Constitutions and laws of the State of California and the United States.

(Ord. No. 2271, § I, 2-6-18)

Sec. 14.100.015. - Definitions.

- (a) ABC. The State of California, Department of Alcohol Beverage Control.**
- (~~a~~(b) Advance promotional activity.** Posting, display, or distribution of signs, banners, leaflets, mailing and publications promoting a future special event.
- (~~b~~(c) Applicant.** A person or organization who seeks a permit to conduct a special event governed by this article.
- (~~c~~(d) Block party.** An outdoor neighborhood gathering coordinated by the residents of that neighborhood that includes the closure of a public right of way within an area zoned for residential use. Block parties may not include the closure of arterial streets and may not be for commercial, for-profit, or advertising purposes.
- (~~d~~(e) Conditions of approval or letter of conditional approval.** Requirements with completion timelines concerning the time, place, scope of the event, required permits from other government agencies, vendor provisions, payment of applicable fees and deposits, and other provisions, including but not limited to, conditions to protect the safety of persons and property, provide for adequate traffic control, and regulate the sale and service of food and/or alcohol. Such criteria shall be set forth by the Town Manager to the permittee in writing outlining specifics that must be met prior to the final approval for and issuance of the special event permit.

(f) *Entertainment Zone*. A zone as defined in Section 23039.5 of the California Business and Professions Code, in which specified alcoholic beverages may be consumed at the locations set forth in Section 14.100.070.

(g) *Entertainment Zone Event*. An event that occurs within the boundaries of an Entertainment Zone in compliance with ABC regulations, the requirements set forth in this Chapter, and any associated Town Policy governing the activation of an Entertainment Zone.

(e)(h) *Free speech event*. An event, at which the expression of free speech rights is the principal purpose. "Free speech rights" means expressive activity protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution.

(f)(i) *Permittee*. Any applicant to whom a special events permit is issued.

(g)(j) *Special event*. Any event, which is scheduled to take place on or contiguous to a Town street, sidewalk, alley or other right-of-way or on Town property including its parks and the grounds of its buildings, which in the judgment of the Town Manager is likely either:

- (1) To obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic; or
- (2) To attract participants or spectators who are not likely to comply with traffic laws or controls; or
- (3) To generate a crowd of sufficient size likely to obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic, or to restrict access to parks, recreation areas or other public areas; or
- (4) To require police regulation, monitoring, or control to maintain public safety.

Examples of special events may include, but are not limited to: athletic events such as runs, walkathons, bicycle races, etc., parades, street fairs, festivals, carnivals, car rallies, farmers markets, sidewalk sales, outdoor music concerts, ~~and~~ gatherings of merchants, craftsmen, artists or other sellers of goods for the primary purpose of display and sale to the public of arts, crafts or goods, ~~and~~ Entertainment Zone activations.

(h)(k) *Special event permit*. Written approval issued by the Town Manager for the permittee to conduct the special event as described and conditioned within the conditions of approval. The special event permit is issued after all conditions of approval have been addressed to the satisfaction of the Town Manager.

(i)(l) *Town Manager*. The Town Manager or the Town Manager's designee.

(i)(m) Vendors. Entities that are hired or contracted by the permittee to carry out a service associated with the proposed event.

([Ord. No. 2271, § I, 2-6-18](#); [Ord. No. 2308](#), § I, 5-5-20; [Ord. No. 2320](#), § III, 9-7-21)

Sec. 14.100.020. - Permit.

(a) *Required:* Any person intending to conduct a special event in the Town of Los Gatos shall obtain a special events permit. No advance promotional activities for a special event shall be commenced before obtaining a letter of conditional approval.

(1) Series events, special events applying to operate as a series on Town property may obtain one special event permit for a period not to exceed twelve (12) months, and require consent of landlord by the Town Manager, or the Town Council at the discretion of the Town Manager. (Examples include: Summer Concert Series, Farmer Market, etc.)

(2) An executed contract for an event or series event does not replace the requirement of the special event permit.

(b) *Exceptions:* A special events permit is not required for the following events:

(1) Funeral processions.

(2) Activities conducted by a governmental agency acting within the scope of its authority.

(3) A special event organized, implemented, and led by the Town of Los Gatos.

([Ord. No. 2271, § I, 2-6-18](#))

Sec. 14.100.025. - Application for special events permit.

(a) *Time for filing.* Application for a permit shall be filed with the Town Manager no later than thirty-six (36) hours before a Free Speech Event, no later than thirty (30) days before a block party, and no later than sixty (60) calendar days and no sooner than one (1) year before a special event.

(b) *Form for application.* An official Town of Los Gatos special event permit application must be completed and submitted to the Town Manager within the time for filing.

(c) *Application fee.* A nonrefundable administrative fee set by Council resolution shall be charged for each application, except that any fee for a permit for a free speech event shall be waived upon a showing to the satisfaction of the Town Manager on appeal, that the fee is so burdensome to the sponsor and/or the applicant that it is likely to interfere with the exercise of constitutional rights of speech or assembly.

(d) Unless changes are at the request of the Town Manager, any "significant deviation" in an event plan as proposed within the original special event permit will require submittal of a new special event permit application. "Significant deviations" include, but are not limited to, a change in the scope, intensity, location, type, or size of an event, and is at the discretion of the Town Manager.

([Ord. No. 2271, § I, 2-6-18](#); [Ord. No. 2308](#), § I, 5-5-20)

Sec. 14.100.030. - Action on application.

(a) *Consultation.* The Town Manager shall consult with all Town departments which may be affected by the proposed special event.

(b) *Time for action.* Within thirty (30) days of submittal of a complete application for a special event permit, and within one (1) working day of submittal of a complete application for a free speech event, the Town Manager shall approve, conditionally approve or deny the application. The times for action may be extended by mutual consent of the applicant and the Town Manager, or if the Town Manager does not have enough information to approve, conditionally approve, or deny the application. The Town Manager, if possible, shall expedite action on an application for a free speech event when it is apparent that the purpose of the demonstration would be frustrated if not conducted at a certain date and time.

(c) At the Town Manager's discretion, any event may be escalated to the Town Council for review or approval.

([Ord. No. 2271, § I, 2-6-18](#); [Ord. No. 2308](#), § I, 5-5-20)

Sec. 14.100.035. - Denial.

(a) *Grounds for denial.* Applications for special events permits may be denied for any of the following reasons:

- (1) Information contained in the application or supplemental information requested from the applicant is found to be materially false or misleading.
- (2) The application was incomplete or supplemental information or documents were not provided in a timely manner.
- (3) A permit for another special event at a time and place that would conflict with the proposed event, or cause undue traffic congestion, or create excessive demands for police or other Town services has already been approved.

- (4) The time, route, or size of the event is likely to substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or to disrupt the use of a street at a time when it is usually subject to significant traffic congestion.
- (5) The concentration of persons, animals and vehicles at the site or assembly and disbanding area is reasonably likely to prevent proper police, fire or ambulance services to areas contiguous to the event.
- (6) The size of the event is likely to unreasonably compromise normal police protection to the rest of the Town.
- (7) The location of the event is likely to substantially interfere with construction or maintenance work previously scheduled to take place upon or along Town streets, or to interfere with a previously granted encroachment permit.
- (8) The special event is likely to occur at a time when a school is in session, at a route or location adjacent to a school, and the noise created by the activities of the event would substantially disrupt the educational activities of the school.
- (9) The special event will occur on a route or location adjacent to a hospital or extended care facility and the noise created by the event would substantially disrupt the operation of the hospital or extended care facility or disturb the patients within.
- (10) The special event has a prior history of creating conditions that jeopardize the peace and safety of the citizenry.
- (11) The applicant has previously violated special event permit conditions.
- (12) The applicant refuses to indicate in writing that the applicant will comply with all terms and conditions if the permit.
- (13) The scope, intensity, location, type, or size of event deviates from the description provided on the special event application. A new application may be submitted to reflect the deviation ~~given the provisions of this chapter 14, Section 100 so long as the requirements of this Article will may~~ be met.

(b) *Limitation on denial of free speech event permits.* In determining whether or not a free speech event permit should be denied, the Town Manager shall resolve all doubts in favor of approval or conditional approval. If the grounds for denial are specified in (a)(3) through (9) of this section, the Town Manager may alter the date, time, place, duration, route, or location of the free speech event and conditionally approve the application instead of denying it. The conditions imposed shall modify the proposed event only to the extent necessary to avoid the grounds for denial.

([Ord. No. 2271, § I, 2-6-18](#); [Ord. No. 2320](#), § III, 9-7-21)

Sec. 14.100.040. - Fees.

Fees shall be set by Council resolution shall be charged for each application.

(a) *Fees.* The conditions of approval shall provide a reasonable estimate of fees to be collected by the Town for Town resources required by the event. Any required deposits shall be paid in full prior to the event date. Within twenty-one (21) days after the completion of the event, the Town will provide an invoice for the fees to be collected by the Town. The Town reserves the right to fully invoice the event sponsor after the event for any and all Town resources required before, during and after the event, or for damages to Town property directly related to the event activities.

(b) At times, poor planning by event organizers may result in circumstances requiring an extraordinary public safety response for the immediate protection of public health and welfare. Such incidents result in unanticipated costs and divert critical Town resources, which may be passed along to the event sponsor.

([Ord. No. 2271, § I, 2-6-18](#); [Ord. No. 2308](#), § I, 5-5-20)

Sec. 14.100.045. - Revocation of permit before special event.

(a) *Reasons.* The Town Manager may revoke a permit at any time if:

- (1) An emergency arises making it impossible to assign sufficient or appropriate personnel to the event to protect public safety;
- (2) Information is obtained after the permit is issued from which it may be reasonably concluded that the permit should have been denied under [section 14.100.040](#);
- (3) Environmental factors, such as a natural disaster or public health emergency arises that would jeopardize the health and safety of the public if the event were held.

(b) *Notice of revocation.* The applicant shall be informed in writing of the grounds for any such revocation.

(c) *Appeal of permit revocation.* The applicant may appeal a revocation in the manner provided for in [section 14.100.055](#) in all cases except where the revocation is based on emergency and there is insufficient time available to present or schedule an appeal.

([Ord. No. 2271, § I, 2-6-18](#); [Ord. No. 2308](#), § I, 5-5-20)

Sec. 14.100.050. - Revocation of permit during special event.

The Town Manager may revoke the permit during a special event for either of the following reasons:

- (a) The event has deviated from or will deviate from its approved route or area; or
- (b) The event and/or its participants or vendors are violating the law or permit conditions.
- (c) The permittee has been advised of and given an opportunity to control such deviation or violation and refused or failed to do so.
- (d) If fire or another emergency requires the event to be terminated to protect public safety. When a permit is revoked for this reason, all event participants must immediately comply with the instructions of public safety or the Town Manager.

(Ord. No. 2271, § I, 2-6-18)

Sec. 14.100.055. - Appeal process.

- (a) *Normal appeal.* Any applicant aggrieved by the denial or conditional approval of a special event permit may appeal the decision to the Town Council by filing a notice of appeal with the Town Clerk within ten (10) days of the delivery of the decision. The Town Clerk shall set the date and time for the public hearing within forty-five (45) days of the filing date and shall give notice to such person of the time and place of hearing as prescribed by law.
- (b) *Expedited appeal for free speech event.* If there is insufficient time for a timely appeal of denial or conditional approval of a free speech event events permit to be heard by the Town Council prior to the date on which a free speech event is scheduled, the applicant may request that the Town Clerk schedule the appeal before the Town Manager. The Town Manager shall hold hearing no later than twelve (12) hours prior to the time the event is scheduled to commence and will render a decision as soon as practicable and in no case later than the time the event is scheduled to commence. The Town Manager's decision shall be final.

(Ord. No. 2271, § I, 2-6-18)

Sec. 14.100.060. - Posting of special event permit.

The special event permits and any other required Town licenses and permits shall be maintained at the site during the special event and exhibited upon request of any Town police officer or Town event staff if it is determined that the event is in violation of the special event permit conditions or if an emergency requires termination of the special event to protect public safety. Notices of revocation shall be in writing with the reasons for revocation specifically set forth, unless time does not permit, in which case the notification shall be verbal and followed, at a later date, by written notice explanation.

(Ord. No. 2271, § I, 2-6-18)

Sec. 14.100.065. - Violations.

- (a) It shall be unlawful for any persons to sponsor or conduct a special event without a special event permit.
- (b) It shall be unlawful for any person to participate in a special event with the knowledge a special event permit has not been issued.
- (c) It shall be unlawful for a permittee or sponsor to willfully violate the terms and conditions of a special event permit, or for any special event participant to knowingly and willfully violate the terms or conditions of the special event permit.
- (d) It shall be unlawful for any person to hamper, interfere with, obstruct or impede any special event which has been permitted under this article or to park or leave a vehicle unattended in violation of parking control signs posted regarding a special event.
- (e) It shall be unlawful for any person to drive a vehicle, bicycle or other moving object or propellant, between the persons or vehicles comprising any permitted special event, unless such activity is undertaken at the direction of a Town peace officer, an authorized security person, or event monitor.
- (f) In addition to fees covering Town resources, permit violations may result in fines at the discretion of the Town Manager. All permit violations and fines shall be provided to the event sponsor in writing within twenty-one (21) days after the completion of the event.
- (g) It shall be a misdemeanor for any special event participant to fail or refuse to comply with a revocation order made pursuant to section 14.100.070.

(Ord. No. 2271, § I, 2-6-18)

Sec. 14.100.070. – Entertainment Zone.

- (a) *Establishment and Regulation.* The purpose of this Section is to implement California Code of Business and Professions Code Sections 25690 through 25692 with the establishment and regulation of an Entertainment Zone within a designated area, to allow the purchase of open container alcoholic beverages from local bars, restaurants, wineries, breweries and on-sale licensees for consumption outside in common spaces such as plazas, public streets, sidewalks or public rights-of-way during certain hours, subject to a special event permit issued pursuant to this Article.

(b) *Entertainment Zone Requirements.* All commercial entities and organizations sponsoring the Entertainment Zone Event, or selling alcoholic beverages at an Entertainment Zone Event shall comply with all applicable state and local laws and regulations, including:

- (1) All applicable ABC license and permitting requirements;
- (2) Sections 23357, 23358, 23396 of the California Business and Professions Code, as may be amended from time to time regulating licensed beer manufacturers, licensed winegrowers, and on-sale licensees, respectively;
- (3) All other laws governing the sale and consumption of alcoholic beverages, provided that, consistent with California Business and Professions Code Sections 23357, 23358, and 23396, any restrictions on the exercise of off-sale privileges shall not apply to the removal of open alcoholic beverages from the licensed premises for consumption within the Entertainment Zone; and
- (4) All permit requirements for special events issued pursuant to this Article.

(c) Open alcoholic beverages may only be consumed within an Entertainment Zone during an Entertainment Zone Event, subject to any other restrictions imposed by state or local law.

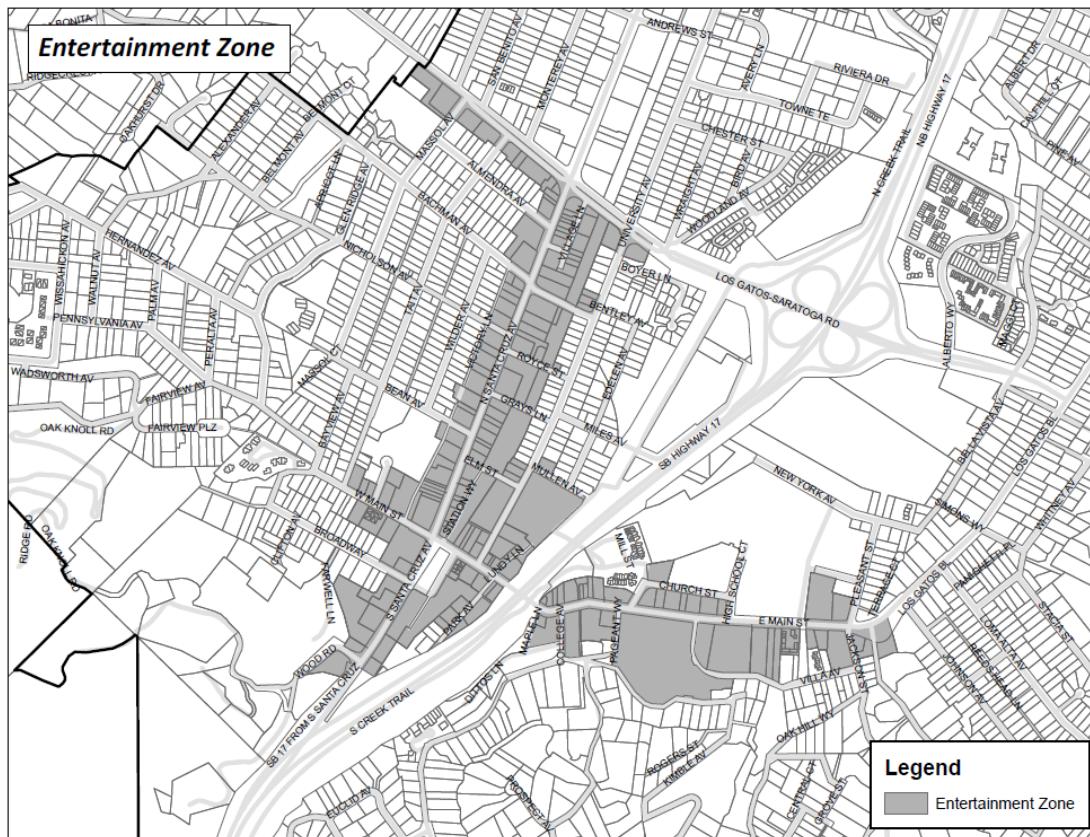
(d) All open alcoholic beverages consumed during an Entertainment Zone Event may only be purchased from a premises located within the Entertainment Zone that is authorized under California Business and Professions Code Section 23357, 23358, or 23396, as may be amended, to permit the consumers to leave the premises with open containers of alcoholic beverages for consumption off the premises, or an organization that is authorized by an ABC license or permit to make such sales within the Entertainment Zone.

(e) Open containers leaving the licensed premises during an approved Entertainment Zone Event may only be in plastic cups or similar non-metal, non-glass containers, as specified in the special event permit.

(f) All participating patrons purchasing beverages to be consumed within the approved Entertainment Zone Event must be easily identifiable as over twenty-one years of age and display a wristband or similar as specified within the special event permit.

(g) Entertainment Zone Hours. Outdoor consumption of alcoholic beverages may only occur during an Entertainment Zone Event between the hours of 8:00 a.m. and 10:00 p.m., subject to any additional limitations imposed by any ABC permit or license and by the special events permit issued pursuant to this Article, including but not limited to more restrictive days and hours during which outdoor consumption of alcoholic beverages is authorized.

(h) Entertainment Zone Locations. C-2 Central Business District Commercial Zone inclusive of public parking lots, alleyways, and parks located within the Central Business District (C-2); and the portion of C-1, Neighborhood Commercial Zoning located directly adjacent to the south-west of the C-2 Zone along E. Main Street, between Pageant Way and Alpine Avenue as shown on the map below.



(i) Entertainment Zone Implementation. Within 60 days of the establishment or modification of an Entertainment Zone, the Town Manager or their designee will, following consultation with the Police Department, provide the following information to ABC, pursuant to Section 25690 of the California Business and Professions Code:

- (1) A copy of the ordinance establishing or modifying the Entertainment Zone;

- (2) Information as may be necessary to identify the boundaries of the Entertainment Zone;
- (3) The days and hours of operation of the Entertainment Zone;
- (4) The types of alcoholic beverages permitted within the Entertainment Zone; and
- (5) The approved plastic or similar non-glass and non-metal containers in which alcoholic beverages may be authorized.

(j) The Town Manager is authorized to promulgate rules and regulations to implement this Article, and the special events guidelines and policies, copies of which shall be provided to ABC, that shall include the following requirements:

- (1) Establish a process or procedure to readily identify individuals purchasing or consuming alcoholic beverages within the Entertainment Zone as being 21 years of age or older;
- (2) Any person or organization seeking a special events permit pursuant to this Article shall comply with the insurance requirements applicable to that permit, and all rules and regulations authorized by this Article; and
- (3) Any additional requirements for approved beverage containers, additional restrictions on hours of operation for the Entertainment Zone Event, and other time, place and manner restrictions.

(k) Any holder of an ABC license or permit that wishes to allow customers to leave the premises with open containers of alcoholic beverages for consumption off the premises during an Entertainment Zone Event shall provide the Town with a copy of the notice provided to ABC under Section 23357, 23358, or 23396 of the California Business and Professions Code, as applicable, at the same time such notice is provided to ABC.

(l) Biennial review. The Town Manager, or the Town Manager's designee, shall review the operation of any established Entertainment Zone every two years following its adoption to ensure that the Entertainment Zone is being maintained in a manner that protects the health and safety of the general public. This review shall be conducted in consultation with the Los Gatos-Monte Sereno Police Department or other local law enforcement agency with jurisdiction, and any reports produced during the review shall be made available to the California Department of Alcoholic Beverage Control upon request.