ORDINANCE NO. 2010 - 1711

AN ORDINANCE AMENDING CHAPTER 11, 17 & 19 OF THE SOLANO COUNTY CODE RELATING TO USE OF PUBLIC PROPERTY

The Board of Supervisors of the County of Solano ordains as follows:

Section 1. Section 11-110.17 of Chapter 11 is amended as follows:

Sec. 11-110.17. General Services/Parks and Recreation and Other Public Property
Under the provisions of the Government Code, the Public Resources Code, Solano County Code section Chapter 19--2§ and this ordinance, the Director of General Services, on behalf of the Parks and Recreation Division, is authorized to establish those fees for the specific services listed on the department's attached Exhibit "XVI" and incorporated by this reference. This fee schedule repeals all prior fee schedules adopted by the Board of Supervisors relating to Park and Recreation and use of Public Property fees.

Section 2. Chapter 17 is amended as follows:

CHAPTER 17
MOTOR VEHICLES AND TRAFFIC

ARTICLE I. TRAFFIC ORDERS AND REGULATIONS

§ 17-10. Purpose of chapter
§ 17-11. Delegation of powers to director of department of transportation
§ 17-12. Traffic orders--Authority of director of transportation
§ 17-13. Same--Traffic and engineering survey required; standard generally
§ 17-14. Same--Adoption by resolution of board of supervisors; placement of signs and markings
§ 17-15. Resolutions adopting traffic orders
§ 17-16. Penalties
§ 17-17. Non-regulatory traffic control devices and striping of any kind
§ 17-18. Enforcement
§ 17-19. Speed Limits

ARTICLE II. ASSEMBLIES OR PARADES ON COUNTY ROADS OR PROPERTY

§ 17-20. Assemblies or parades
§ 17-21. Permit required
§ 17-22. Permit--Application
§ 17-23. Permit--Contents
§ 17-24. Permit--Insurance requirements
§ 17-25. Permit--Other reviewing agencies

1 For state law authorizing county to regulate traffic, etc., see Vehicle Code § 21100 et. seq. See V. C. § 21 as to uniformity of state traffic laws. As to marking of vehicle used for collection and transportation of refuse and garbage, see § 23-308. As to roads and streets, see Ch. 24.
§ 17-26. Permit--Issuance conditions
§ 17-27. Permit--Action on application
§ 17-28. Permit--Denial of application--Alternate permit
§ 17-29. Permit--Exemptions
§ 17-30. Permit--Litter removal
§ 17-31. Other public events on public or private property

Section 3. Section 17-11 of Chapter 17 is amended as follows:

Sec. 17-11. Delegation of power to director of department of transportation
The board of supervisors delegates those statutory powers granted to the position of county road commissioner to the director of the county department of transportation, pursuant to provisions of Streets and Highways Code § 2006.1.

Section 4. Section 17-12 of Chapter 17 is amended as follows:

Sec. 17-12. Traffic orders--Authority of director of department of transportation
The director of the department of transportation of the county may make traffic orders establishing any of the following regulations:

(a) Regulating traffic by means of semaphores or other official traffic-control devices.

(b) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specified direction.

(c) Closing any highway or a portion of it, when in the opinion of the director of the department of transportation the highway is no longer needed or cannot safely be used for vehicular traffic.

(d) Designating any highways as a through highway and requiring that all vehicles stop before entering or crossing the highway.

(e) Designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersections.

(f) Prohibiting the use of particular highways by certain vehicles, except as otherwise provided by the public utilities commission pursuant to article 2, chapter 5, part 1, division 1, of the Public Utilities Code of this state. No ordinance which is adopted pursuant to this provision hereafter shall apply to any state highway which is included in the National System of Interstate and Defense Highways, except an ordinance which has been approved by the California Transportation Commission by a four-fifths vote.

(g) Temporarily close a portion of any street for celebrations, parades, local special events, and other purposes, when, in the opinion of the director of the department of transportation, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closure.

(h) Closing particular streets during regular school hours for the purpose of conducting automobile driver training programs in the secondary schools and colleges in the county.

(i) Closing to vehicular traffic that portion of any street or highway crossing or dividing any school grounds when in the opinion of the road commissioner the closing is necessary for the
protection of persons attending the school or using the school grounds. The closing to vehicular traffic may be limited to the hours and days that the road commissioner may specify.

(j) Prohibiting entry to, or exit from, or both from any street by means of islands, curbs, traffic barriers, or other road way design features to implement the circulation element of a general plan adopted pursuant to Government Code section 65350, consistent with public health and safety of the citizens of the county.

(k) Establishing crosswalks between intersections.

(l) Directing that pedestrians shall not cross in a crosswalk indicated at an intersection.

(m) Regulating vehicular traffic on private owned and maintained roads or ways within the boundaries of a privately owned airport, when the roads or ways are expressly open to the general public for purposes of vehicular traffic.

(n) Regulating vehicular and pedestrian traffic in subways, tubes and tunnels or on bridges or viaducts.

(o) Requiring that all vehicles stop before entering or crossing the tracks at any highway railroad grade crossing.

(p) Regulating vehicular traffic on privately owned and maintained roads or ways within the boundaries of any housing project or within the site of any housing owned or operated by a housing authority created under and by virtue of the Housing Authorities Law, section 34200 et seq., of the Health and Safety Code of the state, on privately owned and maintained roads or ways within areas which would be a residence district if the road or way were a public highway, or with the consent of the owner, on publicly owned and maintained roads and ways within areas not owned by this county.

(q) Prohibiting the making of any turning movement by any vehicle at any intersection or between any designated intersections.

(r) Prohibiting the parking or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day.

(s) Declaring a prima facie speed limit of thirty, thirty-five, forty, forty-five, fifty, or a maximum speed limit of fifty-five on any street other than a state highway otherwise subject to a prima facie speed limit of twenty-five miles per hour.

(t) Declaring a prima facie speed limit of fifty, forty-five, forty, thirty-five, thirty, or twenty-five miles per hour on any portion of any street other than a state highway where the street is subject to a speed limit of fifty-five miles per hour.

(u) Regulating the installation and operation of mechanical devices for the control of vehicular and pedestrian traffic.

(v) Establishing weight limitations for vehicles traveling over county roads and bridges.

(w) Regulating public grounds of county property as provided for in section 21113, State Vehicle Code.
(x) Find and declare, after a public hearing, that there is a privately owned and maintained road, within the county, as described in an ordinance or resolution, that is generally held open for use by the public for vehicular travel and which so connect with highways that the public cannot determine that the road is not highway, and therefore the provisions of the Vehicle Code should apply to that private road.

(y) Find and declare, after a public hearing, that there is a privately owned and maintained road, within the county, as described in an ordinance or resolution, that is not generally held open for use of the public for purposes of vehicular travel but, by reason of its proximity to or connection with highways, the interests of any residents residing along the road and the motoring public will best be served by application of the provisions of the Vehicle Code to the road.

(z) Any other traffic regulations not mentioned in subsections (a) through (y) above, but contained in the latest amendments to the California Vehicle Code.

Section 5. Section 17-11 of Chapter 17 is amended as follows:

Sec. 17-15. Resolutions adopting traffic orders
(a) Resolutions adopting traffic orders shall be numbered consecutively, in a numerical series separate from that applied to other resolutions of the board of supervisors.

(b) A copy of each resolution adopting a traffic order shall be filed with the director of the department of transportation.

Section 6. Article II of Chapter 17 is amended as follows:

ARTICLE II. ASSEMBLIES OR PARADES ON COUNTY ROADS OR PROPERTY

Sec. 17-20. Assemblies or parades.
This article shall be applicable to assemblies, parades, footraces, bicycle touring and similar events involving sponsored, advertised or published activities hereinafter referred to as an "event" occurring on Solano County roads other than sidewalks or on Solano County Property which involve more than twenty-five participants.

Sec. 17-21. Permit required
It is unlawful for any person, firm, partnership, company, corporation, association, society, or organization of any kind, to conduct an event as described in section 17-20 above, along or upon any county maintained road in the unincorporated area of the county or on county public property, without first obtaining a permit from the director of the department of transportation, to do so.

Sec. 17-22. Permit--Application
A person seeking issuance of a permit shall file an application with the director of the department of transportation on forms provided by the director for such purpose. A complete application for a permit must be filed at least thirty days before the date on which it is proposed to conduct the event. The director of the department of transportation, where good cause is shown therefore, shall have the authority to consider any late application hereunder which is filed at least five working days before the date such event is proposed to be conducted.

Sec. 17-23. Permit--Contents
Each event permit application, submitted on a form adopted by the Director of Transportation, shall contain the following information:

(a) Starting time;
(b) Minimum and maximum speed;
(c) Maximum interval of space to be maintained between the units of the event;
(d) The portions of the streets, parkways or property to be traversed that may be occupied in connection with the event;
(e) The maximum length of the route in miles, or fractions thereof;
(f) Contain a map and detailed description of the route and/or location of the event;
(g) Be accompanied by a certificate of insurance, in a minimum amount to be approved by the Risk Manager, on which the County and the State are named as additional insureds; and
(h) Such other information as the director of the department of transportation finds necessary or advisable.

Sec. 17-24. Permit--Insurance provisions
(a) The applicant or sponsor of an event must possess or obtain public insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. Such insurance shall name on the policy or by endorsement as additional insureds the county and the State of California, their officers, employees and agents. Insurance coverage must be maintained for the duration of the event.
(b) Coverage shall be a comprehensive general liability insurance policy.
(c) Minimum limits required shall be five hundred thousand dollars each person bodily injury, five hundred thousand dollars each occurrence bodily injury, one hundred thousand dollars each occurrence property damage.
(d) A copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the risk manager of the county at least 10 working days before the date of the event unless the risk manager for good cause waives the filing deadline. The event permit shall not be issued by the director of transportation until after the insurance policy or certificate of insurance along with necessary endorsements have been filed by the applicant or sponsor and approved by the risk manager.
(e) The insurance requirements of (a) through (d) of this section shall be waived by the director of transportation for events if the following conditions are satisfied: The applicant or sponsor signs a verified statement that it is believed the event's purpose is First Amendment expression, and that it has been determined that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression, or that it has been impossible to obtain insurance coverage. The statement shall include the name and address of one insurance agent or other source for insurance coverage contacted to determine insurance premium rates for insurance coverage.

Sec. 17-25. Permit--Other reviewing agencies
The California Highway Patrol, affected fire protection districts, sheriff, risk manager or any other department, agency or private party affected by the proposed event shall be contacted for comments as determined by the director of transportation.
Sec. 17-26. Permit--issuance conditions
The director of the department of transportation shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, the director finds that:

(a) The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its routes;
(b) The conduct of the event will not require the diversion of so great a number of law enforcement personnel to properly police the line of movement and the areas contiguous thereto as to prevent normal law enforcement protection in the county;
(c) The conduct of such event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the county other than that to be occupied by the proposed line of march and areas contiguous thereto;
(d) The concentration of persons, animals and vehicles at assembly points or the location of the event will not unduly interfere with proper fire and police protection of, or ambulance service to areas contiguous to such assembly areas;
(e) The conduct of such event will not unduly interfere with the movement of fire-fighting equipment en route to a fire;
(f) The conduct of the event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
(g) The event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; or
(h) The route or property has not already been scheduled for another event at the requested time; and
(i) The California Highway Patrol, sheriff, and the risk manager have approved the event.

Sec. 17-27. Permit--action on application
The director of the department of transportation shall act upon a complete application for a permit at least ten days before the event, except for a late application which shall be acted upon at least two days before the event. If the application is rejected, the director shall immediately notify the applicant by telephone of the rejection, stating the reasons for denial.

Sec. 17-28. Permit--denial of application--alternate permit
In denying an application for a permit, the director of the department of transportation shall be empowered to authorize the conduct of the event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of such decision, file a written acceptance with the director. An alternate permit shall conform to the requirements of, and shall have the effect of a permit.

Sec. 17-29. Permit--exemptions
The provisions of this article shall not apply to:

(a) Funeral processions;
(b) Students going to and from school classes or participating in educational activities, provided such is under the immediate direction and supervision of proper school authorities; or

(c) A governmental agency acting within the scope of its functions.

Sec. 17-30. Litter removal--prohibited acts
Applicant shall remove all litter and debris from the area used by the event. In addition, trespassing on or interference with private property, including fences, is prohibited. The use of open fires by any participants while on county roads is prohibited and smoking is prohibited during the fire season (June through October).

Sec. 17-31. Other public events on public or private property
All events set forth under the provisions of "special events" under Chapter 17 of this Code, entitled "Special Events," shall be excluded from the requirements of this article.

Section 7. Chapter 19 is amended to read:

CHAPTER 19
PARKS, AND RECREATION, AND OTHER PUBLIC PROPERTY

Section 8. Article IV of Chapter 19 is added as follows:

ARTICLE IV. USE OF PUBLIC PROPERTY

§ 19-300. Purpose of regulations; applicability of article.

§ 19-310. Permit for use - Required; conditions imposed.

§ 19-320. Same—Issuance.

§ 19-330. Same—Keeping permit on premises.

Sec. 19-300. Purpose of regulations; applicability of article.
The board of supervisors declares that these regulations, relating to the use of county-owned property by the general public and particularly by organized groups and organizations described in this section, are necessary for the preservation of life, limb and property, and the orderly use of these public facilities, and to preserve them for the benefit of the general public.

Sec. 19-310. Permit for use — Required; conditions imposed.
No person and no organized group or organization shall make use of any of the property described in section 19-300 for meetings, conferences, rallies or other similar gatherings or purposes, designed or likely to attract large numbers of people, without first having obtained a permit from the county, as provided in this article. Such permit must be obtained at least two weeks prior to the anticipated date of the event in question. Permits may be issued to authorize the holding of regularly scheduled meetings. Permits authorizing regularly scheduled meetings shall be valid until revoked. The county may impose reasonable conditions upon all such permits, including but not limited to the following:

(a) Collection of applicable fees.

(b) A deposit of cash or a bond from a recognized surety company to insure clean-up and restoration of the premises used, after use. The amount of such deposit or bond shall be determined with reference to the type of event and the number of persons anticipated.
(c) Insurance protecting the county against liability for injury or death of persons and against liability for property damage in amounts determined appropriate by the County Risk Manager.

(d) A cash bond or surety bond from a recognized surety company to compensate the county for any damage done to county property, the amount of such deposit or bond to be determined with reference to the type of event and the number of persons anticipated.

(e) A program for the policing of the event, at applicant's cost, including, in the case of political rallies, protection of the lives and limbs of prominent persons, and including also, where appropriate, vehicular and pedestrian traffic controls. Such program shall first be submitted to the sheriff of the county and to the chief of police of the city concerned, when the event is to take place in an incorporated city, for approval at least ten days prior to the first day of such event. This condition shall in no event be construed to require any law enforcement office concerned to undertake more than its normal duties in such cases.

(f) Control and regulation of all amplifying devices and other noise or music producing machinery.

(g) Furnishing, installation and removal of protective devices for county property, including trees, shrubbery and flowers.

The provisions of this section shall not apply to meetings of public agencies and officials including county central committees, in the performance of the duties of their office or employment.

Sec. 19-320. Same- Issuance.
Except as otherwise provided in this article, all permits shall be issued and conditions imposed by the Department of General Services, which may consult with other appropriate county and city agencies to determine reasonable conditions. All permits shall be in writing and shall contain a statement of all applicable conditions.

Sec. 19-330. Same- Keeping permit on premises.
At all times during the course of the event permitted under this article, a responsible person shall be on the premises concerned, with the original permit in possession at such times. Upon request of any county official or peace officer, such permit shall be available for inspection.

Section 10. Severability

If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, including but not limited to being preempted by state law, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof nor other applications of the ordinance which can be given effect without the invalid provision or application.

Section 11. Effective Date

This ordinance shall be effective thirty (30) days after its passage.
Section 12. Publication

A summary of this ordinance shall be published once within fifteen (15) days after its adoption, in the Fairfield Daily Republic, a newspaper of general circulation in the County of Solano.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on Sept. 14, 2010 by the following vote:

AYES: Kondylis, Reagan, Seifert, Spering, and Chair Vasquez

NOES: None

EXCUSED: None

ATTEST:
Michael D. Johnson, Clerk
Solano County Board of Supervisors

BY: Patricia J. Crittenden, Chief Deputy Clerk

Introduced: Aug. 24, 2010
Adopted: Sept. 14, 2010
Effective: Oct. 14, 2010