

## **Chapter 82-44 TEMPORARY EVENTS**

### **Sections:**

#### **Article 82-44.2. General Provisions**

#### **82-44.202 Title.**

This chapter is known as the Temporary Events Ordinance of Contra Costa County.  
(Ord. 2005-25 § 2).

#### **82-44.204 Purpose.**

The purpose of this chapter is to establish procedures for evaluating, permitting, and regulating short-term activities and events that are conducted on private property and generate or invite considerable public participation, invitees, or spectators. Because these land uses are temporary, they have negligible or no permanent effect on the environment, and their potential impact on adjoining properties is either minimal or can be offset by conditions. The procedures authorize the zoning administrator to approve permits for temporary events and to require permit conditions or deny permits when necessary to protect the public. The procedures are necessary to protect and promote the health, safety, and welfare of the public, temporary event participants, and nearby residents. The procedures are intended to minimize the impacts of temporary events on the normal free flow of vehicular and pedestrian traffic, to minimize the impacts of noise from temporary events, to protect the safety of property, and to minimize disturbance and inconvenience to neighbors, neighboring properties and neighborhoods.

(Ord. 2005-25 § 2).

#### **82-44.206 Definitions.**

For purposes of this chapter, the following words and phrases have the following meanings:

- (a) "Event" means an occasion on private property organized for a particular and limited purpose and time and is an organized outdoor assemblage that: exceeds ~~75~~seventy five persons at a venue in a residential zoning district or at a venue in an agricultural zoning district or at a residence in any other zoning district; ~~or exceeds 150~~one hundred fifty persons at ~~any other~~any other venue ~~or location in any other zoning district.~~ "At a residence" means located wholly or in part on a parcel that includes a residence. "Events" include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue. An outdoor assemblage of ~~75~~seventy five or fewer ~~persons~~people at a venue in a residential zoning district or at a venue in an agricultural zoning district or at a residence in any other zoning district, or ~~150~~one hundred fifty or fewer ~~persons~~people at ~~any other~~any other venue or location in any other zoning district, is not an "event" for purposes of this ordinance.
- (b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods, or services. An event that requires paid admission or charges for parking or that is open or advertised to the general public is presumed to be a commercial event. An

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event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.

- (c) "Noise level" means the "A" weighed sound pressure level in decibels obtained by using a sound level meter at slow meter response with a reference pressure of twenty micropascals.
- (d) "Outdoor assemblage" means any assemblage that is not wholly contained within the interior of a residence. An "outdoor assemblage" includes any assemblage in an accessory structure, including but not limited to a barn or tent.
- (e) "Parade" means a march or procession of people on any county street or right-of-way that obstructs, delays, or interferes with the normal flow of vehicular traffic, or does not comply with traffic laws or controls.
- (fe) "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.
- (g) "Sound level meter" means an instrument that meets or exceeds American National Standard Institute's Standard S1.4-1971 for Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment that will provide equivalent data.
- (hf) "Temporary event" means an event that occurs for up to one day at a residence or in a residential zoning district, or up to three consecutive days at any other location.
- (ig) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility wherefor which an event is held or is proposed to be held.

(Ords. ~~No. 2024-07 § 2~~, 2010-11, § ~~2H~~, ~~7-13-10~~; Ord. 2005-25 § 2).

#### Article 82-44.4. Permits

##### 82-44.402 Temporary event permit required.

The following uses are allowed in any zoning district only after the issuance of a temporary event permit:

- (a) A temporary event, unless the temporary event is exempt from the requirement to obtain a temporary event permit or a land use permit is required for the event.
- (b) Retail sales of Christmas trees between Thanksgiving and December 26;
- (c) Retail sales of pumpkins between October 1 and October 31.

(Ord. No. 2010-11, § III, 7-13-10; Ord. 2005-25 § 2).

##### 82-44.404 Exemptions.

The following activities are exempt from the permit requirements of this chapter:

- (a) An event held on public property, in a public facility, or in a public park, provided all other permits and licenses required by this code or state law are obtained, including encroachment permits, environmental health permits, and state alcoholic beverage control permits.
- (b) An event held in a public right-of-way, including a funeral procession or parade, provided all other permits and licenses required by this code or state law are obtained, including encroachment permits, environmental health permits, and state alcoholic beverage control permits.
- (c) An activity conducted by a governmental agency acting within the scope of its authority.

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- (d) Weddings, birthday parties, graduation parties, or other family events held at a private residence, provided that no more than four of these events are held within a twelve-month period. This subsection (d) does not exempt a commercial event from the permit requirements of this chapter.
  - (e) An event held at a members-only nonresidential facility where the only participants are members and their guests.
  - (f) An event held at a school, provided the event is consistent with the underlying land use entitlement.
  - (g) An event held at a religious entity's facility, provided the event is consistent with the underlying land use entitlement.
  - (h) A film-making activity for which a filming permit has been obtained in accordance with Chapter 56-8 of this code.
  - (i) Car washes for fund raising purposes, provided that the car washes are held on private property other than a residence, are limited to a maximum of two days each month for each sponsoring organization, and are sponsored by an educational, charitable, religious, or nonprofit group.
  - (j) Garage sales held at a private residence, provided that sales occur no more than four times within a twelve-month period per residence, for a maximum of two consecutive days each.
  - (k) A real estate open house, where a property is for sale, lease or rent.

(Ords. 2024-07 § 4, 2005-25 § 2).

#### **82-44.406 Restrictions.**

- (a) No two events mayshall be held at the same venue with fewer than seven days between events.
- (b) No commercial event mayshall be held in a residential zoning district ~~or at a residence in any other zoning district.~~
- (c) All events, whether or not a permit is required under this chapter, are subject to the following noise restrictions:
  - (1) No event may exceed the noise levels specified in Section 82-44.410.
  - (2) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays.

(Ords. 2024-07 § 3, 2005-25 § 2).

#### **82-44.408 Application and review.**

- (a) Any person, entity, business, or group wishing to hold, sponsor, conduct, operate or maintain a temporary event shall submit a completed temporary event permit application to the department of conservation and development. The application form shall be signed and verified by the applicant, if an individual; a general partner authorized to sign on behalf of a partnership; an officer or director authorized to sign on behalf of a corporation; or a participant authorized to sign on behalf of a joint venture or association. The applicant must be a qualified applicant pursuant to Section 26-2.1604.
- (b) An application is not complete unless it includes all of the following information:
  - (1) The name, address, and telephone number of the applicant and an alternate contact person.

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- (2) If the event is proposed to be a commercial event, the name, address and telephone number of the organization, and the authorized head of the organization. If the event is sponsored by or intended to benefit a non-profit organization, certification that the organization is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code. The purpose of this requirement is to ensure that commercial events are not held in residential zoning districts ~~or at residences in any other zoning district~~. The name of the non-profit organization is not required to be indicated on the permit application. For a period of ninety days following the event, the applicant must retain records indicating the name of the organization that the event is sponsored by or intended to benefit.
  - (3) The name, address and telephone number of the person who will be present and in charge of the event on the day of the event.
  - (4) The type of event (e.g., a concert or arts and crafts show).
  - (5) Date and estimated starting and ending time of the event, including the time required to prepare and clean up the venue.
  - (6) Location of the event, including its street address and assessor's parcel number.
  - (7) Estimated number of attendees or participants at the event.
  - (8) The type and estimated number of vehicles and structures that will be used at the event, if any.
  - (9) Description of any sound amplification equipment that is proposed for use at the event.
  - (10) Whether any food will be served or sold at the event and, if applicable, the time and manner in which caterers and catering trucks will be used.
  - (11) Whether any beverages, including alcoholic beverages, will be served or sold at the event, and whether any such sales will be wholesale or retail.
  - (12) Whether security will be employed at the event.
  - (13) Parking, traffic control, and crowd control measures proposed for the event.
  - (14) The number and type of events held at the venue in the preceding twenty-four months.
  - (15) A site plan showing the size and location of property lines, sidewalks, streets, and improvements on adjacent properties, clearly labeled and drawn to scale.
  - (16) The time and acts required to prepare the venue for the event and the time and acts required following the event to clean up and restore the regular use of the property or venue.
  - (17) The type and location of on-site restrooms.
- (c) An application must be submitted at least forty-five days before the proposed event. The department of conservation and development will have five calendar days to determine whether an application is complete. If the application is incomplete, the applicant will be notified and will have five days from the date of notification to provide all of the information required for a complete application. The zoning administrator will have ten days after submission of a complete application to decide on the application. The zoning administrator shall approve a complete permit application and issue a permit unless one or more grounds for denial exists.
- (d) No event permit application shall be denied on any grounds except for any of the following:
- (1) Information contained in the application is found to be false in any material detail.

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- (2) The applicant fails to timely file the application form or fails to complete and submit the application form within five calendar days after having been notified of the additional information or documents required for a complete application.
  - (3) A violation of any term or condition of a temporary event permit previously issued within the preceding twenty-four months to the applicant or for the private property venue.
  - (4) Another temporary event permit application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion.
  - (5) The time, route, characteristics, or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to great traffic congestion.
  - (6) The concentration of persons, animals, or vehicles at the site of the event, or the assembly and disbanding areas around an event, will prevent proper police, fire, or ambulance services to the venue and areas contiguous to the event.
  - (7) The location of the event will substantially interfere with a previously granted encroachment permit or with any previously scheduled construction or maintenance work scheduled to take place upon or along county streets.
  - (8) The proposed event is not allowed under the terms of a previously issued county land use permit.
  - (9) A temporary event permit previously issued within the preceding twenty-four months to the applicant or for the specific private property venue was revoked.
  - (10) Failure to pay an outstanding fine owed for an event previously held at the venue or owed by the applicant for any event held at any location.
  - (11) When the grounds for denial of an application for permit specified in subsections (4) through (7), above, can be mitigated by altering the date, time, duration, size, route, or location of the event, the zoning administrator shall conditionally approve the application upon the applicant's acceptance of conditions for permit issuance instead of denying the application. If the grounds for denial cannot be mitigated by imposing conditions, the permit will be denied.
- (e) If the zoning administrator issues a permit, notice of the permit issuance and permit conditions will be mailed to all properties within three hundred feet of the event venue.
  - (f) The zoning administrator's decision on the issuance of a permit may be appealed to the conservation and development director. The applicant may appeal the denial of a permit and may appeal any conditions imposed on a permit. Any person affected by any time, place, or manner conditions imposed on a permit may appeal only the permit conditions. Any person other than the applicant who appeals any time, place, or manner conditions must specify which conditions are being appealed. An appeal must be in writing, must be filed within five days of the zoning administrator's decision on the permit, and must include an appeal fee. An appeal hearing will be scheduled before the conservation and development director. The director's decision will be made at least ten days before the date of the proposed event. The director's decision following an appeal hearing is final for purposes of exhaustion of administrative remedies.
  - (g) An application may be submitted less than forty-five days before the proposed event if the proposed event is a response to a current occurrence whose timing did not allow the applicant to file a timely application. An application submitted under this section must specify the date of the occurrence to which the proposed event is responding. If a complete application is filed less than forty-five days before the proposed event, the zoning administrator shall issue a decision as soon as reasonably practicable. Any appeal must be filed within three days of the zoning administrator's decision. The conservation and development director's decision on the appeal will be made at least five days before the date of the proposed event.

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- (h) Exemption.
- (1) No temporary event permit is required for an event held at a venue in a residential zoning district if:
    - (A) Three or fewer events are held at the venue within a twelve-month period; and
    - (B) For properties forty thousand square feet or greater in size, two hundred or fewer total people will be present at the event; and
    - (C) For properties less than forty thousand square feet in size, one hundred twenty-five or fewer total people total will be present at the event.
  - (2) An event at a residence that is exempt under this subsection (h) from the requirement to obtain a temporary event permit must comply with the following standards and requirements:
    - (A) The sound levels at the event cannot exceed the levels specified in subsection (b)(1) of section 82-44.410.
    - (B) On-site restrooms must be provided at the event.
    - (C) Dedicated remote parking for the event sufficient to accommodate attendees must be available if the adjacent streets do not have a graded or paved eight-foot-wide should for parking, and if parking for all attendees is unable to occur on-site.
    - (D) At least ten days before the event, the property owner must inform the department of conservation and development in writing of the time, date, and location of the event.
    - (E) At least ten days before the event, the property owner must send a notice to all property occupants within two hundred feet of the event venue of the time, date, and location of the event.
  - (3) The exemption under this subsection (h) does not apply if:
    - (A) Four or more events are held at a venue in a residential district in a twelve-month period.
    - (B) One of the standards or requirements specified in subsection (h)(2) was violated at a previous event within the previous twelve months.
    - (C) More than two hundred people will be at an event in a residential district if the property is forty thousand square feet or more in size.
    - (D) More than one hundred twenty-five people will be at an event in a residential district if the property is less than forty thousand square feet in size.

(Ords. ~~No. 2024-07 § 5~~, 2010-11, § ~~4, IV, 7-13-10~~; Ord. 2005-25 § 2).

### **82-44.410 Conditions.**

- (a) The zoning administrator may condition the issuance of a temporary events permit by imposing any of the following requirements concerning the time, place, and manner of the event. The zoning administrator may consult with public works, fire, and law enforcement officials and may impose time, place, and manner conditions that are requested by those officials, provided the requested conditions are among the conditions specified below. No conditions other than those specified below may be placed on a permit. Conditions may not restrict expressive activity or the content of speech.
  - (1) Alteration of the date, time, route or location of the event proposed on the application.
  - (2) Conditions concerning accommodation of pedestrian or vehicular traffic.

- (3) Conditions concerning parking, including, but not limited to, requirements for the use of shuttles from parking areas to the venue.
  - (4) Conditions concerning traffic control, including, but not limited to, requirements for the use of traffic cones or barricades.
  - (5) Requirements for provision of on-site restrooms.
  - (6) Requirements for use of security responsible for crowd control, fire watch, general security, and evacuation of occupants.
  - (7) Conditions concerning maximum occupancy, based on the size of the venue and for purposes of minimizing impacts on traffic and parking. In imposing conditions concerning maximum occupancy, the zoning administrator may consider the lot size of the event venue, proximity of surrounding residences, density of the underlying zoning district, and the location and size of any buildings between the venue and surrounding properties.
  - (8) Restrictions on the number and type of structures at the event, and inspection and approval of structures.
  - (9) Compliance with animal protection ordinances and laws.
  - (10) Requirements for use of garbage containers and cleanup.
  - (11) Conditions limiting the duration of time and hours of the event (including the time to prepare and clean up the venue) in order to minimize impacts on traffic and parking.
  - (12) Time, place, and manner restrictions on the use of amplified sound. The use of amplified sound is prohibited in a residential district unless allowed as a condition of a temporary event permit.
- (b) When a temporary event permit is granted for any event in a residential zoning district or at a residence in any other zoning district, it is granted subject to the following conditions:
- (1) The event shall not generate or emit any noise or sound that exceeds any of the levels specified in the table below measured at the exterior of any dwelling unit located on another residential property. The noise generated or emitted shall not exceed the levels specified in the table for the duration of time specified in the table. Exterior noise levels shall be measured with a sound level meter. The permit shall incorporate the applicable "allowable exterior noise levels" specified in the table into the permit conditions only for the duration of time allowed for the event by the permit. For example, if the permit provides that an event shall end by seven p.m., the "allowable exterior noise levels" allowed between nine a.m. and eight p.m. shall be incorporated into the conditions, but the event must end by seven p.m.

**Allowable Exterior Noise Levels**

Cumulative Duration of Noise	9 a.m. - 8 p.m.	8 p.m. - 10 p.m.
30 minutes per hour	60 dBA	55 dBA
15 minutes per hour	65 dBA	60 dBA
5 minutes per hour	70 dBA	65 dBA
1 minute per hour	75 dBA	70 dBA

Level not to be exceeded at any time	80 dBA	75 dBA
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- (2) Amplified sound by any device is prohibited after ~~8:00~~<sup>eight</sup> p.m. Sundays through Thursdays and after ~~10:00~~<sup>ten</sup> p.m. Fridays, Saturdays, and holidays. A temporary event permit shall not allow the use of amplified sound after these hours.

(Ord. ~~No. 2024-07 § 6~~, 2010-11, § ~~5~~, ~~7-13-10~~; Ord. 2005-25 § 2).

**82-44.412 Duration.**

A temporary event permit is valid only for one event. A temporary event permit is valid only for the time or times specified in the permit. A temporary event permit lapses if not used within the time or times specified.

(Ord. 2005-25 § 2).

**82-44.414 Other permits and licenses.**

- (a) The issuance of a temporary event permit does not relieve anyone from the obligation to obtain any other permit or license required by this code or state law, including, but not limited to, encroachment permits, environmental health permits, and state alcoholic beverage control permits.
- (b) The issuance of any other permit or license does not relieve anyone from the obligation to obtain a temporary event permit pursuant to this chapter.

(Ord. 2005-25 § 2).

**82-44.416 Land use permit required.**

- (a) A land use permit is required for an event if any of the following occur:
  - (1) Three events that required a temporary event permit, or three events at a venue in a residential zoning district that were exempt from obtaining a permit under subsection (h) of Section 82-44.408, were previously held at a venue within the preceding twelve months.
  - (2) Four or more events will be held at a venue in a twelve-month period.
  - (3) Three or more events will be held at a venue within a forty-five-day period.
  - (4) An event will last more than one day at a venue in a residential zoning district or at a residence in any other zoning district, or will last more than three consecutive days at any other location.
  - (5) More than three hundred people will be present at an event at a venue in a residential zoning district or an event at a residence in any other zoning district.
  - (6) A temporary event permit previously issued to the applicant or for the venue was revoked within the preceding twenty-four months.
- (b) It is a violation of this section if the number of people present at an event exceeded a size threshold specified in subsection (a) above, and a land use permit was not obtained before the event. For purposes of this section, "the number of people present at an event" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at the event venue.

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- (c) If a land use permit or building permit is required for a structure associated with a temporary event, then no event may be held at the venue without a land use permit.
  - (d) An application for a land use permit will be decided in accordance with Article 26-2.20 of this code.
  - (e) No conditions that restrict expressive activity or the content of speech may be imposed on any land use permit issued for an event.
  - (f) The following conditions shall apply to the issuance of a land use permit for an event venue located in an agricultural zoning district.
    - (1) A land use permit that authorizes events at a venue located in an agricultural zoning district may only be issued if the authorized events are an accessory use on a property that is used for agriculture, as defined in Section 82-4.206, and the zoning administrator finds that the proposed events will promote the vitality of agriculture in the area. If a property is located in an agricultural zoning district but the property is not used for agriculture, or the zoning administrator does not find that the proposed events will promote the vitality of agriculture in the area, then no land use permit authorizing events at the property will be issued.
    - (2) Number of events. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the annual maximum number of events for the purposes of maintaining the agricultural nature of the property and reasonably limiting impacts on neighbors. In imposing conditions regulating the maximum number of events, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of events with neighboring uses, and the degree to which events conflict with the property's primary use of agriculture. On a parcel of less than 40 acres, the maximum number of events per calendar year that may be authorized by a land use permit is six. On a parcel of 40 or more acres, the maximum number of events per calendar year that may be authorized by a land use permit is 26.
    - (3) Number of people. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the maximum number of people allowed at each event for the purposes of reasonably limiting impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.
    - (4) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. A land use permit for an event venue located in an agricultural zoning district shall not allow the use of amplified sound after these hours.
    - (5) Exterior lighting must be directed downward and away from adjacent properties.

(Ords. ~~No. 2024-07 § 7, 2010-11, § 6, 7, 13-10; Ord. 2005-25 § 2).~~

### **82-44.418 Enforcement.**

- (a) An event may be monitored by law enforcement and code enforcement officials to determine compliance with the terms and conditions of the permit.
- (b) A temporary event permit may be revoked for any violation of any term or condition that occurs at an event or for any other reason specified in Section 26-2.2022 of this code. A revocation may be appealed to the board of supervisors within seven days of the revocation.

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(c) ~~This chapter~~ county may be enforced this division by any remedy allowed under the Contra Costa County's Ordinance Code or any other remedy allowed by law. These remedies include, but are not limited to, administrative fines, infraction citations, and cease and desist (abatement) orders.

(d) The following officials and their designees are authorized to enforce this chapter:

(1) Director of Conservation and Development.

(2) Sheriff.

(e) Nothing in this chapter is intended to preclude the enforcement by any Sheriff's deputy of Penal Code section 415, the disturbing the peace statute.

(Ords. 2024-07 § 8, 2005-25 § 2).

### **82-44.420 Responsible party liability.**

(a) A person violates this chapter if an event that violates this chapter is held on property that the person owns, rents, leases, or otherwise has possession of, regardless of whether the person is present when the violation occurs.

(b) A person violates this chapter if an event that the person organizes, supervises, sponsors, conducts, allows, or controls violates this chapter.

(Ord. 2024-07 § 9).

## **Article 82-44.6. Fees and Costs**

### **82-44.602 Application fee.**

A nonrefundable application fee for a temporary event permit shall be paid when the application is submitted. An application for a temporary event permit is not complete until the application fee is paid.

(Ord. 2005-25 § 2).

### **82-44.604 General.**

(a) Permit application fees, regulatory fees, inspection fees, and appeal fees will be in amounts established by the board of supervisors in the community development department's fee schedule.

(b) Fees required under this chapter are in addition to any other fee required under any other chapter of this code or any other county, state or federal law or regulation.

(Ord. 2005-25 § 2).