

ORDINANCE NO. 2024-07

TEMPORARY EVENTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Chapter 82-44 of the County Ordinance Code to establish specific land use permit conditions for an event venue located in an agricultural zoning district. This ordinance also establishes noise restrictions applicable to all permitted and unpermitted events. This ordinance also further regulates commercial events by: prohibiting unpermitted commercial events; holding commercial event organizers, in addition to property owners, liable for illegal commercial events; and authorizing Sheriff's deputies, in addition to code enforcement officers, to enforce Chapter 82-44.

SECTION II. Section 82-44.206 of the County Ordinance Code is amended to read:

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 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 persons at any other venue or location. "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. An outdoor assemblage of 75 or fewer persons at a venue in a residential zoning district or at a venue in an agricultural district or at a residence in any other zoning district, or 150 or fewer persons at any other venue or location, 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 or that is held at a venue rented for that purpose is presumed to be a commercial event. An 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.
- (f) “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.
- (h) “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.
- (i) “Venue” means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility where an event is held or is proposed to be held. (Ords. 2024-07 § 2, 2010-11 § 2, 2005-25 § 2.)

SECTION III. Section 82-44.406 of the County Ordinance Code is amended to read:

82-44.406 Restrictions.

- (a) No two events may be held at the same venue with fewer than seven days between events.
- (b) No commercial event may be held in a residential 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.)

SECTION IV. Subsection (d) of Section 82-44.404 (Exemptions) of the County Ordinance Code is amended to read:

- (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.

(Ords. 2024-07 § 4, 2005-25 § 2.)

SECTION V. Subsection (b)(2) of Section 82-44.408 (Application and review) of the County Ordinance Code is amended to read:

- (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. 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.

(Ords. 2024-07 § 5, 2010-11 § 4, 2005-25 § 2.)

SECTION VI. Subsection (b)(2) of Section 82-44.410 (Conditions) of the County Ordinance Code is amended to read:

- (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. A temporary event permit shall not allow the use of amplified sound after these hours.

(Ords. 2024-07 § 6, 2005-25 § 2.)

SECTION VII. Section 82-44.416 (Land use permit required) of the County Ordinance Code is amended by adding the following subsection (f):

- (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 permits 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 permits 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. 2024-07 § 7, 2010-11 § 6, 2005-25 § 2.)

SECTION VIII. Section 82-44.418 of the County Ordinance Code is amended to read:

- (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. A revocation may be appealed to the board of supervisors within seven days of the revocation.
- (c) This chapter may be enforced by any remedy allowed under the Contra Costa County 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).

SECTION IX. Section 82-44.420 is added to the County Ordinance Code, to read:

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.)

SECTION VIII. REPEAL OF INTERIM ORDINANCE NO. 2023-11. As of the effective date of this ordinance, Ordinance No. 2023-11 is repealed.

SECTION IX. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on March 5, 2024, by the following vote:

AYES: Gioia, Andersen, Burgis, Carlson, Glover

NOES: None

ABSENT: None

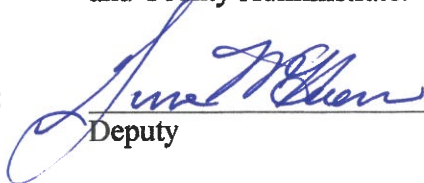
ABSTAIN: None

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator



Board Chair Federal Glover

By:


Deputy

[SEAL]

KCK:

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