



# City of Costa Mesa

## Supplemental Report

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**Meeting Date: 2/9/2023**

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**TITLE:**

**SUPPLEMENTAL INFORMATION TO OLD BUSINESS ITEM NUMBER 2**

**DEPARTMENT: PARKS AND COMMUNITY SERVICES**

**PRESENTED BY: PARKS AND COMMUNITY SERVICES DIRECTOR, JASON MINTER**

**CONTACT INFORMATION: PARKS AND COMMUNITY SERVICES DIRECTOR, JASON MINTER, (714) 754-5009**

**UPDATE:**

After the posting of the Agenda, staff were reviewing the department policies for permits to prepare for implementation of the proposed changes to the Municipal Code. In completing this review of section 12-53 Permits, staff have made additional changes for the Commission to review. These changes include clarification of terms, updates to the language, and references to the Special Event permit policy (Attachment 1).

Staff are providing hard copies of the changes to the Commission, and an electronic version will be linked on the agenda. A clean version with all of the changes for section 12-53 (Attachment 2) is also being provided for review.

We will need to make hard copies for each commissioner, as well as staff and the public. This includes the red lined version of 12-53 and a clean version of 12-53.

## 12-53. Permits.

(a) No persons in a park shall conduct, operate, present, manage or take part in any of the following activities, unless a permit is obtained from the parks and community services director prior to the start of the activity:

~~(a) Permit is required for any gathering events that have any form of vendor service regardless of gathering size and subject to deposits and additional permitting or deniability upon review.~~

~~(b1) Any lodge, society, social organization, group, sports league or team, social club or other organization of persons having twenty-five (25) or more persons members or attendees desiring to use any area of any public park, square, avenue, grounds or portion thereof, or recreation facility for a parade party, picnic, game, or other purpose and where such use will exclude or interfere with use by other members of the public from such area.~~

(2) Any gathering of persons that utilize food vendors and services, bounce houses and inflatables, amplified sound, entertainment, other vendor services or use of any additional amenities not currently in place at park permit location.

~~(b) shall obtain a A~~ permit from the parks ~~& and~~ community services director or ~~his~~ their designee shall be obtained not less than ~~three five (35)~~ business days or more than one (1) year prior to such use. The parks ~~& and~~ community services director and other personnel of the department may take all reasonable measures to apportion the use of any park, ~~square, avenue, grounds~~ or portion thereof and other recreational facilities fairly among individuals and groups desiring to use them. A permit fee may be charged to offset costs. Such fees shall be established by resolution of the city council.

(c) The parks ~~& and~~ community services director shall issue permits for the exclusive use of any public park or facility ~~described in subsection (a)~~ during certain times unless one of the following grounds is found to exist:

(1) The proposed use of a specified facility for a certain time is in conflict with a previously issued permit for the same facility.

(2) The proposed use will have a significant adverse impact on or present an imminent threat of damage or injury to the facility or the public health, safety, and welfare.

(3) The proposed use violated the provisions of this article or any other federal, state, county or city statute, ordinance or regulation.

(4) The permit application meets the criteria of a special event permit as defined in municipal code section 9-205. Definitions

(d) The parks and community services director may impose reasonable conditions or restrictions on the granting of a permit including, but not limited to, any of the following:

(1) A requirement that the applicant post a reasonable security deposit for the repair of any damage to park property or the cost of cleanup, or both.

(2) A requirement that the applicant pay any required business license tax or other required permits and/or fees.

(3) A requirement that the applicant furnish additional sanitary and refuse facilities that might be reasonably necessary based on the use or activity for which the permit is being sought.

(4) A requirement that the applicant provide comprehensive liability insurance in an amount established by resolution of the city council naming the city and its officers, agents and employees as additional insureds.

(5) A requirement that the applicant shall be bound by park rules and regulations and all applicable ordinances fully as though the same were inserted in their permit

(e) Availability of permitted parks is determined by the parks and community services director and are subject to change based on city schedules and/or park conditions.

~~(f)~~ Before making a determination on an application for a permit, the parks & ~~and~~ community services director shall allow interested persons an opportunity to submit relevant information either orally or in writing, and the director shall give notice of ~~his~~ their decision on the application by mail within twenty-four (24) hours of his decision. The decision of the parks & ~~and~~ community services director shall be made within three (3) business days of the filing of the application, and may be appealed to the parks & ~~and~~ community services commission by any interested person within seven (7) days of the date on which the notice of the decision, addressed to the groups or organizations affected, is deposited in the mail; provided, however, that the decision shall remain in effect while the appeal is pending. (Code 1960, § 10730; Ord. No. 68-10, 3-4-68; Ord. No. 86-19, § 2, 8-4-86; Ord. No. 92-12, § 2, 7-6-92; Ord. No. 99-8, § 18, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)

## 12-53. Permits.

(a) No persons in a park shall conduct, operate, present, manage or take part in any of the following activities, unless a permit is obtained from the parks and community services director prior to the start of the activity:

(1) Any group or organization of having twenty-five (25) or more persons desiring to use any public park or portion thereof, or recreation facility for a party, picnic, game, or other purpose and where such use will exclude or interfere with use by other members of the public from such area.

(2) Any gathering of persons that utilize food vendors and services, bounce houses and inflatables, amplified sound, entertainment, other vendor services or use of any additional amenities not currently in place at park permit location.

(b) A permit from the parks and community services director or their designee shall be obtained not less than five (5) business days or more than one (1) year prior to such use. The parks and community services director and other personnel of the department may take all reasonable measures to apportion the use of any park or portion thereof and other recreational facilities fairly among individuals and groups desiring to use them. A permit fee may be charged to offset costs. Such fees shall be established by resolution of the city council.

(c) The parks and community services director shall issue permits for the exclusive use of any public park or facility during certain times unless one of the following grounds is found to exist:

(1) The proposed use of a specified facility for a certain time is in conflict with a previously issued permit for the same facility.

(2) The proposed use will have a significant adverse impact on or present an imminent threat of damage or injury to the facility or the public health, safety, and welfare.

(3) The proposed use violated the provisions of this article or any other federal, state, county or city statute, ordinance or regulation.

(4) The permit application meets the criteria of a special event permit as defined in municipal code section 9-205. Definitions

(d) The parks and community services director may impose reasonable conditions or restrictions on the granting of a permit including, but not limited to, any of the following:

(1) A requirement that the applicant post a reasonable security deposit for the repair of any damage to park property or the cost of cleanup, or both.

(2) A requirement that the applicant pay any required business license tax or other required permits and/or fees.

(3) A requirement that the applicant furnish additional sanitary and refuse facilities that might be reasonably necessary based on the use or activity for which the permit is being sought.

(4) A requirement that the applicant provide comprehensive liability insurance in an amount established by resolution of the city council naming the city and its officers, agents and employees as additional insureds.

(5) A requirement that the applicant shall be bound by park rules and regulations and all applicable ordinances fully as though the same were inserted in their permit

(e) Availability of permitted parks is determined by the parks and community services director and are subject to change based on city schedules and/or park conditions.

(f) Before making a determination on an application for a permit, the parks and community services director shall allow interested persons an opportunity to submit relevant information either orally or in writing, and the director shall give notice of their decision on the application by mail within twenty-four (24) hours of his decision. The decision of the parks and community services director shall be made within three (3) business days of the filing of the application, and may be appealed to the parks and community services commission by any interested person within seven (7) days of the date on which the notice of the decision, addressed to the groups or organizations affected, is deposited in the mail; provided, however, that the decision shall remain in effect while the appeal is pending. (Code 1960, § 10730; Ord. No. 68-10, 3-4-68; Ord. No. 86-19, § 2, 8-4-86; Ord. No. 92-12, § 2, 7-6-92; Ord. No. 99-8, § 18, 6-7-99; Ord. No. 02-10, § 1, 5-20-02)