

Long Beach Special Events TERMS & CONDITIONS

Event Permits are subject to the following terms and conditions:

Alcohol Requirements

If you plan to sell or furnish alcoholic beverages at your event, you shall be required to obtain a permit from the State Department of Alcoholic Beverage Control (ABC). In many areas of the City public consumption of alcohol is illegal. The Special Event agreement you receive from the City of Long Beach shall likely prohibit the consumption of alcohol in the event venue outside of a controlled, fenced off area. If your event includes the use of alcohol on City property, Liquor Liability Coverage shall be included on your certificate of insurance.

In addition to the ABC, the Long Beach Police Department shall approve security plans for the consumption, distribution and/or sale of alcohol. The sale and consumption of alcohol requires additional security staff to monitor and control activities. The level of staffing is to be approved by the Long Beach Police Department.

The host organization is responsible for supplying the staff. The Office of Special Events and Filming and Long Beach Police Department shall be advised of the name of the security company, contact person and telephone number. You shall arrange a system to identify attendees over the age of 21 to bartenders serving alcoholic beverages. Acceptable evidence of \$1 million Liquor Liability insurance shall be submitted to the Office of Special Events and Filming naming the City as an additional insured, prior to Police, Special Events issuing their authorization letter to Alcohol Beverage Control. Alcoholic beverages shall not be served, sold or consumed on any public right-of-way outside of permitted venue.

CBD Products

CBD products fall under the Federal law definition of marijuana and are classified as a Schedule I drug. CBD products also fall under the definition of "cannabis" under State law. Therefore, the distribution and sale of CBD products requires both a license with the State and a business license with the City per LBMC Chapter 5.90.

Without these licenses, the distribution and sale of CBD products is illegal and not allowed.

Industrial Hemp

Industrial Hemp products are considered a Schedule I drug under Federal Law. Both Federal law and State law permit institutions of higher education and the California Department of Food & Agriculture to grow and cultivate industrial hemp for the purposes of agricultural or academic research in compliance with the Federal law definition of hemp.

As such, until the classification of Industrial Hemp changes under Federal law, there can be no other uses of Industrial Hemp under State law. Therefore, the sale of Industrial Hemp products (including Industrial Hemp based CBD products) are illegal and not allowed.

Charitable Solicitation

You shall be required to obtain a Police Vice Permit in addition to your special event agreement. A Police Vice Permit issued by the Police Department's Investigative Bureau, Vice Licensing and Permits Office is required for any event that includes bingo games, casino games, or allows patron dancing to recorded or live music. A Police Vice Permit is also required for any event that charges an admission fee or event charge to observe live entertainment, e.g., artistic, theatrical, dramatic, athletic, or similar entertainment by other persons or animals. This includes but is not limited to concerts, carnivals, circuses, rodeos, and theater.

Events (or activities within an event) held on public property by a nonprofit or charitable organization who are going to accept money in any way, whether it is through admission sales, raffles, silent auctions, etc., shall receive a Charitable Solicitation Permit from the City of Long Beach Police Department's Vice Division.

Massage

Massage provided as part of a special event may be performed, but shall receive prior approval by the Office of Special Events and Filming. In addition to the approval of the Special Events Office, you shall also be currently licensed and permitted to provide massage activities in the City of Long Beach. Inclusion of this type of activity at your event shall have additional insurance requirements and/or permits.

Security

Equipment security shall be your responsibility. Any outside security furnished shall have a current City business license and current Private Patrol Officer License. All security personnel shall have current guard cards. Your private security contractor shall provide a 24-hour telephone number and contact name. Security shall be coordinated between City staff and privately contracted personnel.

The Long Beach Police Department has the final authority to determine your event security requirements. If the prescribed numbers of licensed private security guards are not provided, or proven to be inadequate, the Long Beach Police Department maintains the right to shut down any or all components of the event and/or to provide additional police services that shall be billed directly to the Host Organization.

The use of armed services is prohibited, including bodyguards, unless they are being used for the transportation of money and the City is notified prior to the event and is approved by the Long Beach Police Department. On a reasonable basis, the Long Beach Police Department shall have full rights of inspection and patrol of your event festival, inside and out, by uniformed and/or plain clothes police officers.

Emergency Management Plan

Public safety is of the highest concern to the Office of Special Events and Filming.

We all share a responsibility to ensure the safety and well-being of the participants and patrons of our programs. As such, you are required to have a plan outlining how your organization shall address emergencies, which may arise during the course of your event, including, but not limited to, first aid, lost children, announcements, emergency evacuations, acts of civil disobedience, natural disasters, etc. The purpose of this task is to ensure proper integration of your event into the City of Long Beach Emergency Management Plan.

Fire Department

If food is to be prepared on site, fire and safety codes, as well as all health codes relating to preparing, storing and serving of food shall be observed. A flame retardant certificate and tent permit shall be obtained for all tents and canopies. Propane tanks/fuel canisters for cooking or heating areas shall be secured in a manner acceptable to Fire Prevention. City/State approved fire extinguishers are required at all sites exposed to open flame, heating/warming devices and any other areas identified by Fire Prevention which may create a potential fire hazard.

A 20' fire lane shall remain unobstructed throughout the event during all hours, including overnight and prior to opening to the public.

NO PARKING IS PERMITTED IN FIRE LANES UNDER ANY CIRCUMSTANCES.

Medical Treatment Plan

The City of Long Beach has developed guidelines for appropriate medical services depending upon the type of event and anticipated crowd size. The City has final authority regarding the level of medical support that shall be needed for the event.

For projected attendance between 0 and 2,500, the minimum requirements are for security staff to have current "First Aid Cards" so they can provide basic services in the first aid tent. These staff members shall be dedicated to emergency medical support and not have security responsibilities during events.

For estimated attendance between 2,501 and 4,999, the Police and Fire Departments and Host Organization shall agree on the emergency response plan for the event. If concurrence is not reached, the Fire and Police representatives shall define the requirements for the event. This decision shall be based on the planned activities at the event and the estimated support level required to provide a safe environment. For estimated attendance of 5,000 and above, shall require EMT staffing from the Long Beach Fire Department or an approved EMT provider to be on-site during the entire time the area is open to the public.

Parking and Shuttle Management Plan

It is important that you plan for the safe arrival and departure of event attendees, participants, and vendors.

As an organizer you should develop a parking and/or shuttle plan that is suitable for the environment in which your event shall take place, remembering that parking, traffic congestion and environmental pollution are all factors of concern with events. You should include the use of carpools, public transportation, and alternate modes of non-polluting transportation whenever possible.

You shall always include accessible parking and/or access in your event plans. The use of neighborhood streets for parking is not a sufficient way to plan for the arrival and departure of participants, vendors, and the public. It is the sole responsibility of the applicant to negotiate parking accommodations with private parking facilities.

Accessibility Plan

As an organizer, you are required to comply with all City, County, State and Federal disability access requirements applicable to your event. Compliance with the Americans with Disabilities Act of 1990 and any and all amendments thereto shall be the sole responsibility of (Contracting Party), and (Contracting Party) shall defend and hold the City harmless from any expense or liability arising from (Contracting Party's) non-compliance therewith.

All temporary venues, related structures, and outdoor sites for special events shall be accessible to persons with disabilities. If a portion of the area cannot be made accessible, an alternate area shall be provided with the same activities that are in the inaccessible areas. It cannot, however, be offered only to patrons with disabilities.

Disability access shall include parking, restrooms, telephones, clear paths of travel, transportation, signage, accessible vendors and booths. If all areas are not accessible, a map or program shall be provided to attendees indicating the accessible restrooms, parking, telephones, drinking fountains, etc. 10% of each cluster of restrooms shall be accessible and, if applicable, at least one pay telephone per group shall have volume control and be accessible to all.

Traffic Management, Safety Equipment and Signage Plan

If your event involves street closures, you shall be required to obtain traffic safety equipment for the safe closure of your venue and to ensure detour and parking information is posted.

Depending upon the type of event, you shall need barricades, traffic cones, directional signage, etc. It is your responsibility to obtain and properly place this equipment prior to the beginning of your event. You should include information on what type of safety equipment and signage you shall provide to ensure the safety of both vehicular and pedestrian traffic.

To ensure quick action to emergencies, you shall include on the map an emergency access plan that outlines where emergency vehicles shall be able to gain access into the event as well as where they shall be located throughout the event.

Stages, Structures, Generators (Temporary Electricity)

Any temporary electrical wiring installed for facilities at the event shall be inspected by the Department of Development Services prior to opening to the public. An electrical permit and inspection approval shall be required for all electrical generators, temporary lighting, and electrical power outlets. The permit is to be obtained by a state licensed electrical contractor having a City business license. The electrical contractor shall be responsible for obtaining the electrical inspector's approval and arranging for all required site inspections, corrections, and permits.

The event shall not open to the public until this requirement is met.

Should you require any platforms, bleachers, stages or other temporary structures for this event, a building permit shall be required. Plans shall be designed by a registered civil engineer and shall be submitted for review and approval **a minimum of two weeks** prior to the event. A building permit shall be obtained by a state licensed contractor having a City business license.

The Office of Special Events and Filming shall approve location of structures on City property.

Entertainment and Related Activities

Banners, pennants, flags, signs, streamers, inflatable displays, and similar devices are regulated by local ordinance. The number and location of these items shall be included in your site map and shall receive approval from the Office of Special Events and Filming. In certain areas and under certain conditions these items are prohibited.

Noise Ordinance

Unless authorized by the Office of Special Events and Filming, amplified and live music shall not be allowed.

As an organizer, you shall be certain that all event related activities comply with local laws applicable to noise abatement. Please be aware that loud and unreasonable noise (including music) is a violation of local and state law.

If City staff determines that noise from your event is offensive to others, you shall be required to lower or discontinue the noise. Also, City staff shall order musical entertainment to end if it incites a crowd or has the potential for unruly and risky behavior. The City of Long Beach does not allow slam dancing, crowd surfing, mosh pits, or other similar activities. Environmental Health requires you advise event staff, entertainers, event goers, vendors, and volunteers of all laws and regulations related to the City's noise ordinance as it applies to your event.

Under normal circumstances, decibel levels within a predominantly residential area shall be ambient or no more than 50 dB(a) between 7 a.m. and 10 p.m., and less than 45 dB(a) from 10 p.m. until 7 a.m. throughout the year, weekdays and weekends inclusive. This requirement applies to all sound checks, "warm-up" sessions, and announcements.

Food Concessions or Preparation

The City of Long Beach Department of Environmental Health provides guidelines for food facilities.

You shall be required to apply for a Health Permit if food or beverages are sold or given away during your special event. Different permits, policies and procedures depend on your classification and the number of days of your event.

If applicable, you shall be required to obtain per day Special Events Vendor Booth Permit(s), from the Department of Financial Management Business License Division.

A food/beverage permit shall be required for each facility, cart or booth selling, sampling or giving away food/beverages to the public.

Merchandise Concessionaires

The Office of Special Events and Filming shall allow you exclusive control and regulation of any concessionaires within your defined event venue.

If applicable, you are required to obtain an Organizer's Business License from the Department of Financial Management Business License Division as well as a California Seller's Permit for Temporary Sales from the California State Board of Equalization.

A per-booth/per-day fee shall be required for any displays or sale of food, arts, crafts, educational material, etc. sponsored by your organization. In addition, any other vendors not sponsored by your organization shall be required to obtain a license for each booth at a "per-booth, per-day" rate. There shall be a fine imposed on those vendors who shall be licensed on-site.

Mitigation of Impacts, Outreach Plan

As an organizer, you are required to develop mitigating measures to accommodate the negative impact your event may have on entities that shall be affected by your activities.

The City of Long Beach requires that notices be mailed or hand-delivered two weeks prior to your event to all entities impacted by event activities. Information in this notice shall include, but is not limited to, the date(s), day(s), time(s), location(s), and type(s) of activities taking place during your event. The notice shall also give detour or alternate route information if regular access is affected or if transportation systems are impacted. The notice shall also include a telephone number where members of the public can contact your organization if they have concerns or issues that need to be addressed.

Marketing, Promotions, and Public Relations Plan

All marketing, advertising and promotional material shall be approved by the Office of Special Events and Filming prior to being released. Material(s) shall not damage public and/or private property, violate city sign code ordinances, or which shall be difficult to clean or remove from the venue. No posting of sponsorship materials/ads on city owned property, poles or structures shall be allowed without the express written consent of the Office of Special Events and Filming.

It is illegal to promote, advertise, solicit or offer tickets for sale without a current organizer's license.

Street banners, event flags, temporary seasonal decorations and other street decorations on or suspended from lamp poles or other public structures shall be allowed when approved by the Office of Special Events and Filming. You shall be required to adhere to the City's Banner Policy with agreements issued separately through the Office of Special Events and Filming.

The posting of any signage/marketing materials in public rights-of-way without written permission of the City is prohibited. Any approved materials shall be removed by the event organizer within ten (10) days of the completion of the advertised event. If not removed, the City shall remove said signage and bill the organizer for the recoverable expenses to collect and remove these signs. Any unapproved signage shall be immediately removed by the City and all costs to collect and remove these signs shall be billed to the event organizer.

Coastal Commission

The State of California Coastal Commission shall be notified of special events held in the coastal zone if public access is inhibited and/or if an admission fee is charged. If your activity shall be considered in this category, you shall contact the California Coastal Commission directly to determine if a permit is required. Should a permit be required, but not obtained, the Commission shall issue a stop work order and a cease and desist order if activity is not stopped and/or assessed a fine to your organization beginning at \$10,000. If the Commission determines there has been habitat damage, the court shall impose additional fines. California Coastal Commission requires at least 6-8 weeks to process permits. Please provide the Office of Special Events and Filming copies of any correspondence between your organization and the Commission for your event file.

CEQA

LBMC section 5.60.040.I.11 requires the City Manager to find that there are no significant adverse effects on the environment prior to issuing a Special Events permit. An additional fee for CEQA review shall apply.

Sanitation and Recycling

As an organizer, you shall properly dispose of waste and garbage throughout the term of your event.

The event the area shall be returned to a clean condition immediately following your event. Should you fail to perform adequate cleanup or damage occurs to City property and/or facilities due to your event, you shall be billed at full cost recovery rates plus overhead for cleanup and repair. In addition, such failure shall result in denial of future approval for a Special Event Agreement or the requirement of a cash deposit or surety bond for future events.

Organizer shall plan ways to encourage vendors, participants, and the general public to recycle waste that is generated during the event.

Portable Restrooms

Environmental Health requires on-site restroom facilities at the ratio of 1:250 people to be accessible to the attending public. If adequate permanent facilities are not available, temporary portable toilets shall be placed as approved by the Office of Special Events and Filming. In addition, facilities shall be serviced and maintained as required by State and local law/ordinance.

Properly equipped ADA facilities shall be maintained and accessible at a ratio of one (1) ADA equipped toilet for every ten (10) standard toilets, and one (1) ADA facility for every portion in excess of ten (10) (i.e., 13 standard toilets would require 2 ADA facilities).

Water Quality

Permittee shall comply with all applicable laws and permit requirements related to the Clean Water Act, including best management practices ("BMPs") relating to fireworks as set forth in attachment A., The Los Angeles Regional Water Quality Control Board should be contacted directly to determine if a permit is required. If the Los Angeles Regional Board determines that a permit is required and one has not been obtained, penalties and remediation costs may be assessed. Permits may require several weeks for processing. Please provide the Office of Special Events and Filming copies of any correspondence between your organization and the Board for your event file.

Long Beach Municipal Code

To view or download the City of Long Beach Municipal Codes in its entirety, please visit the City website at: <http://www.longbeach.gov>

Payment of Fees

Estimated fees shall be paid to the City of Long Beach at least three (3) business days in advance of your event.

In addition to the payment of the nonrefundable permit fee or daily fee, an event organizer shall pay the city for all city departmental services charges incurred in connection with or due to the organizer(s) activities under the agreement unless said departmental services charges are funded, partially funded or waived by action of the city council.

Additionally, if city property is destroyed or damaged by reason of organizer(s) use, event, or activity, the organizer shall reimburse the City for the actual replacement or repair cost of the destroyed or damaged property.

Unless otherwise authorized by the City Manager in writing, at least three (3) days prior to a parade, event, or activity agreement under this Chapter, the applicant shall pay to the City a deposit in an amount sufficient to cover the total estimated city departmental services charges, which the City Manager, or his/her designee, estimates shall be incurred in connection with the permit. Said deposit shall be paid in cash or other adequate security as determined by the City Manager. If the deposit is less than the final charges calculated, the organizer shall pay the difference to the City within ten (10) working days of being invoiced for such charges from the city.

If the deposit is more than such final charges, the city shall refund the difference to the organizer within the sixty (60) days after the event.

Except as otherwise provided by this Chapter, or when funded or waived by Council Resolution or Ordinance, or other applicable law, rule or regulation, or by the terms of a permit, license, lease or contract which has been specifically authorized by the City Council, any fee, (other than departmental services charges) for the use of city streets or other city owned or controlled property pursuant to this Long Beach Municipal Code shall be established by the City Council by Resolution.

Insurance Requirements

Please note insurance requirements depend upon the risk level of the event.

An original Certificate of Insurance shall be on file in the City of Long Beach Office of Special Events and Filming three (3) days prior to your event.

You shall have commercial general liability insurance equivalent in scope to ISO CG 00 01 11 85 or ISO CG 00 01 10 93 in an amount not less than **One Million Dollars (\$1,000,000) per occurrence**.

The City of Long Beach, its officials, employees, volunteers, and agents shall be covered as additional insureds on a form equivalent in scope to ISO CG 20 12 11 85 with respect to liability arising from the event agreement. With respect to the City of Long Beach, said insurance shall be primary and not contributing to other insurance or self-insurance maintained by the City and said insurance shall contain a cross liability endorsement. Insurance coverage shall be maintained for the duration of the event, including setup and dismantle dates.

Waivers of insurance are usually not applicable to special events. However, waivers may be applicable for special events that involve expressive activity, which enjoy protection under the United States or California Constitutions in accordance with Long Beach Municipal Code.

The insurance requirement set forth in this section shall not be construed to apply to parades or special events agreements under the Long Beach Municipal Code involving expressive activity, which enjoy protection under the United States or California Constitutions except that such parades or special events shall be required to either:

- (1) agree to indemnify, protect, defend and hold harmless the city, its officers and employees against all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of organizer, its officers, agents or employees in connection with the organizers parade, event or activity;
or
- (2) agree to redesign or reschedule the organizers event to respond to specific risks, hazards and dangers to the public health and safety identified by the city manager as being reasonably foreseeable consequences of the organizer(s) parade or special event;
or
- (3) provide insurance coverage as required.

Indemnity:

- A. Permittee shall indemnify, protect and hold harmless City, its Boards, Commissions, and their officials, employees and agents ("Indemnified Parties"), from and against any and all liability, claims, demands, damage, loss, obligations, causes of action, proceedings, awards, fines, judgments, penalties, costs and expenses, including attorneys' fees, court costs, expert and witness fees, and other costs and fees of litigation, arising or alleged to have arisen, in whole or in part, out of or in connection with (1) Permittee's breach or failure to comply with any of its obligations contained in this contract, including all applicable federal and state requirements; or (2) negligent or willful acts, errors, omissions or misrepresentations committed by Permittee, its officers, employees, agents, subcontractors, or anyone under Permittee's control (collectively "Claims" or individually "Claim").
- B. In addition to Permittee's duty to indemnify, Permittee shall have a separate and wholly independent duty to defend Indemnified Parties at Consultant's expense by legal counsel approved by City, from and against all Claims, and shall continue this defense until the Claims are resolved, whether by settlement, judgment or otherwise. No finding or judgment of negligence, fault, breach, or the like on the part of Permittee shall be required for the duty to defend to arise. City shall notify Permittee of any Claim, shall tender the defense of the Claim to Permittee, and shall assist Permittee, as may be reasonably requested, in the defense.
- C. If a court of competent jurisdiction determines that a Claim was caused by the sole negligence or willful misconduct of Indemnified Parties, Permittee's costs of defense and indemnity shall be (1) reimbursed in full if the court determines sole negligence by the Indemnified Parties, or (2) reduced by the percentage of willful misconduct attributed by the court to the Indemnified Parties.
- D. The provisions of this Section shall survive the expiration or termination of this permit.

Attachment "A"

Fireworks Best Management Practices Plan (FBMPP)

Permittee shall prepare and implement a Fireworks Best Management Practices Plan (FBMPP) to prevent or reduce the discharge of pollutants associated with the public display of fireworks. The FBMPP shall address, at a minimum, the following elements:

1. Whenever practicable and economically feasible, the Discharger shall consider the use of alternative fireworks produced with new pyrotechnic formulas that replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke and reduce pollutant waste loading to surface waters.
2. Whenever practicable and feasible, the Discharger shall design the firing range, or consider alternative firing ranges, to eliminate or reduce residual firework pollutant waste discharges to waters of the United States.
3. As soon as practicable, and no later than 24 hours following a public display of fireworks, the Discharger, in addition to complying with title 19 of the California Code of Regulations, section 1003, shall, to the extent practical, collect, remove, and manage particulate matter and debris from ignited and un-ignited pyrotechnic material including aerial shells, stars (small pellets of composition that produce color pyrotechnic effects), paper, cardboard, wires and fuses found during inspection of the entire firing range and adjacent affected surface water(s).
4. If the fireworks are launched or ignited on barges or floating platforms, the fireworks and fireworks equipment shall be setup, discharged and taken down in accordance with the laws and regulations applying to that display by a public display operator licensed by the State of California. All required permits, licenses and approvals shall be obtained from the authorities having jurisdiction over the fireworks display, and the parties responsible under applicable law and regulation shall comply with the requirements and conditions of those permits and licenses. All equipment used to hold and launch the fireworks shall be secured properly in accordance with applicable laws and regulations and in such a way as to minimize the risk that the equipment and fireworks would fall into the water. Barges and floating platforms shall be inspected for leaks and other potential safety issues. Other than system firing cables and common or grounding wires intended to be recovered after the display, electric igniter wires used to trigger the fireworks shall be secured to minimize the risk that the wires would fall into the water during or after the discharge. As soon as practicable, and no later than 24 hours following a public display of fireworks, the decks of each barge or floating platform that contained fireworks shall be raked or swept to gather fireworks debris and prevent it from being deposited into the water.
5. Immediately following a public display of fireworks, all hazardous fireworks waste, including duds, resulting from the set-up, firing, and strike of the public display, including live pyrotechnics waste, shall be handled and managed in accordance with applicable fireworks and hazardous waste laws and regulations.
6. All non-hazardous solid waste resulting from the set-up, firing, and strike of the public display, including wires, boxes, and packaging, shall be collected to the extent practicable and properly disposed of.
7. Fireworks shall be packaged, transported, stored, set-up, and handled in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6, Fireworks and Title 22, Chapter 33, Best Management Practices for Perchlorate Materials in order to prevent or minimize firework pollutant wastes from entering surface waters.
8. Residual firework pollutant waste discharges shall be located a sufficient distance from areas designated ASBS to assure maintenance of natural water quality conditions in these areas.