



Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Companion Report: Adopt Amendments to Ordinances Governing Special Events: block parties; park events; street events

RECOMMENDATIONS

Adopt first reading of two ordinances, as referred to Council by the Zero Waste Commission's report titled, "Adopt Amendments to Ordinances Governing Special Events: block parties; park events; street events," specifically amending Berkeley Municipal Code (BMC):

- Chapter 6.46 (Park Events); and,
- Chapter 13.44 (Street Events and Block Parties)

SUMMARY

The Public Works Department supports amending the Berkeley Municipal Code as proposed by the Zero Waste Commission. The amendments will bring the City's event requirements in line with State mandated requirements and codify existing department processes. They are expected to reduce City costs. The amendments will also strengthen Berkeley's commitment to protecting public health and the environment through waste reduction, cost recovery and enforcement options to address non-compliance. These changes are expected to increase landfill diversion, which is in line with the City's zero waste and climate action goals and state mandates.

FISCAL IMPACTS OF RECOMMENDATION

There will be no additional staff costs associated with the adoption of the proposed ordinance as staff already review the zero waste plans for permitted special events and work with event organizers to offer sorting and collection resources.

CURRENT SITUATION AND ITS EFFECTS

Public Works staff are in favor of adopting the Zero Waste Commission's proposed ordinance updates because the new language will codify SB-1383 requirements as well as the workflow that staff have already implemented. Adopting the proposed amendments to codify this will protect the City from liability related to non-compliance with state requirements, and it will create a reference for staff to send to event organizers so they can review post-event reporting and other requirements.

When the Zero Waste Commission Secretary reported on progress addressing implementing zero waste processes and procedures related to zero waste requirements in special events permitting, the Zero Waste Commission voted to move a referral to Council on November 20, 2025, requesting that Council adopt updated ordinance language that would codify the informal process staff had built to address compliance with state mandated zero waste events requirements.

November 20, 2025 Zero Waste Commission Meeting
Subcommittee Reports Updates (C&D Report, Special Events Report)

Action Taken: M/S/C (Sherman/Johri) to move Special Events Amendments to Council.

Aye: Dennis Uyat, Philip Monrad, Barun Singh, Sandra Curtis, Swasti Johri, Steven Sherman, Layla Dargahi, Claire Wilson; Nays: none; Abstentions: none; Absent: none

Motion carried 8-0-0-0

Public Works staff have already implemented the Zero Waste Commission's proposed ordinance language. When an event organizer submits an application for a special event, they are referred to appropriate contacts in departments across the City for approval. Public Works staff check that event organizers have submitted the required Zero Waste Events plan as posted on the Special Events Permits webpage (see attachments).

Once the Zero Waste Events Plan has been approved, Event Organizers work with Public Works staff to schedule ClearStream reservations and schedule and pay for short term dumpsters that include state mandated subscription services to landfill, recycling and organics collection facilities. Staff also offer sample vendor agreements that event organizers can use to inform mobile food vendors of requirements in municipal code Chapter 11.64 Single Use Foodware and Litter Reduction. Staff also include information about state mandates under the California Senate Bill 1383 on Short-Lived Climate Pollutants to donate any edible food that the Environmental Health Division deems safe for human consumption. This reduces the occurrence of methane causing organic materials in landfills.

After the event, Public Works staff monitor the level of contamination in dumpsters for all material types and monitor the fullness of each dumpster in order to ensure that the event organizer is purchasing the correct service levels for each material type. Staff also provide feedback to event organizers when they can clearly observe that vendors are using disposable foodware that is out of compliance with BMC 11.64 or where other types of excess contamination has occurred.

In order to determine the cost of non-compliance to the City, staff will:

- Document when dumpsters are damaged and calculate the cost;
- Document lost or damaged equipment (Clearstreams and locks) and calculate the costs;
- Document when event organizers rent a recycling dumpster but fills it with trash and calculates the costs; and,
- Document when event organizers leave litter, illegal dumping, or use City litter containers to dispose of event waste and calculate the costs.

SB-1383 requires large event organizers to provide a post-event report that City staff use to inform SB-1383 required annual reporting that covers the total tonnage of materials that were diverted from landfills by special event organizers. Staff often do not receive post event surveys, so extra staff time is required to collect the mandated annual reporting data for special events. The largest challenge the new language will address is ensuring staff have sufficient time to work with event organizers to: offer technical assistance; support vendor education; and ensure event organizers' short-term dumpster rentals have been vetted for meeting Public Works inventory levels. The latter includes event organizers having appropriate and accessible delivery and collection locations; proper reservations; payment in advance of the event; and providing staff with sufficient time to ensure that the Public Works delivery and collection staff are informed about event details.

These proposed amendments to the Berkeley Municipal Code regarding block parties, park events, street events, and other special events advances the Strategic Plan goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

California laws SB 1383 and AB 2176 require event organizers of "large events" to implement comprehensive waste reduction, recycling, and organic waste collection programs, as well as recover excess edible food for human consumption.

AB 2176, passed in 2004, focuses on solid waste reduction and recycling strategies and requires event organizers to:

- **Develop a Waste Reduction Plan:** Create and implement a plan detailing waste prevention and recycling strategies.

- **Provide Recycling Services:** Arrange for recycling collection services throughout the venue.
- **Report Data:** Provide specific information to the local jurisdiction upon request, including the event's name, location, a description of the waste generated, and the types/weights of materials recycled versus disposed.
- **Meet with Haulers:** Consult with solid waste and recycling service providers to select appropriate diversion programs.

SB 1383 builds on existing laws by targeting the reduction of short-lived climate pollutants, specifically methane from organic waste in landfills. It mandates the following for large events and venues:

- **Provide Organics Collection:** Ensure convenient and clearly labeled organics (compost) collection, in addition to recycling and landfill bins. All three types of bins must be grouped together and clearly labeled with proper signage.
- **Recover Edible Food:** Mandate that all excess edible food generated at the event be recovered for human consumption, rather than being landfilled or composted.
- **Establish Agreements & Keep Records:** Maintain written agreements or contracts with food recovery services or organizations detailing the types and pounds of food donated monthly.
- **Ensure Vendor Compliance:** If the operator does not provide food services directly but allows vendors on site (like food trucks), they must require those vendors to comply with the organics diversion and food recovery requirements.
- **Promote Reusables/Compostables:** Encourage vendors to use reusable or locally compostable foodware and use bulk condiments instead of single-use packets.

Berkeley Municipal Code (BMC) Chapter 11.64, "Single Use Foodware and Litter Reduction," applies to all "Prepared Food Vendors" in the city, which includes temporary event vendors and food trucks and mandates:

- **No On-Premise Disposables:** If customers dine at a mobile food vendor (e.g., at provided tables), all food and beverages must be served in **reusable** (durable/washable) foodware and with reusable utensils.

- **Compostable Takeout Items:** All disposable foodware used for takeout must be Biodegradable Products Institute (**BPI**)-certified **compostable** and accepted by the City of Berkeley's municipal compost program.
- **Accessory Items Upon Request Only:** Disposable accessory items (straws, napkins, lids, condiment packets, etc.) must only be provided when a customer specifically requests them or via a self-serve station.
- **Cup Charge:** A mandatory **\$0.25 charge** must be applied to every disposable beverage cup provided. This charge must be itemized separately on the receipt and clearly displayed on menus/signage. Customers using WIC or EBT cards are exempt from this charge.
- **Customer Reusables Allowed:** Vendors must allow customers to bring their own clean, reusable cups and foodware for service, as long as they comply with California State Health Code standards (vendors can refuse unsanitary items).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Increasing compliance with SB-1383, AB-2176 and BMC 11.64 requirements will result in an increase of diversion from landfills, which is in line with the City's zero waste and climate action goals.

RATIONALE FOR RECOMMENDATION

Public Works staff already work closely with event organizers to ensure they are reducing waste and subscribing to required collection services at their special events. Adopting the Zero Waste Commission's proposed amendments to Chapters 6.46 and 13.44 of the Berkeley Municipal codifies what is requested of special event organizers, aligns the City's municipal code with State mandated requirements and offers the City a cost recovery and enforcement option to address incidents of non-compliance. Implementing enforcement options is expected to result in increased compliance. This should directly increase landfill diversion, which is in line with the City's zero waste and climate action goals and state mandates.

The largest existing challenge the new language will address is ensuring staff have ample time to work with event organizers and ensure their short-term dumpster rentals have been vetted for meeting Public Works' requirements for inventory; appropriate and accessible delivery and collection locations; proper reservations; payment in advance of the event; sufficient staff time to ensure the delivery and collection staff are well-informed about the details of the event.

ALTERNATIVE ACTIONS CONSIDERED

Alternatives include not adopting the proposed ordinance, which could expose the City to liability related to CalRecycle enforcement action under SB-1383 and reduce opportunities for the City to meet its ambitious zero waste goals.

CONTACT PERSON

Leticia Jauregui, Division Manager, Public Works Department, 510-981-6362

Julia A. Heath, Recycling Program Manager, Public Works Department, 510-981-6357

Attachments:

1. Ordinance amending Berkeley Municipal Code Chapter 6.46
2. Ordinance amending Berkeley Municipal Code Chapter 13.44
3. Sample Vendor Agreement
4. Zero Waste Events Requirements
5. Collection Services
6. Zero Waste Events Checklist
7. Clearstream Reservation Form

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 6.46 – PARK EVENTS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 6.46 is amended to read as follows:

**Chapter 6.46
PARK EVENTS**

Sections:

- 6.46.010 Applicability--Permit required for park events--Exclusions.**
- 6.46.020 Definitions.**
- 6.46.030 Park event permits--Application--Information required--Timing.**
- 6.46.040 Late applications.**
- 6.46.050 Permits--Standards for issuance or denial--Notification--Regulations.**
- 6.46.060 Appeal procedure following denial or late filing of application.**
- 6.46.070 Park event permit--Content--Restrictions--Limitations.**
- 6.46.080 Cancellation and revocation of permits.**
- 6.46.090 Indemnification--Security deposits.**
- 6.46.100 Insurance--Exemption.**
- 6.46.110 Fees.**
- 6.46.120 Violation--Penalty.**

6.46.010 Applicability--Permit required for park events--Exclusions.

A. *This chapter regulates park events as defined herein.* No person shall conduct any park event without first obtaining a permit as provided in this chapter.

B. Issuance of a permit under this chapter does not exempt the permittee from, or constitute compliance with:

1. any requirements relating to exclusive use facilities under Section 6.36.020;
2. local, state or federal laws regulating service or consumption of food or alcoholic beverages;
3. Chapter 13.40 of this code regulating amplified sound;
4. and any park rules or City ordinances applicable to parks; or
5. any other applicable local, state or federal law.

Every permit issued under this chapter is expressly conditioned on compliance with all other applicable laws.

C.

1. No park event may involve the sale, service or consumption of any alcoholic beverage other than beer, wine and champagne. References in this chapter to "alcoholic beverages", "alcohol" or "liquor" include only beer, wine and champagne.
2. No park event in a park which contains a recreation facility or program, or is adjacent to an elementary, middle or high school may involve the sale, service or

consumption of alcoholic beverages at any time when the recreational facility or program or school is operating.

D. This chapter does not apply to:

1. events in indoor facilities;
2. spontaneous, unorganized assemblies which are neither sponsored, organized, promoted nor advertised by any person or organization, and do not involve amplified sound.

E. This chapter additionally does not apply to events in Aquatic Park or other parks that are authorized pursuant to any lease to which the City is a party or by a license or permit issued by the City under any other authority, to the extent that its application would be inconsistent with such leases or licenses. However it is the policy of the City that the standards and requirements of this chapter should be used as a guide to any future leases or licenses for property in parks. (Ord. 6579-NS § 2, 2000)

6.46.020 Definitions.

A. "City Manager" shall mean the City Manager of the City of Berkeley and any designee of the City Manager, except as context dictates otherwise.

B. "Major park event" means park events which:

1. involve pyrotechnics or other hazardous activities;
2. require the closure or partial closure of an arterial or collector street as defined in the City of Berkeley General Plan or the re-routing of public transportation;
3. involve a planned or likely attendance of more than ~~450~~300 persons;
4. require an amplified sound permit, a temporary food vendor permit or a liquor license; or
5. for which admission will be charged.

C. "Park" shall have the meaning set forth in Section 6.42.030.A of this code.

D. "Park event" means any demonstration, assembly, festival, fair, concert, or any other gathering of 50 or more persons over the age of 12 years at the same time and for the same collective purpose within an area circumscribed by a 500 foot radius, in any park other than Cesar Chavez Park or Civic Center Park. In Cesar Chavez Park, Civic Center Park and any other park or part thereof which is regularly used for organized sporting events, "park event" shall mean any demonstration, assembly, festival, fair, concert, or any other gathering of 100 or more persons over the age of 12 years at the same time and for the same purpose within an area circumscribed by a 500 foot radius. (Ord. 6579-NS § 2, 2000)

6.46.030 Park event permits--Application--Information required--Timing.

A. Application for a permit for a park event shall be made to the City Manager.

B. Application for park events shall be made at least ~~five (5) business~~thirty (30)sixty (60) days prior to the park event. Applications for major park events shall be made at least ~~ten (10) business~~forty-five (45)ninety (90) -days prior to the major park event.

C. The application for such permit shall be made in writing on a form approved by the City Manager. In order that adequate arrangements may be made for the proper policing of the park event the application shall contain but not be limited to the following information, as applicable:

1. The name, address and telephone number of the applicant(s), including photo identification. If the park event will be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized head of such organization. Where a park event will be conducted for, on behalf of or by an organization, the organization will be considered a co-applicant;
2. The name, address and telephone number of all persons who are or will be responsible for the promotion and conduct of the park event, including a photo identification of each and effective means by which to reach them during the event, such as cell phone and pager numbers and likely location during the park event;
3. A description of the park event, including its purpose and the number of people expected to attend;
4. The date(s) of the park event;
5. The estimated times that the park event will start and terminate, including assembly and disassembly involving the use of public property;
6. The number and kind of vehicles, animals, musical instruments, sound units, and any other equipment that produces sound or noise during the park event that will be involved in the park event, and whether amplified sound is proposed. In the event the applicant seeks or needs an amplified sound permit, a temporary food permit, a facility rental or a temporary liquor license, the application for the park event should, but need not, be accompanied by copies of applications for such permits and/or licenses.
7. A detailed event site plan and map, and statement whether the park event will occupy all or only a portion of the park;
8. The number and location of portable sanitation facilities and other equipment and services proposed for participants, if applicable;
9. A description of arrangements that have been made for first aid or emergency medical services, or both, if applicable;
10. A description of arrangements that have been made for security, including the name of the security contractor;
11. For events with more than 300 total attendees, applicants must submit a waste reduction, recycling and composting plan ("Zero Waste Plan"). This plan must be submitted to the Zero Waste Division of the Public Works Department and to the permitting agency issuing the permit at least 45 days before the event. The Zero Waste Plan must include the following, and such other components that the City Manager may require:
 - a. Containers:
 - I. Zero Waste Stations for Attendees: Plans must include affirmation that reservations have been made for lightweight, collapsible bins (e.g., ClearStream units or similar) that promote source separation;
 - II. Zero Waste Discard Service for Event: Documented, appropriate use of State of California compliant color-coded bins for zero waste event stations. All recyclables, and only recyclables, are to be placed in the blue recycling bin(s). All compostables, and only compostables, are to be placed in the green organics bin.

Trash, and only trash, is to be placed in the black trash bin. Include brief description of services and proper handling for removal of recyclables, compostables and trash;

b. Education: Adequate and appropriate signage regarding proper use of the bins related to the event;

c. Event Greener: If an event greener is used, event greener's name, organization, email, phone number;

d. Recyclable, Compostable or Reusable Foodware: Affirmation that all food vendors will be informed that all foodware must be recyclable, certified compostable, or reusable, in accordance with City and State requirements;

e. Plastic Waste Reduction: Affirmation that all food and beverage vendors will be informed that plastic stirrers, plastic toothpicks, plastic straws, and other plastic-based beverage accessories are prohibited;

f. Waste Reduction: Affirmation that all food vendors will be encouraged to dispense food condiments in bulk containers;

g. Hydration Stations: Description of type and number of water bottle refilling dispensers for attendees;

h. Use of Reusables: Affirmation that all food and beverage vendors will be encouraged to use reusable food and beverage containers, and/or that attendees will be encouraged to bring their own reusable food and beverage containers;

i. Edible Food Rescue: Acknowledgement that if the event has over 2,000 attendees, State law (per CA Senate Bill 1383, also known as the Short-Lived Climate Pollutants Reduction Act of 2016) requires events to donate surplus edible food. If applicable, indicate which organization the applicant will work with to rescue the event's surplus edible food;

j. Non-Foodware Supplies: Affirmation that non-reusable, non-recyclable and/or non-compostable supplies, such as ballons and other decorations, table coverings, signage and party favors, shall not be used to the extent feasible. Include brief description of such items and their usage, along with description of efforts to minimize such usage.

12. For park events with 300 or fewer total attendees, event organizers must comply with the requirements outlined in the previous subsection, Chapter 646.030(C)(11), but need not submit a Zero Waste Plan described above in their permit application.

13. Insurance and surety bond information, if applicable; and

12. A fully refundable cleaning deposit in the amount set by resolution of the City Council; and

14. Such other information, in conformity with the requirements of this chapter, as the City Manager may reasonably require. (Ord. 6579-NS § 2, 2000)

6.46.040 Late applications.

A. Any application received after the deadlines established in Section 6.46.030 is a late application. The City Manager shall not accept late applications unless they find that:

1. the proposed park event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application; or

2. the imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.

B. When the City Manager finds both of the above conditions to exist, they shall accept the application and process it in accordance with this chapter, unless it does not meet the criteria set forth in Section 6.46.030 or there is insufficient time for the City to make necessary preparations for traffic control or other public safety matters prior to the proposed date. (Ord. 6579-NS § 2, 2000)

6.46.050 Permits--Standards for issuance or denial--Notification--Regulations.

A. The City Manager shall issue a permit for a park event unless one or more of the following conditions exist:

1. The application is incomplete for failure to provide the information required by Section 6.46.030.
2. The information contained in the application, including supplemental information, if any, is found to be false in any material respect, the purpose of the event is contrary to law, and/or the applicant has failed to meet the City requirements for a permit.
3. A prior application for an event to be held at the same time and place has been granted.
4. The park event will unduly interfere with vehicular ingress to, egress from, or travel on a freeway, state designated highway, or major arterial or collector street of the City.
5. The park event will unreasonably interfere with fire or police protection, or public safety, including presenting a substantial or unwarranted traffic or safety hazard.
6. The park event would involve a number of people exceeding the capacity of the park for which it is proposed or would involve amplified sound contrary to regulations promulgated by the City Manager for that park.
- ~~87.~~ The security arrangements that have been made are inadequate or the contractor that will be providing security is not qualified.
- ~~98.~~ One or more of the applicants, ~~or persons,~~ entity or organization whose name is shown on the application was also named on an application for a park event in Berkeley that resulted in a violation of this chapter as described in Section 6.46.120.B within the prior ~~twelve (12)~~twenty-four (24) months or was responsible for an event in a park in any other jurisdiction that resulted in comparable problems prohibited by local law in that jurisdiction within the last ~~twelve~~twenty-four (24)~~(12)~~ months.

B. The applicant shall be notified in writing of the action of the City Manager in granting or denying the permit at least one day prior to the date of the proposed event, unless the application was made late, in which case notification shall be given as soon as reasonably possible and by any reasonable means.

1. If the permit is denied, the written notice briefly shall set forth reasons explaining the denial.

2. If the permit is denied pursuant to the criteria set forth in this chapter, because the proposed time or assembly and dispersal sites are unacceptable, the denial shall contain a statement of alternative acceptable times and sites.

C. The City Manager may issue regulations detailing the limitations for each park that implement this section, including regulations addressing park capacity, the permissibility and duration of amplified sound and requirements for the maintenance of accessibility during park events. (Ord. 6579-NS § 2, 2000)

6.46.060 Appeal procedure following denial or late filing of application.

Any decision by a designee of the City Manager to deny a permit under this chapter or to reject a late application may be appealed to the City Manager by letter within five (5) working days. The City Manager shall render a written decision on the appeal within one (1) working day thereafter, but in no event later than the time of the proposed event. If the initial decision was by the City Manager, it shall be final. (Ord. 6579-NS § 2, 2000)

6.46.070 Park event permit--Content--Restrictions--Limitations.

A. A park event permit shall contain the information given in the application and may impose reasonable time, place, and manner restrictions to ensure that the park event will not pose a traffic or safety hazard or unreasonably interfere with fire or police protection services. The restrictions shall be in conformity with the requirements of this chapter and shall provide only for such modification of the proposed park event as is necessary to achieve compliance with this chapter. Such restrictions may include, but are not limited to, requiring the applicant to:

1. Maintain a twelve foot wide emergency access lane at all times;
2. Provide first aid stations and teams within the closed-off area to provide emergency medical aid to participants;
3. Provide portable sanitation facilities and other equipment and services;
4. Provide barricades to close off streets or other areas;
5. Provide sufficient signs and directional arrows to divert traffic and arrange for A.C. Transit and other public transit detours, subject to the approval of the City Traffic Engineer;
6. Provide monitors for crowd control and security at the rate of one unarmed security person per twenty-five (25) attendees and establish liaison with the police department concerning security. Security shall only be required for major park events;
7. Distribute flyers throughout the surrounding areas in advance of the park event, notifying the affected residents and business people of any street closure associated with the park event;

8. Provide well-marked receptacles for recyclable, compostable and trash materials as prescribed in the Zero Waste Plan prescribed in Chapter 6.46.030(C)(11), and monitor their use to ensure that materials are placed in the proper receptacles, and not placed in the City's public refuse containers. For events with more than 300 total attendees, this Zero Waste Plan must be included in the event permit application and permit. Organizers of all park events, regardless of the number of attendees, must comply with the components required for an adequate Zero Waste Plan as specified in Chapter 6.46.030(C)(11);

98. Clean all debris and litter from the park, street and sidewalk area and remove and properly handle recycling/composting/trash within four hours after the conclusion of the event;

10. If an amplified sound permit is granted, provide and utilize a sound level meter to monitor compliance with Chapter 13.40 of the Berkeley Municipal Code;

11. If alcoholic beverages are to be sold at the event, obtain the appropriate license from the State Department of Alcoholic Beverage Control, follow responsible beverage service practices and provide security adequate to maintain order, as determined by the Chief of Police.

124. Include in all advertisements about the event a notice that parking in the area of the event is limited, encouraging attendees to take public transit, and notifying them of relevant public transit information.

13. The City Manager may require event organizers or contracted event greeners to submit documentation confirming that materials in the recycling/composting/trash receptacles have been properly handled, included but not limited to submitting sworn statements describing how these materials were handled, and/or submitting weight tickets and/or photo documentation verifying service levels. Organizers and/or greeners must confirm the amount of material generated by the event, and how much was sent to which transfer station or landfill, recycling facility and/or composting facility. For events with over 2,000 attendees, organizers shall provide documentation to the City per stipulations contained in Senate Bill 1383 (2016).

14. Failure to comply with these requirements may result in penalties provided in Chapter 6.46.120(F).

B. Applicants shall carry the permit during the park event and shall show it, upon demand, to any City employee.

C. The City Manager may require as a condition of a permit that park events involving over 100 persons may be monitored by City staff, provided that this condition is not imposed on the basis of any communicative characteristic of the proposed park event.

D. Parks in which park events occur shall remain open to the public during the park event, to the extent consistent with the park's capacity and to the maximum extent feasible given the nature of the park event. No park shall be closed to the public during a park event absent express permission to do so in a permit issued under this chapter.

E. All park events shall end no later than 10:00 p.m.

F. Permittees shall ensure that accessibility for persons with disabilities is not impaired by the park event. (Ord. 6579-NS § 2, 2000)

6.46.080 Cancellation and revocation of permits.

A. The City Manager may revoke a permit at any time, if they determine that as a result of inclement weather conduct of a park event would unreasonably damage the park for which it is proposed.

B. The City Manager may revoke a permit at any time, if they determine that any provision of this chapter or any condition of the permit has not been met or is being

violated, or if a person responsible for the promotion or conduct of the park event was not shown on the application. The applicant may appeal any revocation as provided in Section 13.45.060. (Ord. 6579-NS § 2, 2000)

6.46.090 Indemnification--Security deposits.

A. The permit holder shall indemnify and hold harmless the City of Berkeley, its officers, agents, employees and volunteers, from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property resulting from the event which were caused by the omissions or authorized acts of the permittee's officers, agents or employees.

B. If City property is destroyed or damaged by reason of a park event, the permittee shall reimburse the City for the cost of those repairs deemed necessary by the City. The City may retain the security deposit as full or partial reimbursement for any such damage. (Ord. 6579-NS § 2, 2000)

6.46.100 Insurance--Exemption.

A. For major park events, other than those which are major park events solely because of the number of attendees, the permittee must obtain insurance in the amount of one million dollars (\$1,000,000) for the duration of the major park event, which names the City of Berkeley, its officers, agents, employees and volunteers as additional insured. For all other park events, the City Manager may will require insurance in an amount appropriate to the event. The amount of insurance required shall not be based on the existence or content of any expression involved in the event, or on the expected reactions of observers.

B. No permit applicant shall be required to comply with the insurance requirement of this section if the proposed park event is protected by the First Amendment to the United States Constitution and the applicant produces evidence that complying with the insurance provision is impossible or so financially burdensome that it would preclude the proposed event from occurring.

C. If insurance is required pursuant to this section, a certificate of insurance shall be provided to the City and must be approved as to form and sufficiency by the City no later than two days before the event. If the applicant is unable to obtain insurance or does not provide the City with the certificate of insurance, the City Manager may obtain such insurance on behalf of the permit applicant and charge the permit applicant for the cost. (Ord. 6579-NS § 2, 2000)

6.46.110 Fees and Deposits.

A. The City Council may establish by resolution the fees that shall be charged for permits issued under this chapter. Said fees may include the cost of monitoring events pursuant to Section 6.46.070.C.

B. If a permittee is unable to hold or conduct an event because of inclement weather or due to some other cause not within the permittee's control, and the permittee submits written request for the refund of such fees to the City Manager's office within ten (10) days after the date that the event was to have been held or conducted, the City Manager may authorize the refund of any fees that are not necessary to reimburse the

City's expenses of preparation for the park event, except for non-refundable application fees, if any.

C. Any indigent person who cannot apply for a permit because of an inability arising from such indigence to pay the application fee, shall not be required to pay the fee. Applications for indigent status shall be made upon application for the permit and shall be accompanied by such relevant information and documentation as is reasonably necessary to verify indigence. For purposes of this section, an indigent person is one who is eligible for county relief pursuant to Sections 17000 et seq. of the Welfare and Institutions Code. (Ord. 6579-NS § 2, 2000)

D. The City Manager may impose a conditionally refundable deposit for permits issued under this Chapter., and The City Manager may condition refunding of deposits on event organizer's compliance with the requirements of the permit, as provided in Chapter 6.46.120(F).

6.46.120 Violation--Penalty.

A. Violation of this chapter is a misdemeanor punishable as set forth in Chapter 1.20 of this code, but may be charged, in the discretion of the prosecutor, as an infraction.

B. In addition to any other remedy, the City Manager or Director of Parks & Waterfront may impose an administrative penalty of up to \$10,000 on any person, whether or not they have obtained a permit under this ordinance:

1. who conducts a park event in such a manner that it results in a disturbance of any kind that requires the assignment of six Berkeley Police Department patrol officers after 11:00 a.m. and before 2:00 a.m., or three Berkeley Police Department patrol officers at any other time, to quell such disturbance.
2. makes any material misrepresentation or omission on their application which bears on security, management or crowd control in such a manner as to contribute to a disturbance described in paragraph B.1. of this section; or
3. violates any condition of their permit which bears on security, management or crowd control in such a manner as to contribute to a disturbance described in paragraph B.1. of this section.

C. No penalty may be imposed under this section without affording the person or persons on which the penalty is to be imposed reasonable notice and an opportunity to be heard by the City Manager or their designee.

D. 1. Any penalty imposed under this section may be appealed to the City Council within 10 days of the date written notice of that penalty is mailed to or otherwise provided to the person who is the subject of the penalty. An appeal must be in writing and must state all of the reasons for the appeal. Failure to appeal the City Manager's

decision to impose a penalty shall be deemed consent to the penalty and a waiver of all rights to challenge it.

2. The appeal shall be placed on the Council agenda at the earliest feasible date. The Council may affirm or reverse the City Manager's decision on the basis of the written record before it, or may set the matter for hearing. If the Council takes no action within 30 days after the appeal first appears on its agenda, the City Manager's decision shall be deemed affirmed.

E. No penalty may be imposed under this section based on the behavior of persons not attending the event or based on the reactions of observers or bystanders to any communicative aspect of the event. (Ord. 6579-NS § 2, 2000)

F. Notwithstanding the preceding subsections of this section, the City Manager may impose administrative penalties for violations of permit requirements, including but not limited to: (i) forfeiture of all or a portion of a permit deposit; (ii) imposition of additional requirements for subsequent permits (such as mandating a third-party greener contractor to perform recycling/composting/trash collection services); (iii) denial of subsequent permits for repeated violations. The City Manager or his/her designee may impose a penalty in his/her discretion, based on the severity and/or frequency of the violation or size of the event. An event organizer may appeal to the City Manager a penalty imposed by a designee of the City Manager. The City Manager shall act upon said appeal promptly. The City Manager's decision shall be final.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 13.44 – PERMITS FOR
STREET EVENTS AND BLOCK PARTIES

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 13.44 is amended to read as follows:

Chapter 13.44
PERMITS FOR STREET EVENTS AND BLOCK PARTIES*

Sections:

- 13.44.010 Applicability.**
- 13.44.020 Definitions.**
- 13.44.030 Block parties--Standards for issuance of permit--City Manager authorized to issue regulations.**
- 13.44.040 Street event permits--Application--Information required--Timing--Issuance.**
- 13.44.050 Late applications.**
- 13.44.060 Permits--Standards for issuance or denial--Notification.**
- 13.44.070 Appeals.**
- 13.44.080 Street event permit--Content and possession--Rules and regulations.**
- 13.44.090 Revocation of permit--Addition of conditions.**
- 13.44.100 Indemnification.**
- 13.44.110 Insurance--Exemption.**
- 13.44.120 Fees.**
- 13.44.130 Violation--Penalty.**
- 13.44.140 Removal.**
- 13.44.150 City Manager authority.**

* For vehicles and traffic generally, see Title 14 of this code.

13.44.010 Applicability.

A. No person shall conduct, cause to be conducted, participate in, engage in, hold, manage, employ, permit or allow another to conduct an event which requires street closure or other traffic control measures on any public street, sidewalk or alley within the City, without first obtaining a permit from the City Manager or their designated representative.

B. This Chapter does not apply to park events regulated by Chapter 6.46 or filming regulated by Chapter 9.78. (Ord. 7062-NS § 1 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.020 Definitions.

A. "Block party" means a gathering, sponsored solely by owners, residents or tenants of properties fronting a street, which causes a closure of the entire street, or a portion thereof, to vehicular traffic and use of the street for the gathering.

B. "Certified Farmers' Market" means a market operated in accordance with regulations established by the California Department of Food and Agriculture, Sections 47000-47026, and California Code Title III, Division 3, Chapter 1, Subchapter 4, Article 6.5, Direct Marketing; and those sections of the Health and Safety Code applicable to Certified Farmers' Markets.

C. "City Manager" shall mean the City Manager of the City of Berkeley and any designee of the City Manager, except as context dictates otherwise.

D. "Downtown Berkeley BART Plaza" means the portion of the public right-of-way on the western portion of Shattuck Avenue between Center Street and Allston Way, bounded on its north by the sidewalk curb face on the south side of Center Street, on its east by the sidewalk curb face on the west side of Shattuck Avenue, on its south by the sidewalk curb face on the north side of Allston Way, and on its west by the eastern edge of the parcels fronting the west side of Shattuck Avenue.

E. "High impact event" means an event (1) occupying all or a portion of a major street, collector or scenic route street, or (2) occupying more than two adjacent blocks of a local street, where a detour, including a temporary detour during only part of the event, is required, and/or (3) where AC Transit, UCB or LBNL buses would need to be re-routed.

F. "Local streets" means those streets defined in the circulation element of the Berkeley General Plan as local streets.

G. "Low impact event" means an event occupying all or a portion of not more than two adjacent blocks of a local street (other than a major, collector or scenic route street) where a formalized detour is not required, and where AC Transit, University of California-Berkeley (UCB) or Lawrence Berkeley National Laboratory (LBNL) buses would not have to be re-routed.

H. "Street event" includes any march, demonstration, assembly, parade, festival, street fair, concert or any other gathering which takes place in the public street or right-of-way, and which is likely to impede, obstruct, or interfere with the normal flow of vehicular or pedestrian traffic. "Street event" does not include "block party". (Ord. 7594-NS § 2, 2018: Ord. 7062-NS § 2 (part), 2008: Ord. 6871-NS § 1 (part), 2005: Ord. 6647-NS § 2, 2001)

13.44.030 Block parties--Standards for issuance of permit--City Manager authorized to issue regulations.

A. Local streets not exceeding one City block or one intersection may be temporarily closed for block parties provided that the following requirements are met:

1. At least two-thirds of the area abutting the street or intersection to be closed is residentially zoned and the purpose of the block party is consistent with residential zoning regulations;
2. A valid permit has been obtained from the City Manager;
3. The applicant agrees to indemnify and hold harmless the City of Berkeley, its officers, agents and employees, from any and all claims, damages, or suits that may arise or in any way be occasioned by the willful or negligent acts or omissions of the applicant or the applicant's agents; and
4. The applicant agrees to clean all debris and litter from the street and sidewalk within four hours after the event. The applicant shall either: (i) provide sufficient and well-marked receptacles for collecting trash, recyclable and compostable materials, and arrange for the proper handling of such material after the event, or (ii) ensure that such materials are removed by attendees. The City's public litter containers shall not be used during the event or during clean-up. If the applicant violates the clean up requirement, the City may choose to undertake the clean up and bill the applicant for the cost of the clean up.

B. The City Manager is authorized to issue administrative guidelines to further the purposes of this section, as well as to establish a non-refundable permit application fee. (Ord. 7062-NS § 3 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.040 Street event permits--Application--Information required--Timing--Issuance.

A. Application for a permit for a street event shall be made to the City Manager, or to their designee.

B. Application for (1) high impact events, (2) street events that involve the use of pyrotechnics, (3) Certified Farmers' Markets, or (4) street events that involve the use of the Downtown Berkeley BART Plaza shall be made at least ~~30~~90~~45~~ business days prior to the street event.

C. Applications for all other street events shall be made at least ~~40~~60~~30~~ business days prior to the street event.

D. The application for such permit shall be made in writing on a form approved by the City Manager. In order that adequate arrangements may be made for the proper policing of the street event, including the security of participants, and to ensure that the event is conducted in a lawful manner, the application shall contain the following information, as applicable:

1. The name, address and telephone number of the applicant, including photo identification. If the street event will be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized head of such organization shall also be supplied. Where a street event will be conducted for, on behalf of or by an organization, the organization will be considered a co-applicant;
2. The name, address and telephone number of all persons who are or will be responsible for the conduct of the street event, including a photo identification of each and effective means by which to reach them during the event, such as cell phone and pager numbers and likely location during the street event;
3. A description of the street event, including its purpose. These requirements are intended to allow the City to anticipate and provide for additional police and other services, if necessary, to protect the safety of participants and bystanders;
4. The date(s) of the street event;
5. The estimated times that the street event will start and terminate, including assembly and disassembly involving the use of public property;
6. The route of the street event, if applicable, the maximum length of any parade and whether the street event will occupy all or only a portion of the streets proposed to be traveled, if applicable;
7. The locations, if any, of the assembly area and dispersal areas of any street event;
8. If the dispersal area of a street event is located in another city, the location of such dispersal area, and if the required permit has not been issued by such other city, an alternate route and alternate dispersal area in the City of Berkeley;
9. As far as is reasonably practicable, the approximate number of persons; the number and kind of vehicles, animals, musical instruments, sound units, and any other equipment that produces sound or noise during the street event that will be involved in the street event, and whether amplified sound is proposed. In the event the applicant seeks or needs an amplified sound permit, a temporary food permit or a temporary liquor license, the application for the street event should be accompanied by copies of applications for such permits and/or licenses;

10. The number and location of portable sanitation facilities and other equipment and services necessary to conduct the street event and other equipment and services proposed for participants, if applicable, with due regard for participant and public health and safety;

11. A description of arrangements that have been made for first aid or emergency medical services, or both, if applicable;

12. A description of arrangements that have been made for security, including the name and telephone number of the lead contact person for the security contractor;

13. For events with more than 300 total attendees, applicants must submit a waste reduction, recycling and composting plan ("Zero Waste Plan"). This plan must be submitted to the Zero Waste Division of the Public Works Department and to the permitting agency issuing the permit at least 45 days before the event. The Zero Waste Plan must include the following, and such other components that the City Manager may require:

a. Containers:

I. Zero Waste Stations for Attendees: Plans must include affirmation that reservations have been made for lightweight, collapsible bins (e.g., ClearStream units or similar) that promote source separation;

II. Zero Waste Discard Service for Event: Documented, appropriate use of State of California compliant color-coded bins for zero waste event stations. All recyclables, and only recyclables, are to be placed in the blue recycling bin(s). All compostables, and only compostables, are to be placed in the green organics bin. All trash, and only trash, is to be placed in the black trash bin. Include brief description of services and proper handling for removal of recyclables, compostables and trash;

b. Education: Adequate and appropriate signage regarding proper use of the bins related to the event;

c. Event Greener: If an event greener is used, event greener's name, organization, email, phone number;

d. Recyclable, Compostable or Reusable Foodware: Affirmation that all food vendors will be informed that all foodware must be recyclable, certified compostable, or reusable, in accordance with City and State requirements;

e. Plastic Waste Reduction: Affirmation that all food and beverage vendors will be informed that plastic stirrers, plastic toothpicks, plastic straws, and other plastic-based beverage accessories are prohibited;

f. Waste Reduction: Affirmation that all food vendors will be encouraged to dispense food condiments in bulk containers;

g. Hydration Stations: Description of type and number of water bottle refilling dispensers for attendees;

h. Use of Reusables: Affirmation that all food and beverage vendors will be encouraged to use reusable food and beverage containers, and/or that attendees will be encouraged to bring their own reusable food and beverage containers;

i. Edible Food Rescue: Acknowledgement that if the event has over 2,000 attendees, State law (per CA Senate Bill 1383, also known as the Short-Lived Climate Pollutants Reduction Act of 2016) requires events to donate surplus edible food. If applicable, indicate which organization the applicant will work with to rescue the event's surplus edible food;

j. Non-Foodware Supplies: Affirmation that non-reusable, non-recyclable and/or non-compostable supplies, such as balloons and other decorations, table coverings, signage and party favors, shall not be used to the extent feasible. Include brief description of such items and their usage, along with description of efforts to minimize such usage.

14. For street events with 300 or fewer total attendees, event organizers must comply with the requirements outlined in the previous subsection, Chapter 13.44.040(D)(13), but need not submit a Zero Waste Plan described above in their permit application.

4415 Any proposed reasonable rules and regulations necessary for the safe and orderly conduct of the street event and the movement of persons, in furtherance of the goals and purposes of the street event. Such proposed rules may include, but are not limited to, prohibition or other regulation of the use of skates and wheeled vehicles, other than wheelchairs, if necessary for the safety or orderly circulation of persons attending the street event. For purposes of this subdivision, "wheeled vehicles" includes, but is not limited to, bicycles, tricycles, scooters, skateboards or any motorized vehicles of any sort. For purposes of this subdivision, "skates" includes roller skates, roller blades and in-line skates;

4516 Insurance information, if applicable; and

4617 Such other information, in conformity with the requirements of this Chapter, as the City Manager may reasonably require. (Ord. 7594-NS § 3, 2018: Ord. 7062-NS § 4 (part), 2008: Ord. 6871-NS § 2 (part), 2005: Ord. 6647-NS § 2, 2001)

13.44.050 Late applications.

A. Any application received after the deadlines established in Section 13.44.040 is a late application. The City Manager shall accept a late application if they find that:

1. The proposed street event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application; and
2. The imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.

B. When the City Manager finds both of the above conditions to exist, they shall accept the application and process it in accordance with this chapter, unless it does not meet the criteria set forth in Section 13.44.040 or there is insufficient time for the City to make necessary preparations for traffic control or other public safety matters prior to the proposed date. (Ord. 6647-NS § 2, 2001)

13.44.060 Permits--Standards for issuance or denial--Notification.

A. The City Manager shall issue a permit for a street event unless one or more of the following conditions exist:

1. The application is incomplete for failure to provide the information required by Section 13.44.040;
2. The information contained in the application, including supplemental information, if any, is found to be false in any material respect, the purpose of the street event is contrary to law, and/or the applicant has failed to meet the City requirements for a permit;
3. A prior application for a street event to be held at the same time and place has been received or granted;
4. The street event will unduly interfere with pedestrian access or with vehicular ingress to, egress from, or travel on a freeway, state designated highway, public transit stop, or major arterial or collector street of the City;
5. The street event will unreasonably interfere with fire or police protection; or
6. The event applicant, whether an individual or an organization, has substantially failed to comply with the terms and/or conditions of prior events, of any type, permitted by the City, as set forth in Subsection 13.44.130 (Violation—Penalty) below.

B. The applicant shall be notified in writing of the action of the City Manager with respect to the application as early as possible, but no less than two days prior to the date of the proposed event, unless the application was made late, in which case notification shall be given as soon as reasonably possible and by any reasonable means.

C. If a permit is denied, the written notice shall set forth reasons explaining the denial.

D. If a permit is denied pursuant to the criteria set forth in this chapter, because the proposed time, route, or assembly and dispersal sites are unacceptable, the denial shall contain a statement of alternative acceptable times, routes and sites. (Ord. 7594-NS § 4, 2018: Ord. 7439-NS § 1, 2015: Ord. 7062-NS § 5 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.070 Appeals.

An applicant may appeal the denial of an application made pursuant to this chapter by a designee of the City Manager to the City Manager. The City Manager shall act upon said appeal promptly. The City Manager's decision shall be final. (Ord. 6647-NS § 2, 2001)

13.44.080 Street event permit--Content and possession--Rules and regulations.

A. A street event permit shall contain the information given in the application and shall impose reasonable time, place, and manner conditions such that the street event will not pose a traffic or safety hazard or unreasonably interfere with fire or police protection services. The conditions imposed shall be in conformity with the requirements of this chapter and shall provide only for such modification of the application's proposed street event as is necessary to achieve compliance with this chapter. Such conditions may include, but are not limited to the following:

1. Maintain a 20-foot wide emergency access lane at all times.
2. Provide first aid stations and teams within the closed-off area to provide emergency medical aid to participants.
3. Provide barricades of the specified type to close off the involved areas or streets.
4. Provide sufficient signs and directional arrows as specified by the City to divert traffic and arrange for AC Transit and other public transit detours, subject to the approval of the traffic engineer.

5. Provide monitors for crowd control and security and establish liaison with the police department concerning the role of the monitors.

6. Distribute flyers throughout the surrounding areas in advance of the event, notifying the affected residents and business people of the street closure.

7. Provide well-marked receptacles for recyclable, compostable and trash materials as described in the Zero Waste Plan prescribed in Chapter 13.44.040(D)(13), and monitor their use to ensure that materials are placed in the proper receptacles, and not placed in City refuse containers. For events with more than 300 total attendees, this Zero Waste Plan must be included in the event permit application and permit. Organizers of all events, regardless of the number of attendees, must comply with the components required for an adequate Zero Waste Plan as specified in Chapter 13.44.040(D)(13).

8. Clean all debris and litter from the street and sidewalk area and remove and properly handle recycling/composting/trash receptacles within four hours after the conclusion of the event.

9. Obey all applicable local, state and federal laws, including but not limited to the requirement for a sound permit under Chapter 13.40 of the Berkeley Municipal Code. However, notwithstanding anything to the contrary in Chapter 13.40, a permit issued under this Chapter may extend the hours for a sound amplification permit issued under Chapter 13.40 at a street event (a) for more than four hours, and (b) until 10:00 p.m.

10. If alcohol is to be served at the event, responsible beverage service practices shall be followed, and the applicant shall provide security adequate to maintain order, as determined by the Chief of Police.

11. The City Manager may require event organizers or contracted event greeners to submit documentation confirming that materials in the recycling/composting/trash receptacles have been properly handled, included but not limited to submitting sworn statements describing how these materials were handled, and/or submitting weight tickets and/or photo documentation verifying service levels. Organizers and/or greeners must confirm the amount of material generated by the event, and how much was sent to which transfer station or landfill, recycling facility and/or composting facility. For events with over 2,000 attendees, organizers shall provide documentation to the City per stipulations contained in SB1383 (2016).

12. Failure to comply with these requirements may result in penalties provided in Chapter 13.44.130.

B. City staff will assist applicants in meeting the conditions imposed by this section.

C. Applicants shall carry the permit during the street event and shall show it, upon demand, to any City employee.

D. Applicants may not limit the free distribution of literature at the street event by members of the public who have no formal or direct relationship with the applicant with respect to the presentation of the street event. (Ord. 7062-NS § 6 (part), 2008: Ord. 6871-NS § 3 (part), 2005: Ord. 6647-NS § 2, 2001)

13.44.090 Revocation of permit--Addition of conditions.

A. The City Manager shall have the authority to revoke a permit, in conformity with the criteria articulated in this Chapter, if they determine that any condition of the permit has not been met or is being violated. A decision by the City Manager or their designee to revoke a permit is final.

B. The City Manager may add conditions to a permit for a recurring Street Event if it is necessary or appropriate to do so in order to ensure compliance with subdivision 13.44.060.A. (Ord. 7439-NS § 2, 2015: Ord. 7062-NS § 7 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.100 Indemnification.

A. The permit holder shall indemnify and hold harmless the City of Berkeley, its officers, agents and employees, from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property which were caused by the willful or negligent acts or omissions of the permittee or the permittee's officers, agents or employees.

B. If City property is destroyed or damaged by reasons of permittee's use, event or activity, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed property.

C. Any damage or injury caused solely by the reaction to the permitted expressive activities is excluded from the indemnity and reimbursement provisions in this Section. (Ord. 7062-NS § 8 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.110 Insurance--Exemption.

A. If a street event involves one of the following conditions, the permittee must obtain insurance in the amount of ~~two~~^{one} million dollars for the duration of the event, which names the City of Berkeley, its officers, agents and employees as additional insured:

1. Closure of a major arterial or collector City street, as defined in the City of Berkeley General Plan;
2. An anticipated crowd in excess of one thousand people;
3. A street closure anticipated to have a major effect on the flow of traffic in the area; i.e., closure of two or more intersections and rerouting of AC Transit or other public transportation; or
4. Use of any part of the Downtown Berkeley BART Plaza.

B. No permit applicant shall be required to comply with the insurance requirement of this section if the activity proposed is protected by the First Amendment to the United States Constitution and the applicant produces satisfactory evidence that complying with the insurance provision would preclude the proposed street event from occurring.

C. The amount of insurance required shall not be based on the existence or content of any expression involved in the event, or on the expected reactions of observers.

D. If insurance is required pursuant to this section, a certificate of insurance shall be provided to the City and must be approved as to form and sufficiency by the City no later than 5 days before the event. If the applicant is unable to obtain insurance or does not provide the City with the certificate of insurance, the City Manager may obtain such insurance on behalf of the permit applicant and charge the permit applicant for the cost. (Ord. 7594-NS § 5, 2018: Ord. 7062-NS § 9 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.120 Fees and Deposits.

A. The City Council may establish by resolution the fees that shall be charged for permits issued under this chapter.

B. If a permittee is unable to hold or conduct a street event because of inclement weather or due to some other cause not within the permittee's control, and the permittee submits written request for the refund of such fees to the City Manager's office within ten days after the date that the event was to have been held or conducted, the City Manager may authorize the refund of the fees, or a pro rata portion thereof, except for non-refundable application fees, if any.

C. Any indigent person who cannot apply for a permit because of an inability arising from such indigence to pay the application fee shall not be required to pay the fee. Applications for indigent status shall be made upon application for the permit and shall be accompanied by such relevant information and documentation as is reasonably necessary to verify indigence. For purposes of this section, an indigent person is one who is eligible for county relief pursuant to Sections 17000 et seq. of the Welfare and Institutions Code. (Ord. 6647-NS § 2, 2001)

D. The City Manager may impose a conditionally refundable deposit for permits issued under this Chapter, and may condition refunding of deposits on event organizer's compliance with the requirements of the permit, as provided in Chapter 13.44.130.

13.44.130 Violation--Penalty.

A. An intentional violation of this Chapter is a misdemeanor punishable as set forth in Chapter 1.20 of this code, but may be charged, in the discretion of the prosecutor, as an infraction. For purposes of this section, violation of a street event rule is not a violation of this Chapter. (Ord. 7062-NS § 10 (part), 2008; Ord. 6647-NS § 2, 2001)

B. The City Manager may impose administrative penalties for violations of permit requirements, including but not limited to: (i) forfeiture of all or a portion of a permit deposit; (ii) imposition of additional requirements for subsequent permits (such as mandating a third-party greener contractor to perform recycling/composting/trash collection services; (iii) denial of subsequent permits for repeated violations. The City Manager or his/her designee may impose a penalty in his/her discretion, based on the severity and/or frequency of the violation or size of the event. An event organizer may appeal to the City Manager a penalty imposed by a designee of the City Manager. The City Manager shall act upon said appeal promptly. The City Manager's decision shall be final.

13.44.140 Removal.

Any person who refuses to comply with a street event rule proposed and approved under Section 13.44.040.D.13 may be removed from the street event. (Ord. 6647-NS § 2, 2001)

13.44.150 City Manager authority.

The City Manager may adopt regulations for the implementation and administration of this Chapter. (Ord. 7439-NS § 3, 2015)

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Sample Vendor Agreement

Thank you for your participation in **EVENT NAME**. The organizing committee of the event is committed to making this a Zero Waste Event. You must follow all State, County and City regulations to reduce waste by following the requirements below. Please return the signed form indicating your agreement.

Waste Reduction & Disposal Guidelines

The City of Berkeley requires all event vendors to properly sort all recyclable and compostable materials generated during the event. Well-marked containers must be available to both vendors and attendees. The items listed below will be collected for recycling/composting at the event:

- Recycle bottles, cans, plastic food and beverage containers.
- Compost paper, cardboard, boxes, mixed paper, food waste, food soiled paper and BPI certified compostable foodware

1383 Food Donations Requirements

Vendors with excess food that is still safe for human consumption must donate the excess food to a local food pantry.

- [Food Donation Guide for Event Vendors Surplus Food Donation Guide](#)
- [Surplus Food Donation Guide](#)
- [RE: Source | Your Online Guide for Reuse, Repair, Recycling, and Safe Disposal \(stopwaste.org\)](#)

Single Use Foodware and Litter Reduction Ordinance Requirements for Food Vendors BMC 11.64

- All foodware must be reusable or BPI certified compostable.
- All disposable foodware must be recyclable or compostable in the City's Zero Waste program.
- Reusable plates, cups, utensils and other accessory items are preferred

Required Plastic Bag Charges BMC 11.63

- Please avoid providing bags where possible.
- If you must provide bags for food or retail items, the bags must not be plastic, they must be paper or reusable, you may charge ten cents per bag

Unacceptable materials

- Plastic Bags and Polystyrene foam are banned in Berkeley
- Electronic Waste must not be disposed in the trash
- The following items are not recyclable, they must be placed in the trash
 - Milk cartons, juice/soup/broth boxes, plastic wrap, balloons, laminated paper.

If you have any questions as to whether an item is recyclable or compostable, contact **[event coordinator]**.

Thank you, we look forward to seeing you at **EVENT NAME**!

Vendor Name _____
Contact (print name): _____
Signature: _____ Date _____



BERKELEY SINGLE USE FOODWARE & LITTER REDUCTION ORDINANCE

Ordinance Requirements for Prepared Food Vendors

On-Site Dining Requirements



• Reusable Foodware for On-Premises Dining

- ✓ All foodware utilized for on-premises dining must be reusable.
- ✓ Disposable foodware is prohibited for on-premises dining.
- ✓ Exceptions:
 - ✓ Compostable paper tray liners and wrappers allowed
 - ✓ Paper napkins & compostable straws allowed upon customer request
 - ✓ Recyclable aluminum foil allowed for burritos & wraps



• Front-of-House Recycle & Compost Receptacles

- ✓ Place color-coded recycle and compost receptacles next to trash receptacles available to customers.
- ✓ Post signage above and/or on each receptacle.

Take-Out Requirements



• BPI-Certified Compostable Foodware

- ✓ Disposable foodware must be BPI-certified compostable.
- ✓ No disposable plastics allowed.
- ✓ Recyclable aluminum foil allowed for burritos & wraps.



• \$0.25 Disposable Cup Charge

- ✓ Charge \$0.25 for every disposable cup provided to customers.
- ✓ Identify the \$0.25 cup charge separately on menus, menu boards, delivery ordering platforms, and receipts.



• Accessory Items Upon Request

- ✓ Provide disposable accessory foodware items (e.g. straws, utensils, cup lids, sleeves, stirrers, napkins, etc.) only upon customer request or at self-service stations.

Limited waivers are available for businesses unable to comply with certain requirements.

Visit www.CityofBerkeley.info/FoodwareOrdinance for more information.

This handout is an overview of the ordinance. Please refer to BMC Chapter 11.64 for the complete ordinance requirements.

Zero Waste Events Requirements:

Application timeline.

- The application form must be submitted at least 45 days prior to the event and all trash, recycle and compost bin reservation and ClearStream reservation requests must be submitted at least 30 days prior to the event.

Contents of application form.

All applicants must submit an Events Recycling Plan clearly stating all of the following:

- How event discards will be properly sorted into trash, recycle, and compost;
- Proof of reservation and payment or plan for post event collection services for trash, recycle and compost;
- Confirmation that you are responsible for your vendors following all regulations and requirements

If you have food or vendors at the event you must also state the following:

- Documentation that all foodservice ware intended for use at the event will be compliant with BMC Chapter 11.64 and state law regarding single-use foodware accessories and standard condiments;
- Documentation that all retailers and food vendors will be compliant with BMC Chapter 11.63 regarding carryout bags
- Plan for how excess edible food will be managed for safe donation after the event per BMC Chapter 12.34;
- Proof of an agreement with a local food recovery organization that will either receive or collect the excess edible food for donation, if the event or venue meets the threshold for large event or large venue as contained in the definitions per BMC Chapter 12.34;

Post event follow-up.

Events with 2,000 people or more are subject State diversion reporting.

- All event organizer or event greener must submit weight tickets and/or photo documentation verifying service levels and final contents of each material type for short term dumpster rentals, extra service or self-haul.

Conditional approval of permit.

The City Manager may impose additional conditions to a permit in the exercise of his or her reasonable discretion when conditionally granting a permit, including but not limited to:

- Requiring a third-party vendor to conduct education on proper trash, recycle and compost sorting at zero waste stations and for post-collection sorting after the event.
- Requiring reusable food service ware at the event.

Grounds for denial of application.

Permits for special events will be granted at the discretion of the City Manager. A special event permit application may be denied upon evidence that:

- The applicant has failed in the past to adhere to their Events Recycling Plan by neglecting to provide either trash, recycle and compost collection or compliant food service ware and/or the donation of excess edible food.

Revocation of event permit.

An event permit may be revoked at any time, including during the event, by the City Manager for;

- Failure to provide trash, recycle and compost collection or compliant food service ware and/or donation of excess edible food.

Short Term Trash, Recycle and Compost Collection Service with the City of Berkeley

- Rates for short term service can be found at: <https://berkeleyca.gov/city-services/trash-recycling/dumpster-rental>
- Recycling service can only be ordered in conjunction with refuse and or compost services
- Compost service is 20% discounted from refuse service rates
- The City only offers short term service for refuse bins. Short term cart service is not available.

Requesting and Paying for Short Term Service

- Email order details to zwevents@berkeleyca.gov including:
 - The volume and type of desired service
 - A map clearly indicating the bin drop off location
- Receive confirmation from Zero Waste staff that they have approved and submitted your order to Customer Service
- The City of Berkeley, temporarily is unable to process credit card payment by phone. Please pay for the collection services in person at the Finance Customer Service office at 1947 Center Street Monday-Thursday, 8:30-4:00.

If You Are Not Using Short Term Collection Service with the City of Berkeley

Bring Sorted Materials to the Berkeley Transfer Station and Community Conservation Center (locations are neighboring)

- Landfill and compost materials can be taken to the Berkeley Transfer Station at 1201 Second Street for paid disposal. Hours of operation and rate details can be found at <https://www.cityofberkeley.info/transferstation/>
- Recycling can be taken to the Community Conservation Center at 669 Gilman St. for free disposal.

Coordinate with business sponsors

- Work with local businesses to dispose of event waste using their compost, recycling, and landfill service.
- Depending on restaurant service volume and event size, the restaurant may need to order extra service to accommodate the added volume of waste.
 - The authorized caller can schedule extra service on existing bins by contacting Customer Service 510-981-7270 (311 within Berkeley)

Take home event waste to your personal cans

- If the volume of event waste is small enough, you have the option of disposing of event waste in your personal cans

Event Greeners

Hiring event greeners is highly recommended for a successful zero waste event.

Below are suggested event greeners.

- Green Mary – Mary Munat (707) 548-7582
- Waste Busters – Mike Siminitus (510) 473-2087
- SF Clean City Coalition – Gia Grant: (415) 440-4409
- Clean Vibes – Anna Borofsky (828)738-3817
- Race to Zero Waste – Teresa Bradley: (415) 377-8931

Zero Waste Events Checklist:

Before the Event

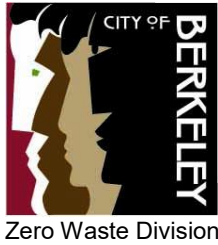
- ☐ Limit the number of giveaways (i.e. free samples, paper fliers).
- ☐ Make sure all items purchased for the event (i.e. banners, display materials, and operational materials) are reusable, recyclable, or compostable.
- ☐ Offer hydration station for water bottle refill when possible.
- ☐ If you will have vendors, review applicable regulations and share the vendor agreement in advance of the event.
- ☐ Ensure all foodware is BPI certified compostable per BMC 11.64 & use reusable foodware when possible
 - ☐ Consider the following questions.
 - How much of the waste generated will be compostable vs. recyclable vs. landfill?
 - How long is your event?
 - How many people will attend the event?
 - Where will most waste generation occur?
 - Anticipate where to set-up zero waste stations so it will be most convenient for event patrons to sort properly
 - Will you need to hire an event greening service to help educate event patrons on what goes where and to help you sort material after the event if patrons do not do a suitable job
- ☐ Provide Zero Waste staff a Zero Waste Event Plan.
- ☐ Include a map of where your Zero Waste Stations will be set-up (for event patron sorting).
- ☐ Work with Zero Waste staff to reserve ClearStreams
- ☐ Work with Zero Waste staff to reserve short term dumpster collection service for trash, recycle and compost, if not self-hauling.
- ☐ Include a map of where trash, recycling and composting dumpsters will be delivered (for final collection), if applicable.

During the Event

- ☐ Ensure Zero Waste ClearStream Stations have been set-up appropriately and have clear signage so event patrons will be able to easily sort materials properly
- ☐ All stations should include three components: trash, recycle, and compost
 - ☐ There should be no stand-alone trash receptacles
- ☐ Compost ClearStreams should be lined with compostable bags, NOT plastic bags
- ☐ Recycling and trash ClearStreams should be lined with a clear plastic bag
- ☐ Ensure volunteers arrive on time and have been assigned to monitor waste sorting at stations and understand which materials go where.
- ☐ Ensure City litter containers have been covered
- ☐ Ensure vendors understand they must also sort the materials they generate
- ☐ Ensure vendors understand if they are expected to back-haul their trash, recycle and compost or if they can place it in the short-term dumpsters
- ☐ Ensure vendors are following the vendor agreement and are providing compostable or reusable foodware

After the Event

- ☐ Place all compostables (i.e. food scraps, food-soiled paper, compostable foodware, clean cardboard) in the green compost bin.
- ☐ Place tied bags of trash in the correctly labeled (usually brown/gray) trash bin.
- ☐ Empty bottles/cans/plastic containers LOOSE into the blue recycling bin. Place plastic bags in the trash.
- ☐ Break down and flatten all cardboard. Place cardboard in the Paper/Cardboard Recycling bin, if applicable. If a Paper/Cardboard bin is not available, you may place cardboard in the compost.
- ☐ Retrieve and clean all ClearStream frames, lids, bins & extra bags from the site (your deposit will not be returned in full if you do not return the clean ClearStreams).
- ☐ Store ClearStreams and extra bags securely until you return them to 1201 2nd St.
- ☐ Event Organizer or Event Greener will send Zero Waste Staff an event recap with attendance, estimated waste generated and any other notable details from event.



ClearStream Event Equipment Reservation Form

Name of Event:
Event Date(s):
Estimated # of Attendees Per Day:
Event Location:
Name of Organization:
Website (if applicable):
Name of Borrower:
Borrower Phone #:
Borrower Email Address:

Equipment Requested	Color/material	Quantity requested
Frames/lids	Black (trash)	
	Blue (recycling)	
	Green (compost)	
Bags	Clear plastic bags (for trash frames)	
	Clear plastic bags (for recycling frames)	
	Compostable bags	

ClearStreams must be picked up/dropped off at the Berkeley Transfer Station: 1201 2nd St.

Pick-Up Date:	Pick-Up Time:
Return Date:	Return Time:

Portion below to be completed at the time of pick up/drop off.

City staff will verify all equipment is returned clean, dry, & in good condition by initialing below.

I am an authorized agent for the above-named organization. I agree to return all equipment clean, dry, & in good condition within 2 business days of the end of the event. I will report all missing or damaged items. I authorize the City of Berkeley to charge for lost or damaged items: Frame: \$50; Lid: \$25				
Equipment picked up by	Print Name:	Signature:	Date:	
Equipment returned by	Print Name:	Signature:	Date:	Staff Initials: