

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE,  
CALIFORNIA, AMENDING TITLE 13 OF THE RIVERSIDE  
MUNICIPAL CODE BY ADDING CHAPTER 13.21  
ESTABLISHING REGULATIONS FOR THE FESTIVAL OF  
LIGHTS, DESIGNATING MAIN STREET RIVERSIDE AND  
SURROUNDING STREETS AS A NON-PUBLIC FORUM AT  
SPECIFIED TIMES DURING THE FESTIVAL OF LIGHTS  
AND PROVIDING LEGISLATIVE FINDINGS THERETO.

The City Council of the City of Riverside does ordain as follows:

Section 1: The Table of Contents for Title 13, Streets, Sidewalks, Trails and Trees, is  
hereby amended to include Chapter 13.21 as follows:

“Title 13 – Streets, Sidewalks, Trails and Trees

Chapter 13.18 Trails Master Plan

...

**Chapter 13.21 Festival of Lights Regulations”**

...

Chapter 13.26 Reward for Detection of Persons Burning City Controlled Vegetation”

Section 2: Chapter 13.21 of the Riverside Municipal Code entitled Festival of Lights  
Regulations is hereby added as follows:

“Chapter 13.21

FESTIVAL OF LIGHTS REGULATIONS.

13.21.010 Purpose.

13.21.020 Findings.

13.21.030 Definitions.

13.21.040 Regulation of Performers.

13.21.050 Non-Public Forum.

13.21.060 Allowed Uses.

13.21.070 Penalties.

1           13.21.010     Purpose.

2           It is the concern and interest of the City Council to vigilantly protect and preserve the  
3     quality, safety, historical and cultural ambiance of the The Mission Inn Hotel and Spa ("The  
4     Mission Inn"), located on Main Street Riverside ("Pedestrian Mall") in Downtown Riverside, for  
5     the benefit of the City's residents, business owners, visitors and tourists during the Festival of  
6     Lights ("Festival") held annually at The Mission Inn.

7           The Festival is a free, approximately six-week long holiday extravaganza featuring one of  
8     the nation's largest holiday light collections of its kind. Each year, the Festival draws  
9     approximately 500,000 people from all over the world to the Pedestrian Mall and surrounding  
10    streets, with 75,000 attending the Switch-On Ceremony alone. The highlights of the Festival  
11    include more than 400 animated figures including angels, elves and Dickens carolers; the world's  
12    largest man-made mistletoe; freshly fallen snow; elaborately decorated Christmas trees in the  
13    lobby and throughout the Mission Inn; and delectable holiday confections at the famous Casey's  
14    Cupcakes. In addition the City has attractions, activities, entertainment, horse carriages and  
15    additional food that add to the ambiance of The Mission Inn and the Festival.

16          The City Council recognizes that Performers desire to engage in Expressive Activities  
17    during the Festival. Cognizant that Performers are engaged in First Amendment activities, this  
18    Chapter imposes reasonable time, place, and manner restrictions on Performers.

19          13.21.020     Findings.

20          The City Council desires to balance the freedom of speech and freedom of expression  
21    protections afforded by United States and California constitutions to those Performers desiring to  
22    engage in Expressive Activities at the Festival that is intended to or has the effect of gathering  
23    large crowds and audiences with protected and significant governmental interests related to  
24    traffic and sidewalk congestion, pedestrian safety, aesthetics, the ability of emergency response  
25    personnel to reach locations, limiting access to and egress from business and residences, and  
26    other interests to ensure smooth pedestrian traffic flow, relieve congestion and overcrowding,  
27    limit disorderliness, and prevent potential interference with and visibility obstruction for  
28

1 motorists attempting to navigate through the streets surrounding the Pedestrian Mall during the  
2 Festival.

3 The City Council recognizes that allowing Performers during certain times, at certain  
4 locations, and in certain manners adversely affects or may adversely affect the City and the  
5 public health, safety, and welfare of the City's residents, business owners, and visitors and  
6 tourists to the Festival.

7 The City Council recognizes that established federal and state law allows municipalities  
8 to regulate the time, place, and manner of speech and other forms of expression where such  
9 regulations are narrowly tailored, content-neutral, and leave open ample alternative channels of  
10 communications for conveying speech and displaying Expressive Activities.

11 The City Council has determined that the reasonable and content-neutral time, place, and  
12 manner restrictions outlined herein that apply to certain conduct on the Pedestrian Mall will be  
13 effective, are narrowly tailored to address the governmental interests outlined herein, and  
14 constitute the least restrictive alternative for the purposes intended and set for herein.

15 The City Council recognizes that Performers may intend to reach a particular audience  
16 during the Festival and the City Council desires that such Performers be afforded an ample  
17 opportunity to engage in Expressive Activities during the Festival on the streets surrounding the  
18 Pedestrian Mall during High Traffic Days and on the Pedestrian Mall during Less Congested  
19 Days, as defined herein, to ensure that messages and performances can be conveyed to the  
20 Performer's intended audience.

21 13.21.030 Definitions.

22 For purposes of this Chapter, the following words or phrases shall have the meaning  
23 given herein:

24 "Expressive Activities" means conduct, the sole or principal object of which is the  
25 expression, dissemination, or communication by verbal, visual, literary, or auditory means of  
26 opinion, views, expression or ideas that are likely to be understood as such in the surrounding  
27 circumstances. Expressive activity includes the assembly of persons for such purposes.  
28

1 Expressive activity includes the sale and/or distribution of merchandise that is inextricably  
2 intertwined with a statement carrying a religious, political, philosophical, or ideological message.

3 “High-Traffic Days” means the days of Thursday through Sunday which take place  
4 during the Festival.

5 “Less Congested Days” means the days of Monday through Wednesday which take place  
6 during the Festival.

7 “Pedestrian Mall” means the pedestrian mall known as “Main Street Riverside” pursuant  
8 to Chapter 13.20 of this Code.

9 “Performers” means an individual or group who “perform” in a public area, for the  
10 purpose of providing public entertainment and/or self-expression. They can include, but are not  
11 limited to, playing musical instruments, singing, dancing, acting, pantomiming, puppeteering,  
12 juggling, human statues, buskers, reciting, engaging in magic, creating visual art in its entirety,  
13 or similar artistic endeavors, and those engaging in political, religious, commercial or non-  
14 commercial speech. Indicia of being a performer include, but are not limited to, staging or  
15 orienting the performance towards the public, performing in the same location for a period of  
16 time, seeking voluntary contributions through passing around of a hat or leaving open an  
17 instrument case or other receptacle, and the Solicitation of donations after a performance.  
18 Solicitation at any time by a Performer on the Pedestrian Mall is strictly prohibited. Performers  
19 are prohibited from the use of fire, open flames, any generator, constructing or erecting a stage,  
20 or from using instruments, props, equipment, merchandise, or other items that the Performer  
21 cannot reasonably transport and remove all at once or within three (3) minutes.

22 “Solicitation” has the meaning ascribed to it in Section 5.08.050 of this Code.

23 “Vendor” means one who has entered into an approved Vendor Agreement with the City  
24 to provide refreshments, souvenirs and activities to the patrons at the Festival or those  
25 coordinated performances which take place on designated stages and areas at the Festival and  
26 which have also been approved by the City.

27 ///

28 ///

1           13.21.040     Regulation of Performers.

2           The City Council recognizes that Performers, as defined in this Chapter, are afforded  
3 rights defined in established federal and state law relating to freedom of expression and freedom  
4 of speech. The City Council further desires to balance such rights with significant and  
5 substantial governmental interests related to the public health, safety, and welfare as outline  
6 herein. The City Council finds that Performers at the Festival on High Traffic Days have  
7 interfered with and have a substantial likelihood of interfering with pedestrian and vehicular  
8 traffic of the City, including residents, business owners, visitors and tourists during the Festival  
9 by, among other things, attracting audiences which congest the Pedestrian Mall, increase the  
10 likelihood for conflict and disorderliness, and may impede the ability of emergency response  
11 personnel to reach various streets surrounding the Pedestrian Mall. Moreover, such Performers  
12 may cause or contribute to pedestrian and vehicular safety risks through increased congestion,  
13 sight obstruction and obfuscation, and obstruction of pedestrian rights-of-way and crosswalks.  
14 The City finds that the existence of Street Performers on High Traffic Days during the Festival  
15 affects the City's interest in maintaining the aesthetics of the Mission Inn and the Pedestrian  
16 Mall. Additionally, the City finds that such Performers adversely affect the interests of residents,  
17 businesses and tourists in the enjoyment of peace and repose. Therefore, it is the intent of the  
18 City to regulate and limit Performers from performing on High Traffic Days during the Festival.  
19 It is the further intention of the City to balance the above-referenced regulations and  
20 governmental interest with the recognized rights of Performers to practice freedom of speech and  
21 freedom of expression to their intended audiences. Accordingly, the City further intends for  
22 Performers subject to these provisions to be afforded ample alternative channels of  
23 communication, expression and reasonable access to perform on Less Congested Days during the  
24 Festival so that the Performers may reach their intended audience.

25           13.21.050     Non-Public Forum.

26           Based on the Purpose and Findings outlined above, the City Council declares the  
27 Pedestrian Mall and surrounding streets to be a non-public forum during the Festival at the  
28 following times:

1           A.     Switch-On Ceremony.

2           There shall be no Performers at any time at the Festival during the Switch-On Ceremony  
3 on the Pedestrian Mall and the surrounding streets, sidewalks and right-of-ways for the area  
4 bounded by the intersections of Market Street and University Avenue, University Avenue and  
5 Orange Street, Orange Street and Fifth Street, Fifth Street and Market Street and on Mission Inn  
6 Avenue from Market Street to Lime Street.

7           B.     High Traffic Days.

8           There shall be no Performers at the Festival on Thursdays and Fridays after 4:00 p.m. and  
9 Saturdays and Sundays after 12:00 p.m. on the Pedestrian Mall and surrounding The Mission  
10 Inn, including all sidewalks and right-of-ways on Mission Inn Avenue from the Pedestrian Mall  
11 to Orange Street, all sidewalks and right-of-ways on Orange Street from Mission Inn Avenue to  
12 Sixth Street, and all sidewalks and right-of-ways on Sixth Street from Orange Street to the  
13 Pedestrian Mall.

14          C.     For all other times not listed above, the Pedestrian Mall and surrounding streets  
15 are considered open and available as a public forum to Performers during the Festival.

16         13.21.060    Allowed Uses.

17          Only Vendors approved by the City shall be able to participate on the Pedestrian Mall  
18 during the Festival.

19         13.21.070    Penalties.

20          A violation of any provision of this Chapter shall be deemed a misdemeanor and shall be  
21 punishable in accordance with the provisions of Section 1.01.110 of this Code.”

22          Section 3:   The City Council has reviewed the matter and, based upon the facts and  
23 information contained in the staff reports, administrative record, and written and oral testimony,  
24 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),  
25 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations,  
26 Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical  
27 change in the environment nor have a significant impact on the environment.

Section 4: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

WILLIAM R. BAILEY, III  
Mayor of the City of Riverside

Attest:

COLLEEN J. NICOL  
City Clerk of the City of Riverside

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, and that thereafter said ordinance was duly and regularly adopted at a meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of  
the City of Riverside, California, this \_\_\_\_ day of \_\_\_\_\_, 2017.

COLLEEN J. NICOL  
City Clerk of the City of Riverside

\\Rc-citylawprod\Cycom\WPDocs\D011\P023\00328901.doc

CA: 16-1901