

ORDINANCE NO. 756 N.S.

AN ORDINANCE ADDING FIRE SAFETY PROVISIONS INTO CHAPTER 8 OF THE CITY CODE FOR HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT SITES, PUMPKIN PATCHES, AND HOLIDAY TREE LOTS

The City Council of the City of Piedmont hereby ordains as follows:

SECTION 1. INTENT

It is the intent of the City Council, in enacting this ordinance, to enact fire, safety and operation provisions into the City Code for haunted houses, ghost walks and similar amusement sites, pumpkin patches, and holiday tree lots, in order to protect the health and safety of the public.

SECTION 2. ENACTMENT OF SECTION 8.16.010 – SAFETY PROVISIONS HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT SITES, PUMPKIN PATCH LOTS, AND HOLIDAY TREE LOTS

Section 8.16.010, entitled “Safety Provisions for Haunted Houses, Ghost Walks and Similar Amusement Sites, Pumpkin Patch Lots, and Holiday Tree Lots” is hereby enacted, to read in its entirety:

“8.16.010 Safety Provisions for Haunted Houses, Ghost Walks and Similar Amusement Sites, Pumpkin Patch Lots, and Holiday Tree Lots

Temporary haunted houses, ghost walks and similar amusement sites, pumpkin patch lots, and holiday tree lots shall comply with the following standards:

- A. Dates of operation. A pumpkin patch lot may not operate before October 1 and must be removed by November 7 of each year. A holiday tree lot may not operate before November 22 and must be removed by January 1 of each year. Removal includes the trees or pumpkins, merchandise, debris, fences, poles, hay or sawdust and other evidence of the use.

- B. Permit required. Before opening for business, each person or business that intends to operate a temporary haunted house, ghost walk or similar amusement site, pumpkin patch lot or holiday tree lot must obtain a permit issued by the Fire Marshal. Permitted areas of operation shall be designated in the permit. Approval of the permit is contingent on the Fire Marshal’s determination that the proposed temporary haunted house, ghost walk or similar amusement site, pumpkin patch lot, or holiday tree lot will be maintained and operated in compliance with this section, Fire Department Policies and Procedures, and state law. Before and after issuing a permit, the Fire Marshal may inspect the temporary haunted houses, ghost walks or similar amusement site, pumpkin patch lot or holiday tree lot to ensure compliance.

- C. Revocation of Permit. If the Fire Marshal determines that a temporary haunted house, ghost walk or similar amusement site, pumpkin patch lot, or holiday tree lot is operating in violation of this section, the Fire Marshal may revoke the permit. An appeal of the revocation

decision may be filed and processed in the same manner as an appeal to a determination of a nuisance and order to abate as set forth in Chapter 6 of the City Code. It is a violation of this code and a public nuisance subject to abatement to operate any temporary haunted houses, ghost walks or similar amusement site, pumpkin patch lot, or holiday tree lot without a permit.

D. Circulation. No merchandise, equipment, vehicles, refuse, or other material associated with a temporary haunted house, ghost walk and similar amusement site, pumpkin patch lot, or holiday tree lot may block circulation or parking aisles outside fenced areas on the lot.

E. Access. Permittees shall ensure that the temporary haunted house, ghost walk or similar amusement site, pumpkin patch lot, or holiday tree lot operation shall not impede access to any occupant egress, driveway, or parking area of any other property, nor shall it impede the public right-of-way.

F. Parking and loading. Permittees shall ensure that parking and loading by their employees or patrons does not occur on any public street, sidewalk, or right-of-way. Parking areas on the lot must be surfaced to prevent mud or dust from being tracked onto the public right-of-way.

G. Fencing. Fencing around the premises shall be properly stabilized.

H. Signs. Signs shall be confined to the designated lot area only and must not obstruct vision of motorists. Signs must comply with the requirements of division 17.36 of this code.

I. Sawdust; Wood products. If sawdust or other similar material is used to cover the lot, it must be kept moist. At time of removal and clean-up, all wood products must be recycled to the maximum extent possible.”

SECTION 3. ENACTMENT OF SECTION 8.16.020 - DEFINITIONS

Section 8.16.020, entitled “Definitions” is hereby enacted, to read in its entirety:

“Definitions. For purposes of this division, the below terms are defined as follows:

“Ghost walk or temporary amusement site” means a use similar to a haunted house which may include both indoor and outdoor areas where the means of egresses are similarly not readily available.

“Haunted house” means a building or structure, or portion thereof which contains a system that transports passengers or provides a walkway through a course so arranged that the means of egresses are not apparent due to theatrical distractions, not visible due to low illumination, are disguised, or are not readily available.

“Holiday tree lot” means any non-permanent outdoor location where any varietal of natural cut tree, including all varietals of evergreen such as pine or fir, or artificial trees, are made available for sale to the public.

“Pumpkin patch lot” means any non-permanent outdoor location where pumpkins, gourds or other fall-themed decorations, are made available for sale to the public.”

SECTION 4. CODIFICATION

The City Clerk is directed to codify this section into a new division in Chapter 8 entitled, “Safety Provisions for Haunted Houses, Ghost Walks or Similar Amusement Sites, Pumpkin Patch Lots, and Holiday Tree Lots”

SECTION 5. SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part of it is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, the illegality, invalidity, unconstitutionality, or inapplicability will not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the Ordinance or their applicability to other persons or circumstances.

SECTION 6. EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council determines that the actions contemplated by this ordinance are exempt from the California Environmental Quality Act (CEQA), under CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility for the proposed ordinance to have a significant effect on the environment.

SECTION 7. POSTING, FILING, AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading



I certify that the foregoing ordinance was passed and adopted by Resolution 74-2020 at the regular meeting of the City Council of the City of Piedmont on September 21, 2020, by the following vote:

Ayes:	Cavanaugh, King, McBain, Rood
Noes:	None
Absent:	Andersen

Attest: _____
John O. Tulloch, City Clerk