

ORDINANCE NO. 15 – 1096

**AN ORDINANCE OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA,
AMENDING CHAPTER 6 OF TITLE 5 OF THE PLUMAS COUNTY CODE
CONCERNING OUTDOOR FESTIVALS.**

The Board of Supervisors of the County of Plumas, State of California, **DOES ORDAIN** as follows:

Section 1. Chapter 6. Outdoor Festivals, of Title 5 of the Plumas County Code is hereby amended in its entirety to read as follows:

CHAPTER 6. OUTDOOR FESTIVALS

Sec. 5-6.01.1 Outdoor festival defined.

For the purpose of this chapter, "outdoor festival" shall mean and include any outdoor gathering of individuals for the purpose of participation in "rock" dances and similar musical and/or theatrical type performances which are of a periodic nature and to which the public is admitted, with or without the payment of admission charges; provided, however, "outdoor festival" shall not include any authorized activity which is undertaken completely within the boundaries of the Plumas County Fairgrounds, or at recognized art fairs or recognized community celebrations. "Outdoor Festivals" may be permitted in all zoning districts except open space

Sec. 5-6.01.2 Director defined.

For the purpose of this chapter, "Director" shall mean the Director of Public Works.

Sec. 5-6.02. Permits: Required.

It shall be unlawful for any person to operate, maintain, conduct, advertise, sell, or furnish tickets or other types of written authority for admission to an outdoor festival in the unincorporated area of the County, unless he shall first obtain a permit to operate or conduct such festival. No tickets may be sold for any outdoor festival prior to the promoter of the event receiving a final permit under this chapter. If the Director determines that such sales have occurred, he or she shall report this determination to the Board, and such sales shall constitute sufficient grounds for the Board to summarily reject the promoter's application for an outdoor festival permit or to revoke a permit that has already been issued.

Sec. 5-6.03. Permits: Applications: Fees.

For any outdoor festivals to be held on or before December 31, 2015, the application for a permit to conduct such outdoor festival shall be made in writing to the Director at least one hundred twenty (120) days prior to the first day of such outdoor festival. For outdoor festivals to be held in calendar year 2016 and thereafter, applications for permits to conduct outdoor festival shall be made in writing to the Director (1) on or before January 31st for outdoor festivals to be held on or after June 1st of that calendar year, or (2) at least one hundred twenty (120) days prior to the first day of such outdoor festival for outdoor festivals to be held between January 1st and May 31st must be submitted. The application shall be accompanied by a non-refundable application fee in an amount as specified by resolution of the Board and shall be filed with the Director and shall

contain the following information

(a) *Identity.* The name, age, residence, mailing address, and telephone number of the applicant. The applicant must be the promoter of the event. If the application is made by a partnership, the names and addresses of all general partners shall be included. If the application is made by a corporation, the application shall be signed by the president and attested to by the secretary thereof and shall contain the names and addresses of all corporate officers, and a certified copy of the Articles of Incorporation shall be attached to the application. The address and telephone number of the principal place of business of the applicant shall also be included in the application;

(b) *Statement of Criminal Record.* A statement by each applicant indicating whether he or she has been convicted within the last five years in any court of competent jurisdiction of any felony or misdemeanor. If so, the applicant shall provide a listing of the charges upon which he or she was convicted.

(c) *Location.* The location and legal description of the premises where the outdoor festival is proposed to be conducted, including all lands to be used for parking or other uses incidental to the outdoor festival. The applicant shall identify all of the owners of the premises and submit proof of their ownership and their written consent for the proposed use;

(d) *Dates.* The dates during which the festival is to be conducted;

(e) *Maximum number of attendees and hours of operation.* The maximum number of spectators, participants, and other persons that will be allowed to attend the outdoor festival for each day it is conducted, as well as the hours during which entertainment will be provided;

(f) *Program and plans.* A detailed explanation of the applicant's event and his or her plans to provide the following:

- (1) Commercial liability insurance, as approved by the Plumas County Risk Manager.
- (2) Police protection and security, as approved by the Plumas County Sheriff;
- (3) Fire protection, evacuation plan, and prevention of wildfires, as approved by the Plumas County Office of Emergency Services.
- (4) Water supplies, as approved by the Plumas County Department of Environmental Health;
- (5) Provision of food, as approved by the Plumas County Department of Environmental Health;
- (6) Sanitation facilities, as approved by the Plumas County Department of Environmental Health;
- (7) Medical facilities and services, including access for ambulances and paramedics or emergency medical technicians, as approved by the Plumas County Health Officer;
- (8) Vehicle parking space, as approved by the Plumas County Department of Planning;
- (9) Vehicle access and on- and off-site traffic control, as approved by the Plumas County Department of Public Works;
- (10) If it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises and for camping or similar facilities, as approved by the Plumas County Department of Public Works;
- (11) If it is proposed or expected that spectators or participants will remain overnight, provisions for the collection of transient occupancy taxes in accordance with Chapter 4 of Title 3 of the Plumas County Code, as approved by the Plumas County Tax Collector;
- (12) Provisions for the cleanup of the premises and the removal of rubbish after the event has concluded, including recycling of recyclable materials, as approved by the Plumas County Department of Environmental Health;

(13) Control and prevention of drug consumption and underage alcohol consumption, as approved by the Plumas County Sheriff; and

(14) Maps or diagrams showing: (a) the location of the property on which the proposed event and all related activities will be held; (b) the location of adjacent roads, lots, and residences; (c) the parking and traffic flow and control plan, including all access ways to and from the property and all interior access ways on the property; (d) the location of all buildings and structures on the property or to be erected thereon, including but not limited to, all bandstands, stages, tents or other facilities for performers, and bleachers, tents, or seats for those attending; (e) the location and orientation of loudspeakers; (f) The location, style, wattage and orientation of all temporary lighting; (g) the location of camping or other overnight areas; and (h) the location of all toilets, medical facilities, emergency communications, generators, drinking facilities, fire pits or barbecues, and solid waste receptacles.

A form for approval signatures from the Plumas County departments listed above for each of these elements shall be available from the Department of Public Works. This form, signed by all applicable Plumas County departments, is an essential element of the application and shall be submitted to the Director with the rest of the application. Failure to submit this form with all necessary signatures shall be grounds for summary denial of the application by the Director.

The Director shall review and submit such application to the Board, and no permit shall be issued by the Director until he or she is authorized to do so by order of the Board at a regular meeting of the Board.

Sec. 5-6.04 Permits: Applications: Hearings: Notices: Investigations: Reports.

Upon the receipt of a complete application and the application fee, the Director shall request the Board to set a time and date for a public hearing. The Board shall set the application for a public hearing at a regular meeting of the Board to be held not less than sixty (60) days prior to the event. The Clerk of the Board shall publish a notice of public hearing. The Director shall also forward this notice to any other jurisdictions who may be affected by the event, including, but not limited to, the U.S. Forest Service, the United States Fish and Wildlife Service, the California Department of Forestry & Fire Protections, the California Department of Transportation, the California Regional Water Quality Control Board, the California Department of Fish and Wildlife, the California Highway Patrol, the California Department of Parks and Recreation, the Northern Sierra Air Quality Management District, and nearby fire districts, in order to solicit comments upon the application from such jurisdictions.

Sec. 5-6.05. Permits: Applications: Hearings.

(a) The Board shall consider the documentary and testimonial evidence of witnesses presented at such hearing, including all reports of investigation, and thereafter the Board shall either (1) grant the permit without conditions, other than conditions imposed by County departments as conditions for their approvals as required by Section 5-6.03(f) of this chapter, (2) grant the permit with conditions which shall be met before a permit is granted, including any security required from the applicant as a guarantee that the conditions will be met, such conditions being in addition to conditions imposed by County departments as conditions for their approvals as required by Section 5-6.03(f) of this chapter, or (3) reject the application. Conditions imposed by the Board to the grant of a permit may include, but are not limited to, (1) the stationing of an ambulance or emergency medical technicians onsite, (2) limits placed upon the number of

attendees to the event, (3) minimum numbers of security personnel onsite, and (4) posting of a security bond as described in section 5-6.09.

(b) If conditions are imposed by the Board or by any County departments, the applicant shall furnish, or cause to be furnished, to the Director proof that all conditions have been met and that the required security has been given before the permit may be issued by the Director.

Sec. 5-6.06. Permits: Issuance: Fees.

Upon determining that the Board has ordered the issuance of the permit pursuant to the provisions of this chapter and that the conditions, if any, imposed by the Board have been complied with by the applicant, the Director shall collect a daily permit fee as specified by resolution of the Board for each day the festival is scheduled to be held, such daily permit fee being in addition to the application fee described in Section 5-6.03 of this chapter, and upon receipt in full of such daily permit fee shall issue a permit to the applicant for the specific location authorized for the festival and for the specific days for which the festival is authorized.

Sec. 5-6.07. Permits: Revocations: Hearings: Notices.

The Board shall have the right to revoke any permit issued pursuant to the provisions of this chapter for any of the following causes, in addition to that cause specified in Section 5-6.02, following a public hearing held after oral or written notice is given to the permittee at least twenty-four (24) hours prior to such hearing:

(a) If the permittee fails, neglects, or refuses to fulfill any of the conditions imposed upon the granting of a permit;

(b) If the permittee permits the outdoor festival to be conducted in an disorderly manner or allows any person to remain on the premises while under the influence of intoxicating liquor or any narcotic or dangerous drug;

(c) If the permittee violates, or attempts to violate, any law of the State, the provisions of this chapter, or any other law of the County; or

(d) If the permittee has previously made a false, misleading, or fraudulent statement of material fact in the application for such permit or in any other document required by the provisions of this chapter.

Written notice of such revocation shall be forwarded by the Clerk of the Board to the Director, the Sheriff, and the permittee at the address given in the application. Such revocation shall become effective immediately after ordered by the Board.

The Board may hold a public hearing under this section after the conclusion of the outdoor festival, and if the Board makes any of the findings listed in subsections (a) to (d) above, such a finding may constitute grounds for revocation or denial of other permits pursuant to Section 5-6.13 of this chapter.

Sec. 5-6.08. Permits: Nontransferable.

No permit granted pursuant to the provisions of this chapter shall be transferable or removable to another location.

Sec. 5-6.09 Bonds.

(a) *Losses, injuries, and damages.* Security required by the Board may include the posting of an indemnity bond, and/or a performance bond, or In-lieu cash, in favor of the County, in connection with the operation of an outdoor festival as defined in Section 5-6.01 of this chapter. Such bonds shall be prepared by a corporate bonding company authorized to do business in the State by the Department of Insurance of the State in an amount to be determined by the Board. Such bonds shall indemnify the County, and its agents, officers, employees, and the Board, against any and all losses, injuries, and damages of any nature whatsoever arising out of or in any way connected with such outdoor festival and shall indemnify against losses, injuries, and damages to both persons and property.

(b) *Cleanup.* The Board may also require that the applicant provide a corporate surety bond, prepared by a corporate authorized to do business in the State, indemnifying the County and the owners of property adjoining the outdoor festival site for all costs necessitated by such activity to clean up and/or remove debris, trash, garbage, or other waste from, in, and around the premises. Such bond shall be in an amount determined by the Board as in its discretion will adequately provide for such indemnification.

Sec. 5-6.10. Suspension of operations.

The Sheriff may suspend operations and close any outdoor festival prior to the expiration of the permit granted pursuant to the provisions of this chapter in the event of the occurrence of a riot, major disorder, or serious breach of the peace when, in his opinion, it becomes necessary to prevent injuries to persons and/or damages to property. The Sheriff or Director may suspend operations and close any outdoor festival in the event that the number of attendees exceeds the maximum number allowed by the permit. No refund of any fees paid under this chapter will be payable in the event of a suspension under this section.

Sec. 5-6.11. Transient Occupancy Tax: Certification.

No later than five (5) business days after the event, if spectators or participants will remain overnight at the event, the promoter shall provide written certification to the Plumas County Tax Collector of the number of camping or other lodging facility spaces sold in conjunction with the event, whether as part of the price of admission or separate to the price of admission. The promoter shall also provide any additional documentation required by the Tax Collector as a condition of the Tax Collector's approval pursuant to section 5-6.03(f)(11) of this chapter.

Sec. 5-6.12. Alcoholic Beverage Permits.

No later than five (5) business days before the beginning of the event, if alcoholic beverages will be served at the event, the promoter will provide a copy of the appropriate permit issued by the Department of Alcoholic Beverage Control to the Director of Public Works. The Sheriff or Director may suspend operations and close any outdoor festival in the event that alcoholic beverages are served without the appropriate permit issued by the Department of Alcoholic Beverage Control.

Sec. 5-6.13. Revocation of Other Permits; Denial of Future Permits.

A finding by the Board that grounds for permit revocation exist pursuant to Section 5-6.07 of this chapter shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits or future applications for permits under this chapter by that applicant. The finding that a parcel or property has a history of materially violating, or

defaulting in the performance of, such provisions, shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits under this chapter for future events at that location.

Sec. 5-6.14. Penalties for Violation of Chapter.

Any violation of this chapter shall be a misdemeanor, punishable by a fine of not less than Fifty and no/100ths (\$50.00) Dollars nor more than One Thousand and no/100ths (\$1,000.00) Dollars, or by imprisonment in the County jail for not more than six months, or by both such fine and imprisonment. For each such violation, a separate offense shall be deemed to have been committed for each day that such violation continues.

Section 2. Section 1 of this ordinance, which amends the Plumas County Code, shall be codified. The remainder of the ordinance shall not be codified.

Section 3. The County finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement).

Section 4. This ordinance shall be published, pursuant to Section 25124 (a) of the Government Code of the State of California, before the expiration of fifteen days after the passage of the ordinance, once, with the names of the supervisors voting for and against the ordinance, in the Feather River Bulletin, a newspaper of general circulation in the County of Plumas.

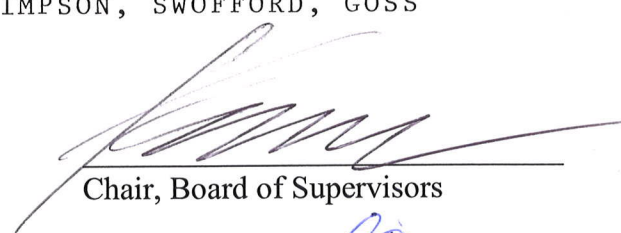
Section 5. This ordinance shall become effective thirty (30) days after its date of final adoption.

The foregoing ordinance was introduced at a regular meeting of the Board of Supervisors on the 16th day of December, 2014, and passed and adopted by the Board of Supervisors of the County of Plumas, State of California, on the 6th day of January, 2015, by the following vote:

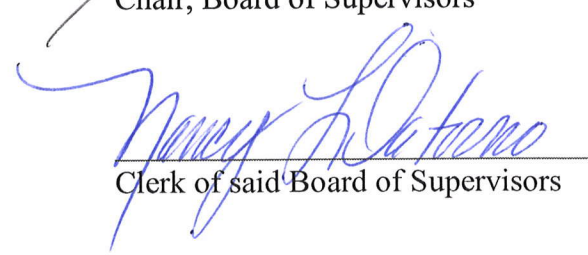
AYES: Supervisors: THRALL, ENGEL, SIMPSON, SWOFFORD, GOSS

NOES: Supervisors: NONE

ABSENT: Supervisors: NONE


Chair, Board of Supervisors

ATTEST:


Clerk of said Board of Supervisors