

ORDINANCE NO. 16 – 1100

AN ORDINANCE OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA, AMENDING SECTIONS OF 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. Sections 5-6.01.1, 5-6.02, 5-6.03 and 5-6.04 of Chapter 6. Outdoor Festivals, of Title 5 of the Plumas County Code are hereby amended in their 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 that is for the primary purpose of attending or participating in or observing a musical or theatrical performance to which the public is admitted, with or without the payment of admission charges; provided, however, "outdoor festival" shall not include (1) any authorized activity which is undertaken completely within the boundaries of the Plumas County Fairgrounds, (2) at recognized art fairs or recognized community events/celebrations, which are open to all members of the public without the payment of admission charges, or (3) any activity expressly permitted pursuant to a license agreement previously approved by the Plumas County Board of Supervisors, such activity being governed by the terms of the approved license agreement. "Outdoor Festivals" may be permitted in all zoning districts except open space.

Sec. 5-6.02. Permits: Required.

It shall be unlawful for any person to operate, maintain, or conduct an outdoor festival in the unincorporated area of the County, unless he or she shall first obtain a permit to operate or conduct such festival. Any expenses relating to a proposed outdoor festival, including but not limited to the sales of tickets, incurred prior to the issuance of a permit under this chapter shall be incurred at the sole risk of the party incurring such expenses, and the County shall bear no liability for such expenses regardless of the actions taken on the permit application relating to such proposed outdoor festival.

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

The application for a permit to conduct an 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. The application shall be accompanied by a non-refundable application fee and/or deposit 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;

(b) *Authorized signatories.* If the application is made by a partnership, the application must be signed by a general partner. If the application is made by a limited liability company, the application must be signed by a manager if the applicant is a manager-managed limited liability company, or by a member if the applicant is a member-managed limited liability company. If the application is made by a corporation, the application shall be signed by the president and attested to by the secretary thereof. For each of these types of organizations, the address and telephone number of the principal place of business of the applicant shall also be included in the application;

(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 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;
- (11) 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;
- (12) Control and prevention of drug consumption and underage alcohol consumption, as approved by the Plumas County Sheriff; and
- (13) 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. All lighting facilities shall be installed as to focus away from adjoining properties;

(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 Director, or his or her department. 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 and health districts, in order to solicit comments upon the application from such jurisdictions. The Director may, in his or her discretion, impose additional conditions upon the granting of a permit under this chapter based upon the comments received from the noticed jurisdictions.

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 9th day of February, 2016, and passed and adopted by the Board of Supervisors of the County of Plumas, State of California, on the 16th day of February, 2016, by the following vote:

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

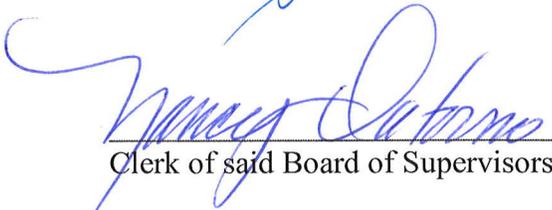
NOES: Supervisors: NONE

ABSENT: Supervisors: NONE



Chair, Board of Supervisors

ATTEST:



Clerk of said Board of Supervisors