Butte County Board of Supervisors
Agenda Transmittal

Subject: Application for Outdoor Festival License - KZFR Golden Valley Broadcasters

Meeting Date Requested: June 14, 2016

Contact: Snellings/Michelen Phone: 530.538.6821

Regular Agenda □ Consent Agenda □

Department Summary: (Information provided in this section will be included on the agenda. Attach explanatory memorandum and other background information as necessary.)

KZFR Golden Valley Broadcasters has submitted an application for an Outdoor Festival License per Chapter 12, Article III. Outdoor Festivals (Butte County Code Sections 12-25 through 12-33). The festival is proposed for one day, Saturday, September 10, 2016, from 3:00 p.m. to 10:00 p.m. They anticipate to have a total of 400 people, which includes 50 volunteers. The festival and parking are proposed to be on APN 039-410-032 with event parking on APN 039-410-039. The festival site is at the south end of Estes Road (2500 Estes Road), south and west of Chico.

The festival is described as a benefit concert with Ray Wylie Hubbard and will include food trucks and beverage booths with bottled water provided free.

The Department of Development Services has completed an environmental review of the application, a site visit, and determined since no permanent structures will be built, the project is categorically exempt from the California Environmental Quality Act, per Section 15304(e) of the CEQA Guidelines - "Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, etc."

The festival application was circulated to affected County departments and other agencies for their comments and requirements.

Fiscal Impact:
Does not apply.

Personnel Impact:
Does not apply.

Action Requested:
1. Find the festival to be Categorically Exempt under Section 15304(e) of CEQA; and
2. Approve the application for outdoor festival license MISC16-0009 subject to recommended conditions.

Administrative Office Review: Casey Hatcher, Principal Management Analyst
ADMINISTRATION * BUILDING * PLANNING

DATE: June 14, 2016

TO: Butte County Board of Supervisors

FROM: Tim Snellings, Development Services Director

Subject: MISC16-0009 - Outdoor Festival License (KZFR Golden Valley Broadcasters): September 10, 2016; 2500 Estes Road, Chico (APNs 039-410-032 and 039-410-039).

Recommendation:

1. Find the festival to be Categorically Exempt under Section 15304(e) of the California Environmental Quality Act (CEQA); and

2. Approve the application for outdoor festival license MISC16-0009 subject to the recommended conditions.

Summary

KZFR Golden Valley Broadcasters has submitted an application for an Outdoor Festival License pursuant to Chapter 12, Article III., Outdoor Festivals, Butte County Code Sections 12-25 through 12-33.

The festival is described as a KZFR benefit concert with Ray Wylie Hubbard. It will include food trucks and beverage booths with bottled water provided free.

The festival is scheduled for Saturday, September 10, 2016 from 3:00 p.m. to 10:00 p.m. The festival is proposing to have an estimated 400 attendees, which includes 50 volunteers. The festival and parking are proposed to be on APN 039-410-032 and additional parking on APN 039-410-039. The festival site is at the end of Estes Road (2500 Estes Road), south and west of Chico.

Previous Events

Gregory Amaral, the owner of the parcel, has held several fundraising events for local groups and schools over the last few years. This is the fourth application (second for KZFR Golden Valley Broadcasters) for a festival license on these parcels for 2016.
Noise Control Ordinance (Chapter 41A)
Butte County’s Noise Control Ordinance (Chapter 41A of County Code) identifies both exterior and interior noise standards. The Noise Ordinance also includes Exemptions (41A-9) to the noise standards, including outdoor festivals as follows:

41A-9(b) Temporary activities such as Outdoor gatherings, public dances, shows and sporting and entertainment events, provided said events are conducted pursuant to a license or permit by the County, between the hours of 7:00 a.m. to 10:00 p.m. unless otherwise set forth in the license or permit.

The proposed hours of the festival, 3:00 p.m. to 10:00 p.m. are consistent with this requirement. A condition of approval restricts amplified sound to those hours.
CONDITIONS OF APPROVAL

Festival License for KZFR Golden Valley Broadcasters on APNs 039-410-032 and 039-410-039, File # MISC16-0009: An application for a Festival License to allow an outdoor festival from 3:00 p.m. to 10:00 p.m. on Saturday, September 10, 2016. The festival is proposing to have an estimated 400 people, which includes 50 volunteers. The festival is identified as a KZFR benefit concert with Ray Wylie Hubbard. It will include food trucks, beverage booths with bottled water provided free. The festival (and parking) are proposed on APN 039-410-032 and parking on APN 039-410-039, south and west of Chico.

I. CONDITIONS OF APPROVAL:

Planning Division

1. The applicant shall provide a name and phone number for an on-site contact available during the festival hours.

2. Applicant shall obtain the appropriate ABC license if alcohol is sold at the event and follow all applicable regulations.

3. Applicant shall provide sufficient onsite security personnel each possessing a valid California Department of Consumer Affairs Bureau of Security and Investigative Services Security Guard Registration.

Environmental Health Division

4. Applicant shall satisfy all Environmental Health Requirements for Community Event Organizer and Vendor permits. Applicant is encouraged to consult with Environmental Health Consumer Protection staff as early in the event planning process as possible to ensure compliance with permit requirements. Applications must be submitted at least two weeks prior to your event to ensure adequate time to contact and permit food vendors. Any vendors who have not been contacted/permited may not operate at your event. You have stated that you will have 2-3 food trucks on site. Please work with Environmental Health Specialist Kimberly Hunt (phone (530) 538-5329; email KHunt@buttecounty.net) to ensure that your vendors are properly permitted. She may require additional hand-washing stations.

5. Applicant shall provide documentation of the proposed source of potable water, including bacteriological test results and verification of availability of adequate quantity of potable water if an onsite well is to be used. Provide information regarding handling of potable water, i.e. will portable containers be used for transportation of water, how containers will be cleaned and sanitized, etc. Inspection of water system may be required to verify source protection and adequacy of backflow prevention devices, if needed. You will need to supply this division with a clean bacteriological sample taken from one of the hose-bibs drawing from that well. Please reference this link to our website, which will take you to our informational page on water well sampling procedures, http://www.buttecounty.net/ph/EnvironmentalHealth/DrinkingWater/WaterSampling.aspx. Additionally, you will need to outline your protocol for water distribution (i.e. how will water get from the hose-bib to the consumer) and any method of sanitizing distribution containers.

6. Applicant shall provide details regarding proposed management of solid waste, i.e. will a permitted solid waste hauler provide and remove dumpsters? Which vendor, how many
dumpsters, etc. You will need to provide us with contact information for the waste hauler you contract with. Your site map should show the location of waste/recycling receptacles.

7. Applicant shall provide information regarding portable toilet facilities and related hand washing stations. Applicant shall provide information regarding the number of portable toilet facilities and related hand washing stations. You will need to provide us with contact information for the porta-potty supplier you contract with. Your site map should show the location of all porta-potties and hand-washing stations.

8. Applicant shall provide information regarding proposed handling of wastewater generated from temporary food facilities and other activities to the satisfaction of the Environmental Health Division. Please outline how food vendors will dispose of any waste and/or wastewater generated from food preparation.

9. Applicant shall provide a site map that includes all event facilities, location of food vendors, the location of all restrooms and portable toilet facilities, all hand washing stations, all solid waste receptacles and dumpsters. Applicant may be required by other divisions to provide further information on site map. Please provide an updated site map showing these items.

Public Works

10. An encroachment Permit will be required for sign placement in the County’s right of way. To secure an application, please contact the Butte County Public Works at (530) 538-7681.

11. Applicant shall provide a detailed plan if temporary traffic control is proposed.

12. Applicant shall place the fee attendant/parking kiosk far from the county road. It appears as though the property/driveway can allow for vehicles to enter the property and move towards the parking/camping area far from the highway without the need to stop vehicles near the driveway entrance.

13. All direction by volunteers to attendants/drivers should take place in a location that would allow vehicles to queue up without spilling onto the county road. There should be no need to stop a vehicle at the county road/driveway intersection. A vehicle shall be able to leave the county road and enter the property without needing to stop and receive direction from a volunteer.

14. Parking is prohibited along Estes Road.

Butte County Fire/California Department of Forestry

15. Campfires are prohibited.

16. Provide a detailed map of the event location that includes: traffic flow, roads, turnouts, locations of all activities, etc.

17. Provide an emergency plan that includes: evacuation procedure in the event of an emergency, procedure for isolated medical emergencies, and procedure for any other type of emergency and training procedures for staff on how to implement the emergency plan.

18. An inspection will take place at your facility approximately 1 week before the event to verify these conditions.
19. All enclosed tents and large canopies, larger than a personal use camping style, are required to be California State Fire Marshal approved design and constructed. Individual vendor pop-up canopies are okay.

California Highway Patrol

20. The owner/operator shall contact California Highway Patrol prior to the festival and let them know hours of operation.

Butte County Air Quality Management District

21. Adequate dust control, in compliance with District Rule 200 – *Nuisance* and Rule 205 – *Fugitive Dust*, shall be provided. Butte County Air Quality Management district rules may be viewed at [http://www.arb.ca.gov/drdb/but/cur.htm](http://www.arb.ca.gov/drdb/but/cur.htm).

Risk Management

22. **Hold Harmless.** To the fullest extent permitted by law, Festival Operator shall hold harmless, defend at its own expense, and indemnify County of Butte, its officers, employees, agents and volunteers, against any and all liability, claims, losses, damages or expenses, including reasonable attorney fees, arising from all acts or omissions to act by Festival Operator or its officers, agents, or employees in rendering services under this contract, excluding, however, such liability, claims, losses, damages or expenses arising from County of Butte’s sole negligence or willful acts.

23. **Insurance and Performance Bond.** Festival Operator agrees to have and maintain the insurance policies set forth in Attachment I to this Permit entitled “INSURANCE AND PERFORMANCE BOND REQUIREMENTS”, which is attached hereto and incorporated therein. All policies, endorsements, certificates and performance bond shall be subject to approval of the County as to form and content. These requirements are subject to amendment or waiver only if so approved by the County. A lapse in any required insurance or performance bond during this Permit shall be a breach of the provisions of this Permit, which could result in immediate revocation of the Permit.

In addition Festival Operator agrees to procure a Performance Bond prepared by a corporate bonding company authorized to do business in the State of California, indemnifying County of Butte and 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 in and around the premises. Such bond shall be in the amount of $6,000.00.

Tax Collector

24. If required, prior to the festival and upon completion of the required conditions, the applicant shall pay to the Tax Collector, a license fee of $150.00 per day for each day the festival is scheduled.

Revocation of license

25. The Butte County Board of Supervisors or its designee shall have the right to revoke any license issued pursuant to Chapter 12, Article III, Section 12-31 of the Butte County Code. The Sheriff of Butte County may suspend operation and close any outdoor festival prior to the expiration of the license granted under the provisions of this article 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 injury to person or persons and/or damage to property.
APPLICATION FOR OUTDOOR FESTIVAL LICENSE
(Butte County Code Sections 12-26 and 12-26.1)

Applicant's name: KZFR Golden Valley Broadcasters Date of birth: 501c3 Non-Profit Corp
Applicant's status (individual, *partnership, **corporation): __________
(*If partnership attach separate sheet with the names and addresses of all general partners)
(** If corporation, attach separate sheet with the names of all corporate officers and a certified copy of Articles of Incorporation)

Applicant's residence address:
341 Broadway St #411 Chico CA 95928
530-895-0788 Phone Number: __________

Applicants mailing address if different than above:

Applicant's principal place of business:
341 Broadway St #411 Chico CA 95928
530-895-0788 Phone Number: __________

Applicant's interest in property (owner, lessee, other)
(Attach proof of ownership, lease etc.)

Owner's name and address if different than applicant – attach proof of ownership and owners written consent for the festival:
Greg Amaral, 2500 Estes Rd, Chico CA 95928

other, land use is gift from owner
**Festival Location:**

Assessor's parcel(s) number(s):

039-410-032

Street address/location:

2500 Estes Rd, Chico CA 95928

Location and size of parcel(s), including parking:
The property is a non-productive almond orchard and residence is located just outside the city limits in the south-west area of Chico, location is about 7.5 acres of event space and parking

Legal description of parcel(s) (Attach)

Directions for travel to property (include written permission of property owners on any privately maintained roads to be used):

From Park Ave, Southwest on 17th St, then Southeast on Normal St which becomes Estes Rd, Estes Rd can be followed until it ends at the property.

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**Festival Proposal:**

Date(s) and hours of proposed festival:

September 10th, 2016 from 3p to 10pm

Estimated maximum number of spectators, participants and other attendees – each day:

400

Description of proposed festival:

KZFR Benefit concert with Ray Wylie Hubbard

Description of existing land use:

Large private Estate including lawn, wood shop, non-productive orchard

A detailed plot plan of adequate scale to clearly show existing and proposed buildings and improvements to be used for festival facilities shall accompany and be made part of the "Application for Outdoor Festival License." If the license is approved, the plot plan becomes part of the license. The plot plan shall include the following information:
A. A scaled drawing of parcel boundaries
B. Location and dimensions of all existing and proposed improvements on the property.
C. Location and name of bordering streets, access roads, nearby crossroads, streets, bodies of water and railroads.
D. North arrow and scale of drawing.

Detailed explanation of applicants program and plans:

Building construction: state dimensions, square footage and materials used:

A. Existing
   buildings: Stage- 16"x22" raised platform

B. Proposed buildings:
   none

Will grading (excavation or fills) be necessary? If so, estimate cubic yards:


Number of employees/volunteers: 50 volunteers

Security protection: volunteer security and safety team

Water supply: Well supplied from numerous hose bibs at use site, bottled water provided to patrons.

Distance to natural water course or storm drain: 200 yards to city storm drainage ditch

Anticipated on and off-site drainage improvements:

Existing/proposed sanitation facilities including sewage disposal method:

4 portable rest rooms, portable handwashing station, trash cans, 3-yard dumpster, recycling bins
Food supply: Two food trucks, beverage booths, and bottled water provided free

Medical facilities and services:
Tent well stocked with first aid supplies, RN on site at all times

Vehicle parking space (number of off-street parking spaces provided):
500 off street parking spaces, traffic direction by parking staff, bike parking too

Fire Protection:
Security team to provide "fire watch", fire extinguishers located in key locations, water hose bibs in several locations

Proximity of water for firefighting purposes (hydrants, ponds, etc):
50 yards to Edgar Slough with year round water

Hazardous materials to be used (inflammables, explosives or strong chemicals):
none

Use and control of public address systems:
Amplified live music from 3p-10p

If it is proposed or expected that spectators, participants or other attendees will remain at night or overnight, explain the arrangements for illuminating the premises and for camping or similar facilities:

no overnight stay permitted

Applicant's plans to ticket sales are limited accommodate spectators, participants or other attendees in excess of those estimated:

Provisions for cleanup of the premises and removal of rubbish after the even has concluded:
Volunteer clean up crew will collect all trash, contracted waste hauler to remove dumpster

A detailed explanation of the applicant’s plan for policing the festival, with particular emphasis on the control and prevention of alcoholic and drug consumption, open fires, fireworks and firearms: No fireworks or open fires of any kind permitted during the event. Security team to patrol during the event and ensure laws are abided by all participants, no weapons or firearms permitted. This is a family friendly event.
Environmental Impacts:

Identify potentially significant environmental impacts associated with the festival:
No significant impacts.

Environmental Setting:

Describe the project site as it exists before the festival; including information on topography, soil stability, plants and animals, any cultural, historical or scenic aspects. Describe any existing structures on the site and the use of those structures:
Farm residence and orchard on flat, stable land. The orchard has been updated to include large lawns and a wood shop. Historic barns decorate the property. The orchard provides a natural barrier from the ecology of Edgar Slough. No use of historic barns is proposed.

Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, agricultural etc.) intensity of land use (single family, apartments, shops, department stores, etc) and scale of development (height, frontage, setback, rear yard, etc.):
Historic agricultural use, some livestock nearby, current primary use is residential with single family home. The event would be located in the rear yard, away from the road.

I hereby declare under penalty of perjury that I have read and understand the above and that the foregoing statements are true, complete and correct to the best of my knowledge and belief. 
Applicants Signature: [Signature]

Date: 5/1/16

General Manager

Note: Indicate individual, general partner or president of corporation (if president of corporation, secretary of corporation must attest to signature)
Employer Identification Number: 94-3054146
Person to Contact: Ms. Lane
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Feb. 19, 2010, request for information regarding your tax-exempt status.

Our records indicate that your organization was recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in November 1993.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Beginning with the organization's sixth taxable year and all succeeding years, it must meet one of the public support tests under section 170(b)(1)(A)(vi) or section 509(a)(2) as reported on Schedule A of the Form 990. If your organization does not meet the public support test for two consecutive years, it is required to file Form 990-PF, Return of Private Foundation, for the second tax year that the organization failed to meet the support test and will be reclassified as a private foundation.

If you have any questions, please call us at the telephone number shown in the heading of this letter.
SURROUNDING LAND USES

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INSURANCE REQUIREMENTS AND PERFORMANCE BOND

Festival Operator shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or be in connection with the performance of activities described by this contract and as a result of those activities by Festival Operator, his or her agents, representatives, employees or subcontractors.

A. MINIMUM SCOPE LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1.) **Commercial General Liability.** Insurance Services Office (ISO) “occurrence” form CG 00 01 12 07 CGL or equivalent on an “occurrence” basis, including bodily injury, property damage, contractual liability, medical expenses for any one person, personal and advertising injury, products-completed operations coverage and policy limits of no less than $2,000,000 per occurrence. If a general aggregate applies, either the general aggregate shall apply separately to this project/location or the general aggregate shall be twice the required per occurrence limit.

2.) **Automobile Liability Insurance.** ISO form CA 0001 covering (any auto) Code 1 or if Contractor has no owned autos, hired (Code 8) and non-owned autos (Code 9), with limits no less than $1,000,000 per accident for bodily injury and property damage. (Not required if Contractor provides written verification he or she will not be using a vehicle to perform the scope of work described in the contract.)

3.) **Workers’ Compensation Insurance.** As required by the State of California with Statutory Limits and Employer’s Liability Insurance with limits of no less than $1,000,000 per accident for bodily injury and disease. (Not required if Contractor provides written verification he or she has no employees.)

If Contractor maintains higher limits than the minimums shown above, County shall be entitled to the higher limits.

B. INSURANCE POLICY ENDORSEMENTS

The Commercial General Liability policy shall contain or be endorsed to contain the following:

The County, its officers, officials, employees, and volunteers are covered as additional insured’s on the CGL policy with respect to liability arising out of work performed or operations performed on behalf of Contractor including materials, parts, or equipment furnished in connection with such work or operations. (Note: Contractor’s insurance carrier may insert the language above into ISO form 20 10 11 85 or if that form is not available, ISO forms CG 20 10 and CG 20 37. We also accept a Blanket Additional Insured Endorsements, as long as the endorsement provides coverage equal to coverages noted in Section A1 above.)

C. OTHER INSURANCE PROVISIONS

1. **Primary Coverage** - For any claims related to this contract, Contractor’s insurance shall be primary insurance as respects the County, its officers, employees and volunteers. Any insurance or self insurance maintained by the County, its officers, employees and volunteers shall be excess of the Consultant’s insurance and shall not contribute with it. However, Contractor’s insurance may contribute with other additional insureds providing primary insurance coverage for the same “occurrence”, offense, claim or suit.

2. **Notice of Cancellation** - Each insurance policy required above shall not be canceled, except after thirty (30) days’ prior written notice (10 days for non-payment) has been given to the County.
3. **Waiver of Subrogation** - Contractor hereby grants to County a waiver of any right to subrogation that an insurer of said Contractor may acquire against the County, by virtue of payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the County received a waiver or endorsement from the insurer.

4. **Deductibles and Self Insured Retentions** - Any deductibles or self insured retentions must be declared and approved by the County. The County may require the Contractor to provide proof of ability to pay losses and related investigations, claims administration, and defense costs within the retention.

5. **Acceptability of Insurance Carriers** - Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A: VII, unless otherwise acceptable to County. *(A.M. Best Ratings can be accessed over the internet for no cost at [www.ambest.com](http://www.ambest.com)).*

6. **Verification of Coverage** - Contractor shall furnish the County with: a) original certificates of insurance, and all amendatory endorsements or copies of applicable policy language effecting coverage required by Attachment I, and All certificates, endorsements, and the insurance agent check list are to be received and approved by the County before the Contractor begins work under this contract. The County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

7. **Subcontractors** - Contractor will require and verify that all subcontractors maintain insurance meeting all the requirements stated herein or cover subcontractors under their insurance policies. Upon request, Contractor shall provide County proof that all subcontractors are covered by their own insurance or the Contractor’s insurance policies.

8. **Special Risk or Circumstances** - County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or special circumstances.

C. **PERFORMANCE BOND**

Festival Operator shall also procure a Performance Bond prepared by a corporate bonding company authorized to do business in the State of California, indemnifying County of Butte and 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 in and around the premises. Such bond shall be in the amount of $6,000.00.
Article III. - Outdoor Festivals

12-25 - Reserved.
12-25.1 - Purpose.
12-26 - Application for license and fee—Contents.
12-26.1 - Same—Environmental review.
12-27 - License and fee—Fixing time for hearing, investigation and report.
12-28 - Same—Hearing.
12-29 - Issuance of license.
12-30 - Exemptions from application and fee payments.
12-31 - Revocation of license.
12-32 - Licenses nontransferable.
12-33 - Penalty for violation of article.

12-25 - Reserved.


12-25.1 - Purpose.

The purpose of this article is to regulate outdoor festivals as defined in section 12-25.2. Such festivals are of a temporary nature and shall be exempt from the provisions of chapter 24 of this Code if a license is issued pursuant to this article and complied with. Regulation of outdoor festivals is necessary to ensure that they are not unreasonably incompatible with, or injurious to, surrounding properties or detrimental to the health and general welfare of persons residing or working in the neighborhood or to the general health, welfare and safety of the county.

(Ord. No. 2830, § 1, 4-24-90)

12-25.2 - Outdoor festivals defined.

For the purpose of this article, "outdoor festivals" shall mean any outdoor gathering which will include for three (3) hours or more one hundred (100) or more individuals for the purpose of participation in or otherwise attending a musical, theatrical or other type of event. An outdoor festival does not include any event conducted at parks, fairgrounds or other outdoor facilities improved with adequate permanent facilities to accommodate the anticipated participants and attendees, with the permission of the person or agency which has ownership or jurisdiction thereof; events of a type which are already permitted under an existing, valid use permit or are otherwise permitted within the applicable zoning district; or any festivities conducted under the auspices of a school district, recreation district, or a county memorial hall.

(Ord. No. 2830, § 3, 4-24-90)

12-26 - Application for license and fee—Contents.

It shall be unlawful for any individual, partnership or corporation to operate, maintain, conduct, advertise, sell or furnish tickets or other types of written authority for admission to any outdoor festival in...
the unincorporated area of the County of Butte, California, unless he, they or it shall first obtain a license from the County of Butte to operate or conduct such festival.

Application for a license to conduct an outdoor festival shall be made in writing to the board of supervisors of the County of Butte, accompanied by a nonrefundable application fee of one hundred dollars ($100.00), plus a fee of three hundred dollars ($300.00) for environmental review pursuant to section 12-26.1, and filed with the county tax collector and shall contain the following information:

1. The name, age, residence, mailing address and telephone number of the applicant. If the application is made by a partnership, the names and addresses of all general partners shall be included. If the applicant is 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.

2. 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 activity. The applicant shall submit proof of ownership of said premises or the written consent of all owners thereof for the proposed use.

3. The date or dates and the hours during which the festival is to be conducted.

4. An estimate of the maximum number of spectators, participants and other persons expected to attend the outdoor festival and each day it is conducted.

5. A detailed explanation of the applicant's program and plans to provide security protection, water supply, food supply, sanitation facilities, medical facilities and services, vehicle parking space, vehicle access (including written permission of property owners on any privately maintained roads which will be utilized for ingress or egress) and on- and off-site traffic control, fire protection and use and control of public address systems. 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 shall also be explained. The applicant's plans to provide for numbers of individuals in excess of the estimate and provisions for cleanup of the premises and removal of rubbish after the event has concluded shall be included.

6. A detailed explanation of the applicant's plan for policing the activity with particular emphasis on the control and prevention of alcoholic and drug consumption, open fires, fireworks and firearms.

Such application shall be filed with the Butte County Tax Collector at least ninety (90) days prior to the time indicated for the commencement of the planned activity. The tax collector shall review and submit such application to the board of supervisors, and no license shall be issued by the tax collector until he is authorized to do so by order of the board of supervisors at a regular meeting of the board.

(Ord. No. 1074, 1-27-70; Ord. No. 2830, § 4, 4-24-90)

12-26.1 - Same—Environmental review.

Upon receipt of a completed application for an outdoor festival permit, the tax collector shall refer the application to the planning department, which shall review the application to determine whether or not the outdoor festival is a project which is categorically exempt from the California Environmental Quality Act, pursuant to section 15304(e) of the State Guidelines for Implementation of CEQA, as a minor temporary use of land and having negligible or no permanent effect on the environment. If a final determination is made that the outdoor festival is not categorically exempt, then the tax collector shall
deny the application. If a final determination is made that the outdoor festival is categorically exempt, then processing of the application shall continue.

(Ord. No. 2830, § 5, 4-24-90)

12-27 - License and fee—Fixing time for hearing, investigation and report.

Upon receipt of a complete application and the application fee, the tax collector shall request the board of supervisors to set a time and date for a public hearing. The board of supervisors shall set the application for a public hearing at a regular meeting of the board of supervisors, not less than thirty (30) nor more than sixty (60) days thereafter, and shall give not less than ten (10) days' written notice thereof to the applicant. In addition, the clerk of the board of supervisors shall give notice of the time, date and place of said hearing, including a general explanation of the application to be considered and general description of the area affected at least ten (10) days before the hearing in the following manner:

1. Notice shall be published at least once in a newspaper of general circulation, published and circulated in the county.
2. In addition, notice of the hearing shall be given by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as either owning real property within three hundred (300) feet of the property which is the subject of the application or owning one of the ten (10) parcels of real property closest to the subject property, whichever results in the most persons being notified.

The clerk of the board of supervisors shall give notice of the hearing and copies of the application to the sheriff, the California Highway Patrol, the county health officer, the director of public works, the planning director, the county fire warden, and the county air pollution control officer, who shall investigate the matter and report in writing to the board of supervisors not later than the time set for the hearing, with appropriate recommendations concerning conditions and issuance or denial of the license.

(Ord. No. 1074, 1-27-70; Ord. No. 2830, § 6, 4-24-90)

12-28 - Same—Hearing.

The board of supervisors shall consider the documentary and testimonial evidence of witnesses presented at said hearing, including all reports of investigation and shall thereafter grant the license without conditions or with conditions which must be met, including security required from the applicant as a guarantee that the conditions will be met, before a license is granted.

If conditions are imposed by the board, the applicant shall furnish or cause to be furnished to said tax collector proof that all conditions have been met, and the required security has been given, before the license may be issued by said tax collector.

Security required by the board of supervisors may include the posting of an indemnity bond and/or a performance bond in favor of the county in connection with the operation of an outdoor festival as defined in this article. Such bond or bonds shall be prepared by a corporate bonding company authorized to do business in the State of California by the department of insurance, in an amount determined by the board of supervisors of Butte County. Said bond or bonds shall indemnify the County of Butte, its agents, officers, employees, and the board of supervisors of said county against any and all loss, injury and damage of any nature whatsoever arising out of, or in any way connected with, said outdoor festival and shall indemnify against loss, injury and damage to both person and property.

The board of supervisors may also require that the applicant provide a corporate surety bond prepared by a corporate bonding company authorized to do business in the State of California,
indemnifying the County of Butte 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 Butte County Board of Supervisors in its discretion to be adequate to provide for such indemnification.

The board of supervisors may also require the applicant to obtain and maintain public liability and property damage insurance in an amount to be determined at the hearing.

(Ord. No. 1074, 1-27-70; Ord. No. 2830, § 7, 4-24-90)

12-29 - Issuance of license.

Upon determining that the board of supervisors has ordered the issuance of the license pursuant to section 12-28 and that the conditions, if any, imposed by the said board, has been complied with by the applicant, the tax collector, shall collect a license fee of one hundred fifty dollars ($150.00) per day for each day the festival is scheduled for and he shall issue a license to the applicant for the specific location authorized for the festival and for the specific days for which the festival is authorized.

(Ord. No. 1074, 1-27-70)

12-30 - Exemptions from application and fee payments.

A neighborhood or community benefit organization, organized for charitable, religious or eleemosynary purposes, shall be exempt from paying the application and license fees provided for in this article provided the net proceeds from any such activity does not inure to the benefit of any private persons, partnership or corporation.

(Ord. No. 1074, 1-27-70)

12-31 - Revocation of license.

The board of supervisors shall have the right to revoke any license issued pursuant to this article after a public hearing held after oral or written notice is given to the licensee at least twenty-four (24) hours prior to such hearing, for any of the following causes:

1. The licensee fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of a license.
2. The licensee permits the outdoor festival to be conducted in a disorderly manner or allows any person to remain on the premises while under the influence of intoxicating liquor or any narcotic or dangerous drug.
3. The licensee violates or attempts to violate any law of the state and provision of this article or any other ordinance of the County of Butte.
4. That the licensee has previously made a false, misleading or fraudulent statement of material fact in the application for license, or in any other document required pursuant to this article.

Written notice of such revocation shall be forwarded by the county clerk to the tax collector, the sheriff and the permittee at the address given in the application. Such revocation shall become effective immediately after ordered by the board of supervisors.

The sheriff of Butte County may suspend operation and close any outdoor festival prior to the expiration of the license granted under the provisions of this article 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 injury to person or persons and/or damage to property.
12-32 - Licenses nontransferable.

No license granted under the provisions of this article shall be transferable or removable to another location.

12-33 - Penalty for violation of article.

Any violation of this article shall be a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. A separate offense shall be deemed to have been committed for each day that such violation continues.