Subject: Application for Outdoor Festival License for Slow Theatre – Butcher Shop Theatre Festival

Department: Development Services

Meeting Date Requested: July 24, 2018

Contact: Tim Snellings  Phone: 530.552.3642

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).

Slow Theatre 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 two days, Saturday, September 1, 2018 and Sunday, September 2, 2018, from 5:00 p.m. to 10:00 p.m. The applicant anticipates 500-600 people each day, which includes volunteers. The festival and parking are proposed to be on Assessor’s Parcel Number 039-410-032. The festival site is at the south end of Estes Road (2500 Estes Road), south and west of Chico.

The festival is the Butcher Shop Theatre Festival. The festival puts on outdoor plays that are free to the community. It will include food trucks and beverage booths.

The Development of Services Department completed an environmental review of the application, completed a site visit, and determined since no permanent structures will be built, the project is categorically exempt from the California Environmental Quality Act (CEQA), 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:
Find the festival to be Categorically Exempt under Section 15304(e) of the CEQA Guidelines; and approve the application for outdoor festival license MISC18-0011, subject to recommended conditions.

Administrative Office Review: Casey Hatcher, Economic and Community Development Department
MEMORANDUM

DATE: July 24, 2018

TO: Butte County Board of Supervisors

FROM: Tim Snellings, Director
Butte County Department of Development Services

Subject: Application for Outdoor Festival License for Slow Theatre – Butcher Shop Theatre Festival (MISC18-0011).

Action Requested:

Find the festival to be Categorically Exempt under Section 15304(e) of the CEQA Guidelines; and approve the application for outdoor festival license MISC18-0011, subject to recommended conditions.

Summary

Slow Theatre 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 event is described as the Butcher Shop Theatre Festival. The festival puts on outdoor plays that are free to the community. It will include food trucks and beverage booths.

The festival is scheduled for Saturday, September 1, 2018 and Sunday, September 2, 2018 from 5:00 p.m. to 10:00 p.m. The festival is proposing to have an estimated 500 - 600 attendees each day, which includes volunteers. The festival and parking are proposed to be on APN 039-410-032. 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 for a festival license on this parcel in 2018.
**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 applicant has requested the hours of the festival and amplified sound to be from 5:00 p.m. to 10:00 p.m. A condition of approval restricts amplified sound to between the hours of 5:00 p.m. and 10:00 p.m.

**CEQA Review**

The Development Services Department has completed an environmental review of the application, completed a site visit and determined that 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."
CONDITIONS OF APPROVAL

Festival License for Slow Theatre (The Butcher Shop Theatre Festival) on APNs 039-410-032, File # MISC18-0011: An application for a Festival License to allow an outdoor festival from 5:00 p.m. to 10:00 p.m. on Saturday, September 1st and Sunday, September 2nd, 2018. The festival is proposing to have an estimated 500-600 attendees, which includes volunteers each day. The festival is identified as the Butcher Shop Theatre Festival. The festival puts on outdoor plays that are free to the community. It will include food trucks and beverage booths. The festival (and parking) are proposed on APN 039-410-032, south and west of Chico, at 2500 Estes Road.

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.

4. Amplified sound shall be limited to the hours between 5:00 p.m. and 10:00 p.m.

Environmental Health Division

5. 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/permitted may not operate at your event. You have stated that you will have three food trucks and a bar on site. Please work with Environmental Health Director Elaine McSpadden (phone 530.538.6773; email emcspadden@buttecounty.net) to ensure that your vendors are properly permitted. She may require additional hand-washing stations.

6. 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.

7. 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 the Environmental Health Division with contact.
information for the waste hauler you contract with. Your site map should show the location of waste/recycling receptacles.

8. 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 the Environmental Health Division 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.

9. 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.

10. 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

11. 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.

12. No volunteers shall be allowed to control traffic unless they have been trained in temporary traffic control operations. Applicant shall provide a detailed plan if temporary traffic control is proposed.

13. 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 area far from the Estes Road without the need to stop vehicles near the driveway entrance.

14. 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.

15. Parking is prohibited along Estes Road.

Butte County Fire/California Department of Forestry

16. Campfires are prohibited.

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

18. 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.

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.
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.** Festival Operator agrees to have and maintain the insurance policies set forth in the Attachment entitled “INSURANCE REQUIREMENTS FOR OUTDOOR FESTIVALS”, which is attached hereto and incorporated therein. All policies, endorsements and certificates 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 during this Permit shall be a breach of the provisions of this Permit, which could result in immediate revocation of the Permit.

## 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: Slow Theatre Date of birth: 2014

Applicant's status (individual, *partnership, **corporation): non-profit

(*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:
330 Wall St., Suite 20, Chico CA 95928

Phone Number: 917-972-6897

Applicants mailing address if different than above:
N/A

Applicant's principal place of business:
Same as above

Phone Number: Same as above

Applicant's interest in property (owner, lessee, other) property donated to us for weekend

(Attach proof of ownership, lease etc.)

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

I give my written consent for Slow Theatre to conduct the Butcher Shop Theatre Festival on my property Sept. 1 & 2, 2018.

Signature: [Signature]

Date: [Date]
Festival Location:

Assessor’s parcel(s) number(s): 039-410-032-000

Street address/location: 2510 Estes Rd Chico CA

Location and size of parcel(s), including parking: 8.13 acres

Legal description of parcel(s) (Attach) single family residence with 8.11 acres of orchard

Directions for travel to property (include written permission of property owners on any privately maintained roads to be used): Drive southbound to end of Normal St. (in Chico) which becomes Estes Rd. Parcel is at end of Estes Rd.

Festival Proposal:

Date(s) and hours of proposed festival: Sept 1 & 2, 2018 5 - 10 pm

Estimated maximum number of spectators, participants and other attendees – each day: 500 - 600 each day

Description of proposed festival: Free theatre festival

Description of existing land use: residence with unused almond 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: residential, barns - wood construction, N/A, wood shop

B. Proposed buildings: N/A

Will grading (excavation or fills) be necessary? If so, estimate cubic yards: no

Number of employees/volunteers: non-profit board members & volunteers

Security protection: house management team, ushers, parking area

Water supply: well

Distance to natural water course or storm drain: N/A - Commanche creek borders property

Anticipated on and off-site drainage improvements: no

Existing/proposed sanitation facilities including sewage disposal method: 5 portapotties
Food supply: 3 food trucks onsite

Medical facilities and services: first aid tent run by house management

Vehicle parking space (number of off-street parking spaces provided): 100

Fire Protection: N/A

Proximity of water for firefighting purposes (hydrants, ponds, etc): Commence creek bordering property and well onsite

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

Use and control of public address systems: 24 channel light board & sound board for performance

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 stage lighting for theatre performance

Applicant's plans to accommodate spectators, participants or other attendees in excess of those estimated: extra seating

Provisions for cleanup of the premises and removal of rubbish after the event has concluded: House management supervises volunteer staff

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: House management supervises staff as per ABC license and prevents any use of fires, fireworks and firearms.
Environmental Impacts:
Identify potentially significant environmental impacts associated with the festival:
None.

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:
House, barn, old almond hulling facility, bocce courts

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.):
Comanche creek borders the property. Almond trees on most of acreage. Unharvested.

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: 8/13/18

Note: Indicate individual, general partner or president of corporation (if president of corporation, secretary of corporation must attest to signature)
APPOINTMENT OF THE INITIAL DIRECTORS AND ADOPTION OF BYLAWS OF SLOW THEATRE
A California Nonprofit Public Benefit Corporation

The undersigned, as Sole Incorporator of Slow Theatre, a California nonprofit public benefit corporation (the Corporation), adopts the following resolutions on behalf of the Corporation:

1. ADOPTION OF BYLAWS.

WHEREAS, no bylaws have been adopted for the regulation of the affairs of the Corporation;

WHEREAS, it is deemed to be in the best interests of the Corporation and its prospective shareholders that the Bylaws be adopted as the bylaws of the Corporation; and

WHEREAS, under Corporations Code §5134, the Sole Incorporator is authorized to adopt the bylaws:

RESOLVED, that the Bylaws attached to these resolutions are adopted as the Corporation’s bylaws; and

RESOLVED, FURTHER, that the Secretary of the Corporation is authorized and directed to execute a certificate of the adoption of these bylaws, to insert the bylaws as so certified in the minute book of the Corporation, and to see that a copy of the bylaws, similarly certified, is kept at the principal office to transact the business of the Corporation.

2. APPOINTMENT OF DIRECTORS

WHEREAS, the Bylaws of the Corporation provide that the initial authorized number of directors of the Corporation shall be between 3 and 10 directors, and

WHEREAS, under Corporations Code §5134, the Sole Incorporator is authorized to elect the initial directors of the Corporation:

RESOLVED, that the persons listed below are hereby elected as the initial directors of the Corporation, to serve until they resign or are removed or until their successors are duly elected and qualified: Denver Latimer, Rob Davidson, Debra Cannon, Thomasin Saxe, Robert Karch, Gina Tropea Hall, Laura Nice, Lori Weber, Beth Spencer.

Dated: October 17, 2017

AARON J. STEWART
Sole Incorporator
Surrounding Residential Uses

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INSURANCE REQUIREMENTS FOR OUTDOOR FESTIVALS

Please provide to your insurance agent/broker.

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. Before the commencement of work, Festival Operator shall submit Certificates of Insurance and Endorsements evidencing that Festival Operator has obtained the following forms of coverage.

A. MINIMUM SCOPE AND LIMITS OF INSURANCE - Coverage shall be at least as broad as:

1) Commercial General Liability (CGL): Insurance Services Office (ISO) Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than $1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

2) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, covering 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 Festival Operator 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 Festival Operator provides written verification he or she has no employees.)

If Festival Operator maintains broader coverage and/or higher limits than the minimums shown above, County requires and shall be entitled to the broader coverage and/or higher limits maintained by Festival Operator.

B. OTHER INSURANCE PROVISIONS - The insurance policies are to contain, or be endorsed to contain, the following provisions:

1) Additional Insured Status: The County of Butte, a political subdivision of the State of California, its officers, officials, employees and volunteers are to be covered as additional insured with respect to liability arising out of work or operations performed by or at the direction of the Festival Operator, including materials, parts or equipment furnished in connection with such work or operations. General Liability coverage can be provided in the form of an endorsement to Festival Operator’s insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33, or CG 20 38 and CG 20 37 forms if later revisions used)

2) Primary Coverage: For any claims related to this contract, Festival Operators insurance coverage shall be primary insurance coverage at least as broad as ISO Form CG 20 01
as respects the County its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the County its officers, officials, employees and volunteers shall be excess of Festival Operators insurance and shall not contribute with it.

3) Notice of Cancellation: Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the County.

C. WAIVER OF SUBROGATION: Festival Operator hereby grants to County a waiver of any right to subrogation which any insurer of said Festival Operator may acquire against the County by virtue of the payment of any loss under such insurance. Festival Operator 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 has received a waiver of subrogation endorsement from the insurer.

D. SELF-INSURED RETENTIONS: Self-insured retentions must be declared to and approved by the County. County may require Festival Operator to purchase coverage with a lower retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

E. ACCEPTABILITY OF INSURERS: 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 the County.

F. VERIFICATION OF COVERAGE: Festival Operator shall furnish County with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the County before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Festival Operator’s obligation to provide them. The County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

G. SPECIAL RISKS OR CIRCUMSTANCES: County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

H. SUBCONTRACTORS: Festival Operator shall include all subcontractors as insured under its policies or require all subcontractors to be insured under their own policies. If subcontractors are insured under their own policies, they shall be subject to all the requirements stated herein, including providing the County certificates of insurance
Article III. - Outdoor Festivals

12-25 - Reserved.
12-25.1 - Purpose.
12-25.2 - Outdoor festivals defined.
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 role 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.