

## EXHIBIT A

### ARTICLE 2. OUTDOOR EVENTS

#### Sec. G-V 2.1 Findings

A. The County encourages and supports responsible planning, management and operation of Outdoor Events held in the County's unincorporated area.

B. The Board of Supervisors finds that there have been increased demands upon County resources and infrastructure and increasing concerns related to the operation of Outdoor Events on private property. In order to adequately protect the public health, safety and welfare of event participants, neighboring property owners, other residents and the community at large, and to mitigate the special impacts created by these events, it is necessary to provide greater guidance and oversight regarding Outdoor Events, especially in connection with Commercial Outdoor Events that are conducted "for profit" on property that has not been fully permitted and constructed to accommodate such a use.

C. The intent of this Article is to ensure that the County will have adequate advance notice of Outdoor Events and the ability to plan and allocate County resources and services that may be needed to support such events, to mitigate the special impacts created by Outdoor Events in rural areas, and to ensure that Outdoor Events are planned, managed and operated in a safe and responsible manner.

D. The proximity of neighboring properties, difficult topography and terrains, and limited usable area footprints on small rural properties create physical constraints which interfere with the ability to adequately mitigate noise, parking, light and glare, and other special health and safety impacts associated with Commercial Outdoor events. Therefore, the Board of Supervisors finds and determines that it is not appropriate or feasible to allow Commercial Outdoor Events on small rural parcels of less than five (5) acres ~~or less~~.

E. It is the intent of the Board of Supervisors in adopting this Chapter to mitigate the special impacts created by Outdoor Events without infringing upon the rights of speech and assembly as guaranteed under the federal and state constitutions. This Chapter shall be interpreted in light of such constitutional provisions and interpreted consistently therewith. In no event shall the content of such proposed speech be considered a basis for approval or denial of an application or the imposition of conditions on an Outdoor Event Permit.

#### Sec. G-V 2.2 Definitions

As used herein, the following definitions shall apply:

- A. "Camping" means erecting a tent or shelter or arranging bedding or both, for the purpose of, or in such a way as will permit overnight use.
- ~~B.~~ "Commercial Outdoor Event" means an Outdoor Event at which any fee or other financial consideration is charged to vendors, sponsors, promoters or attendees for participation in and/or admission to the gathering, use or rental of the property or facility (or any portion thereof), or the sale of food, goods or services sold to attendees at or in connection with the event.
- ~~B.C.~~ "Community Development Agency" or "CDA" means the Community Development Agency of the County of Nevada, California.
- ~~C.D.~~ "County" means the County of Nevada, California.
- ~~D.E.~~ "Emergency Services and Fire Safety Plan" means a plan submitted by the applicant setting forth its plans for providing emergency services and evacuation, including fire prevention and fire suppression on any property used for an Outdoor Event, and including emergency medical services to attendees, performers, exhibitors, or other persons at the Outdoor Event.
- ~~E.F.~~ "Local Fire Official" shall mean the CALFIRE unit chief or the Fire Chief of any local fire protection district located in whole or in part within the County of Nevada, and all chief officers, engineers and trained, professional prevention staff as may be designated by them to enforce the provisions of this Article.
- ~~F.G.~~ "Noise Mitigation Plan" means a plan submitted by the applicant setting forth its plans for addressing noise impacts on surrounding residences, campgrounds and businesses if the Outdoor Event includes amplified sound.
- ~~G.H.~~ "Outdoor Event" means any outdoor gathering, including but not limited to festivals, concerts, carnivals, fairs, ceremonies, cultural celebrations, block parties, weddings or other outdoor event, activity or entertainment which is held at any place other than a permanent building which has been permitted, designed and constructed or customarily used for the purpose of housing such activities.
- ~~H.I.~~ "Parking and Traffic Circulation Plan" means a plan submitted by the applicant setting forth its plans to address anticipated parking demands and traffic circulation and control, including provisions for emergency vehicle access before, during and after an Outdoor Event, for each day of the event.
- ~~I.J.~~ "Property" means any parcel or group of contiguous parcels of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the California Government Code) which are held in whole or in part by the same owner or owners, as reflected on the latest equalized Assessor's roll.

J.K. "Sheriff" means the Nevada County Sheriff or Undersheriff, or any Captain within the Nevada County Sheriff's Office as may be designated by the Sheriff to ~~review~~ issue permit applications in accordance with this Article.

K.L. "Sponsors" and "Promoters" means all persons, business entities or organizations having a direct financial interest in the proceeds to be derived from the outdoor event, whether such proceeds arise from ticket sales, sales of food, goods or services, use or rental of the property or facility (or any portion thereof), sales of film, radio, television or sound recording rights, or otherwise.

### Sec. G-V 2.3 Permit Required; Prohibited Activities

- A. It shall be unlawful for any person, business entity, or organization of any kind to advertise, maintain, operate, conduct, allow, or sell or furnish tickets or other types of authority for admission to, a Commercial Outdoor Event on Property with a gross area of more than 5 acres in the unincorporated area of the County of Nevada without first obtaining a permit to do so from the County.
- B. It shall be unlawful for any person, business entity, or organization of any kind to advertise, maintain, operate, conduct, allow, or sell or furnish tickets or other types of authority for admission to, a Commercial Outdoor Event on a Property with a gross area of 5 acres or less in the unincorporated area of the County of Nevada.

### Sec. G-V 2.4 Exemptions

- A. No permit shall be required for any Commercial Outdoor Event if the event is held at a public or private facility which meets the following requirements:
  - 1. The facility is permitted for large Commercial Outdoor Events in accordance with the County's Land Use and Development Code; and,
  - 2. The facility is constructed for, and customarily and lawfully used for large Outdoor Events, including open air stadiums, ski resort areas, public parks, fair grounds, etc.; and,
  - 3. The facility has permanently installed water, sanitation, access and parking facilities in accordance with County codes and which are adequate to accommodate the number of people in attendance.
- B. No permit shall be required for any Outdoor Event sponsored, promoted and conducted by a tax exempt 501(c)(3) or 501(c)(4) organization or a state registered campaign committee, provided: (a) no financial consideration or other compensation is provided to the property owner for use of the property, (b) all proceeds from the event

shall be for the sole benefit of the tax exempt organization or registered campaign committee, and (c) there is no history of substantiated complaints and/or calls for law enforcement services in connection with any Outdoor Event held at the event location or at any Outdoor Event sponsored, promoted or conducted by the organization or committee.

C. No permit shall be required for a private “by-invitation-only” Outdoor Event such as a wedding, memorial service, family reunion, birthday party, or similar private event, if no fee or other financial consideration is charged to vendors, sponsors, promoters or attendees for participation in and/or admission to the gathering, use or rental of the property or facility (or any portion thereof), or the sale of food, goods or services sold to attendees at or in connection with the event. ~~(Ord. 2383, 8/26/14)~~

#### Sec. G-V 2.5 Outdoor Events For Which No Permit is Required

A. For any Outdoor Event which is not required to obtain a permit under this Article:

1. At least fifteen (15) days prior to the date of the Outdoor Event, the event sponsors and promoters, and/or the property owner are encouraged to provide the Community Development Agency, Sheriff and the local agency responsible for fire protection with the following information:
  - a. Written notice of the Outdoor Event, including the date or dates and hours during which the Outdoor Event is to be conducted, an estimate of the maximum number of people who will attend the event, and the name, age, telephone number and mailing address of the primary contact person(s) responsible for managing the event.
  - b. An Emergency Services and Fire Safety Plan for the Outdoor Event.
2. All Outdoor Events which are not required to obtain a permit, shall comply with the following health and safety requirements:
  - a. All hours and noise limitations as set forth in Sections G-V 2.8.A and G-V 2.8.H of this Article.
  - b. All temporary lighting shall be shielded, directed away from property lines and located as far away from adjacent properties as reasonably possible so as to minimize light and glare impacts to adjacent properties and the surrounding neighborhood.
  - c. No overnight Camping shall be allowed in residential areas.
  - d. Vehicles shall not be parked in any manner that would create a traffic hazard or impede the ingress or egress of emergency response vehicles, as determined by Community Development Agency, the

Sheriff or the Local Fire Official. Vehicles may ~~not~~ be parked on private property other than the event property with~~out~~ written permission from the property owner.

- e. Adequate toilet facilities shall be provided. Adequate toilet facilities can include the use of portable toilets with portable hand washing stations. Based upon the number of attendees, the requirement is one portable toilet per 50 persons and shall include a portable hand washing station that is stocked with water, paper towels and hand soap. A waste receptacle shall be located near the hand washing station for collection of waste paper towels. A minimum of one ADA compliant portable toilet is required if portable toilet facilities are used. Permanent public or common use toilets shall comply with the Federal ADA accessibility guidelines. Use of toilet facilities connected to the Nevada County Sanitation District system must be approved in writing in advance of any Outdoor Event.
- f. In addition to the above, the Outdoor Event host and property owner shall generally conduct the event in a manner that minimizes impacts on the surrounding neighborhood.
- g. Failure to comply with above requirements may result in enforcement action as provided in this Article, including summary closure of the event and penalties as provided in Sections G-V 2.12 and G-V 2.13.

#### Sec. G-V 2.6 Application for Permit - Time Requirement

An application for a Commercial Outdoor Event permit shall be made in writing to the ~~Sheriff's Office~~ Community Development Agency and shall be accompanied by a non-refundable application fee in an amount approved by resolution of the Board of Supervisors. The application shall be signed by the owner of the property on which the Outdoor Event will occur and all Sponsors and Promoters of the Outdoor Event. The application shall be filed with the ~~Sheriff~~ Community Development Agency at least sixty (60) days prior to the date upon which the proposed Outdoor Event is to commence. Incomplete applications and those submitted less than sixty (60) days prior to the date of the proposed Outdoor Event may, at the discretion of the Community Development Agency ~~Sheriff~~, be summarily denied. One application may be used to request up to ~~four~~ eight (8) Outdoor Event permits per Property per calendar year.

#### Sec. G-V 2.7 Application for Permit - Content

A. The application for a Commercial Outdoor Event shall include the following information:

1. Identification of Applicants and Owners. The name(s), age(s), residence(s) and mailing address(es), and twenty-four hour telephone number of each person making the application and the owner(s) of any

property on which the proposed Outdoor Event (including vehicle parking) will be held. If the Outdoor Event is to be held for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and the name and address of the authorized responsible representatives of the organization.

2. Primary Contact Information. The name and cellular or other twenty-four hour telephone number for the primary contact person(s) responsible for organizing the Outdoor Event and on-site management on the day(s) of the event.
3. Description of the Outdoor Event. A description of the proposed Outdoor Event, including any historical or promotional information, the date or dates of the event and the hours during which the applicant proposed to conduct the event.
4. Identification of the Premises. The exact location, legal description, and area of the premises on which the Outdoor Event and all related activities, including parking, will be held.
5. Prior Experience of Applicants. For each applicant, a brief explanation of his or her experience planning, managing and/or operating Outdoor Events, with particular emphasis on experience handling events which are of a similar size and nature as the proposed event for which a permit is requested. The Sheriff-Community Development Agency may require applicants to provide a list of references related to the applicant's prior experience with Outdoor Events.
6. Statement of Maximum Attendance. A statement regarding the maximum number of persons to be allowed in attendance at the Outdoor Event on each day. The Community Development Agency Sheriff may use discretion in determining whether or not the proposed Outdoor Event is likely to attract more than the stated number of attendees and may modify permit conditions accordingly. The maximum number of people in attendance at the event shall not exceed the number approved under the permit.
7. Provisions for Public Health and Safety. An Emergency Services and Fire Safety Plan, a Noise Mitigation Plan, a Parking and Traffic Control Plan and detailed statements regarding the applicant's plans to supply emergency communications, policing and security protection, food and water, sanitation facilities, sound and lighting equipment, medical facilities and medical services, fire protection, vehicle parking, vehicle access and on-site traffic control, garbage, trash and litter cleanup, and proof that the applicant possesses or is able to obtain all licenses and permits required by the County or by state law for the Outdoor Event. Applicants may be

required to hire, at the applicant's expense, security from a licensed, bonded security company and/or law enforcement, medical, fire or other emergency services personnel for the Outdoor Event. If alcohol will be served at the event, the applicant will provide a copy of the appropriate permit issued by the Department of Alcoholic Beverage Control prior to commencement of the Outdoor Event.

8. Contingency Plan. A detailed statement of the applicant's plans in the event that the number of persons in attendance exceeds the maximum attendance.

9. Event Site Plan. An event site plan or diagram showing:

- a. The location of the property on which the proposed Outdoor Event and all related activities will be held.
- b. The location of adjacent roads, lots, and residences, and the location and time that any roads are to be blocked or closed.
- 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, time and type of any entertainment, whether amplification will be used and the location and orientation of loudspeakers.
- f. The location, style, wattage and orientation of all temporary lighting.

~~g. The location of Camping or other overnight areas.~~

~~g~~h. The location of all toilets, medical facilities, emergency communications, generators, drinking facilities, fire pits or barbecues, and solid waste receptacles.

10. Statement of Responsibility. A statement by the applicant and the property owner agreeing to comply with all federal, state and local laws and Outdoor Event permit conditions, and to assume financial responsibility for all fines, penalties or other monetary sanctions imposed for violations of this Article. If the Outdoor Event is to be held for, on the behalf of, or by an

organization, the authorized responsible representatives of the organization shall also sign this statement.

~~11. Insurance. Prior to issuance of a permit for any Outdoor Event, but not less than twenty-one (21) days before the date of the event, the applicant shall provide: (a) a commercial liability insurance policy in the minimum amount of one million dollars (\$1,000,000.00) and (b) an executed release and waiver of liability in favor of the County, in the forms and on terms acceptable to the County Risk Manager. The Risk Manager may impose additional insurance requirements depending on the size, nature and risk associated with the proposed Outdoor Event. The insurance shall name the County of Nevada, the Outdoor Event, the event sponsors and promoters, the property owners and their respective officers, agents and employees, as additionally insured parties to the event.~~

112. Consent to Enter. A consent for any peace officer, fire official, health officer, or other County official to enter the Outdoor Event area and the property on which the event will be located at any time, in the course and scope of his or her duties.

~~13. Statements of Criminal Record. A statement by each applicant indicating whether he or she has been convicted within the last five years in any court of competent jurisdiction of:~~

~~a. Any offense requiring registration under Section 290 of the California Penal Code; or~~

~~b. Any violation of Chapter 7.5 (beginning with Section 311) of Title 9, Part 1, of the California Penal Code; or~~

~~c. Any violation of subdivision (a), (b), or (d), of Section 647 of the California Penal Code; or~~

~~d. Any violation of Section 315, 316, or 318 of the California Penal Code; or~~

~~e. Any offense involving the use of force or violence upon the person or another; or~~

~~f. Any offense involving maintenance of a nuisance in connection with the same or similar business operation.~~

124. Additional Information. Any additional information related to health and safety which the Community Development Agency~~Sheriff~~ determines is reasonably necessary to make a determination as to whether an Outdoor Event permit should be issued.



135. Notice to Neighbors. Within five days after an application has been filed with the ~~Sheriff~~Community Development Agency, the applicant shall send or personally deliver written notices of the Outdoor Event to all property owners within five hundred (500) feet of the premises on which the event will be held. Notices shall include a brief description of the event, the dates, times, locations and types of activities that will take place during the event, and any additional information required by the Community Development Agency~~Sheriff or the Planning Director~~. The applicant shall prepare and submit with the application a copy of the written notice to be mailed to the neighbors, together with the list of properties, property owners and addresses to whom the notice will be sent. (~~Ord. 2383, 8/26/14~~)

#### Sec. G-V 2.8 Regulations for Outdoor Events

All Commercial Outdoor Events for which a permit is required shall comply with the following minimum conditions:

A. Hours. Outdoor Events shall not open prior to 9 a.m. and shall close by 10 p.m.; provided, however, that Outdoor Events in non-residential areas shall close by 11 p.m. on Fridays and Saturdays. Permitted hours of operation may be extended if the applicant demonstrates good cause for the extension and demonstrates that the extended hours will not adversely impact owners or users of, or allowed uses on, surrounding properties.

B. Toilet Facilities. Adequate toilet facilities shall be provided. Adequate toilet facilities can include the use of portable toilets with portable hand washing stations. Based upon the number of attendees, the requirement is one portable toilet per 50 persons and shall include a portable hand washing station that is stocked with water, paper towels and hand soap. A waste receptacle shall be located near the hand washing station for waste paper towels. A minimum of one ADA compliant portable toilet is required if portable toilet facilities are used. Permanent Ppublic or common use toilets shall comply with the Federal ADA accessibility guidelines. Use of toilet facilities connected to the Nevada County Sanitation District system must be approved in writing in advance of any Outdoor Event.

C. Solid Waste Disposal. The applicant and property owner shall provide for the collection of solid waste and litter. Separate containers shall be provided for the collection of recyclable materials. All solid waste, litter and recyclable materials shall be removed from the site within twenty-four (24) hours following the event. For multiple day events, the grounds shall be maintained during each day of the event with no on-site accumulations which would create a nuisance or pose a health hazard. All solid waste must be deposited at the County transfer station by a County approved garbage hauler and all recyclable materials conveyed to an approved recycling center. Event-related litter, posters and other signage and debris shall be removed from surrounding lands and roads within twenty-four (24) hours following the event.

D. Compliance with County Building Codes. All structures, including tents and other temporary structures, and electrical work shall be permitted and installed in compliance with the County Building Code and shall comply with the setback requirements in the County Land Use and Development Code.

E. Lighting. All temporary lighting shall be shielded, directed away from property lines and located as far away from adjacent properties as reasonably possible so as to minimize light and glare impacts to adjacent properties and the surrounding neighborhood.

F. Overnight Camping Facilities. ~~No overnight camping or campfires are allowed in association with Outdoor Events. For any Outdoor Event which will last more than one day or at which persons will remain overnight on the premises, applicants shall provide or make available firewood and appropriate overnight areas; provided, however, that the use of campfires and barbecues shall only be allowed on the premises with the prior, written permission of the Local Fire Official.~~

G. Parking and Traffic Circulation. Outdoor Events shall comply with the approved Parking and Traffic Circulation Plan. Vehicles shall not be parked in any manner that would create a traffic hazard or interfere with the ingress or egress of emergency vehicles as determined by the Community Development Agency, Sheriff or the Local Fire Official.

H. Noise. Outdoor Events shall comply with the approved Noise Mitigation Plan. Noise levels generated by Outdoor Events shall not exceed the standards set forth in Table L-II 4.1.7 (Exterior Noise Limits) of the Nevada County Zoning Ordinance applicable to the Land Use Category and Zoning District for the premises on which the outdoor event will be held.

Table L-II 4.1.7					
Exterior Noise Limits					
Land Use Category	Zoning Districts	Time Period		Noise Level, dBA	
		Start	End	L eq	L max
Rural	AG, TPZ, AE, OS, FR, IDR	7 am	7 pm	55	75
		7 pm	10 pm	50	65
		10 pm	7 am	40	55
Residential and Public	RA, R1, R2, R3, P	7 am	7 pm	55	75
		7 pm	10 pm	50	65
		10 pm	7 am	45	60
Commercial and Recreation	C1, CH, CS, C2, C3, OP, REC	7 am	7 pm	70	90
		7 pm	7 am	65	75

Business Park	BP	7 am	7 pm	65	85
		7 pm	7 am	60	70
Industrial	M1, M2	any time		80	90

I. Days. Outdoor Events shall have a maximum length of two (2) days, or 48 hours, per event. The maximum length of the event may be extended if the applicant demonstrates good cause for the extension and demonstrates that the extended days will not adversely impact owners or users of, or allowed uses on, surrounding properties. ~~(Ord. 2383, 8/26/14)~~

Sec. G-V 2.9 Processing Application; Bonds; Appeals

A. Upon receipt of a complete application and application fee, the Community Development Agency~~Sheriff~~ shall promptly distribute copies of the application to all other affected public agencies and County departments, together with a request for their input and comments. If administratively possible, all responses shall be due within eighteen (18) days from the date the application is deemed complete. Thereafter, the ~~Sheriff~~Community Development Agency shall promptly issue a permit for an Outdoor Event if the Community Development Agency~~Sheriff~~ determines, ~~based on his or her own investigation,~~ the comments received and any other relevant evidence, that the Outdoor Event can be conducted in a manner which will not jeopardize the public's health, safety and welfare.

B. The Community Development Agency~~Sheriff~~ shall impose conditions on the issuance of any permit consistent with the requirements in Section G-V 2.8, together with any such conditions as the Community Development Agency or Sheriff determines are reasonably necessary to protect the public health, safety and welfare. ~~The Sheriff may also require that the applicant post reasonable security in order to guarantee that the conditions of the permits are met. Any security required shall be in a form satisfactory to the Nevada County Counsel or designee and shall be posted before the earlier of: (a) any tickets for admission are offered for sale, or (b) three weeks before the event. The security shall be subject to attachment should the applicant fail to comply with any condition of its permit or any provision in this Article. The costs of any remedial steps undertaken by the County and/or any of its agents, contractors, officers, and/or employees as a result of any violation of this Article, together with any penalties which may occur as a result of such actions, shall be proper charges against the security. The applicant and its surety shall be required to indemnify and to defend the County of Nevada, its agents, officers, and/or employees against any and all loss, injury and damage of any nature whatsoever arising out of, or in any way connected with, the Outdoor Event.~~

C. The Community Development Agency~~Sheriff~~ shall notify the applicant in writing of the issuance or denial of a permit. If the Community Development Agency~~Sheriff~~ denies an application for a permit, the written notification shall include the

basis for the decision. Whenever administratively possible, the Community Development Agency Sheriff shall make the notification no later than thirty (30) days after the date the application was determined to be complete. (~~Ord. 2383, 8/26/14~~)

#### Sec. G-V 2.10 Effective Date of Permit; Separate Permit Required for Each Day; Permit Non-Transferable

A. An Outdoor Event permit shall be valid only for the date or dates stated on the permit. A permit licensing fee in accordance with the fee adopted by Resolution by the Board of Supervisors of one hundred dollars (\$100.00) for each day of an approved Outdoor Event shall be due prior to issuance of the permit. The Community Development Agency Sheriff may authorize a maximum of eight (8) four (4) separate Outdoor Events per property per 12-month period.

B. The Community Development Agency Sheriff may renew an Outdoor Event permit for an event that is held on an annual basis without following the procedures of this Article if: (a) the permit holder, the location of the Outdoor Event and the owner of the property on which the Outdoor Event will be held remain the same; (b) the Outdoor Event will be substantially the same as it was in prior years; (c) there is no history of substantiated complaints and/or calls for law enforcement services in connection with the prior Outdoor Events or the location at which the Outdoor Event is being held; and (d) the permit holder provides a Primary Contact Person, ~~Insurance Policy~~, Statement of Responsibility and Consent to Enter in accordance with Section G-V 2.7, in conjunction with a request to renew the permit. A request to renew an Outdoor Event permit shall be made in writing at least thirty (30) days prior to the event and shall be accompanied by a renewal permit fee in an amount approved by resolution of the Board of Supervisors.

C. No Outdoor Event permit shall be transferable to another person or entity, or removable to another location, date or time. (~~Ord. 2383, 8/26/14~~)

#### Sec. G-V 2.11 Commencement of Event; Inspection Required; Re-inspection Fee

Prior to commencement of the Outdoor Event, the applicant shall call the Community Development Agency Sheriff and the Local Fire Official for an inspection of the event site to assure compliance with all permitting conditions. If the Community Development Agency, Sheriff, the Local Fire Official or other County official find that any conditions of the Outdoor Event permit or this Article have not been met, said official shall notify the applicant indicating the correction(s) to be made. If it is determined that additional inspections are required, the applicant shall pay a re-inspection fee in accordance with the County's adopted fee schedules for each such additional inspection. The Outdoor Event may not commence until the applicant has submitted all required documentation, complied with any pre-conditions and paid all sums as required by this Article. (~~Ord. 2383, 8/26/14~~)

#### Sec. G-V 2.12 Revocation of Permits and Denial of Future Permits; Failure to Comply with Permit Conditions; Closure of Events

A. The Community Development Agency ~~Sheriff~~ shall have the right to modify or revoke any permit or permits for any of the following causes:

1. The applicant fails, neglects or refuses to fulfill any of the requirements and/or conditions imposed upon the granting of an Outdoor Event permit or as otherwise required by this Article.
2. The applicant permits the Outdoor Event to be conducted in a disorderly manner.
3. The Outdoor Event is being held for an unlawful purpose and/or the applicant violates or attempts to violate any Federal or State law or County code.
4. If the Community Development Agency, Sheriff and/or the Local Fire Official determine that due to the scope of the Outdoor Event and the number of safety personnel required to provide protection and traffic control, it is more likely than not that normal public safety protection elsewhere in the County or the local fire protection district cannot be provided continuously and safely for the duration of the Outdoor Event.
5. Upon request of the applicant, if the applicant demonstrates that the modification will not adversely impact owners or users of, or allowed uses on, surrounding properties, and either:
  - (a) The applicant demonstrates good cause for the modification; and/or
  - (b) The modification is necessary due to an unforeseen emergency or act of nature which is outside the applicant's control.

B. The Community Development Agency ~~Sheriff~~ shall have the right to modify, deny or revoke any Outdoor Event permit if it appears, based on competent evidence, that the applicant has made a false, misleading or fraudulent statement of material fact in the permit application, or in any other document required pursuant to this Article. Prior to such denial or revocation, the Community Development Agency ~~Sheriff~~ shall notify the applicant of the evidence and provide applicant with two (2) business days to rebut said evidence in writing.

C. A finding that an applicant has materially violated or defaulted in the performance of any of the provisions in this Section G-V 2.12, shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits for future Outdoor Events by that applicant. The finding that a parcel or property has a history of materially violating, or defaulting in the performance of, such provisions, shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits for future events at that location.

D. Written notice of a permit revocation or a change in permit conditions shall be personally delivered or sent by the Community Development Agency ~~Sheriff~~ to the applicant and the property owner at their respective addresses given in the application. Such revocation shall become effective immediately after being ordered by the Community Development Agency ~~Sheriff~~.

E. The Community Development Agency or Sheriff may suspend operation and close any Outdoor Event prior to the expiration of an Outdoor Event permit when, ~~in his or her opinion,~~ a shutdown becomes necessary to prevent injury to person or persons and/or damage to property, or the continued operation of the Outdoor Event constitutes an immediate and serious threat to the health or safety of persons or property. For purposes of this section, "an immediate and serious threat to health or safety" includes, but is not limited to, the occurrence of a riot, major disorder or serious breach of the peace; the occurrence of a public disaster, calamity, fire or other emergency; excessive calls for service related to assaults, battery, disorderly conduct and the like; overcrowding or allowing significantly more attendees at the event than approved under the Outdoor Event permit; or other gross or willful violations of federal, state or local law which create an immediate and serious risk of damage, injury or death to event participants, surrounding properties, or emergency services personnel.

F. The Community Development Agency or Sheriff may immediately terminate, suspend and close any Outdoor Event which fails to obtain or maintain a valid permit in accordance with this Article, or which commences in violation of Section G-V 2.11, above. ~~(Ord. 2383, 8/26/14)~~

#### Sec. G-V 2.13 Penalties

A. Violations of this Article shall be enforced in accordance with Section L-II 5.21 Enforcement and Penalty for Violations of Chapter II: Zoning Regulations of the Land Use and Development Code. ~~a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the County jail for not more than six months, or by both such fine and imprisonment. For each such violation, a separate offense shall be deemed to have been committed for each day that such violation continues.~~

~~B.— In addition to the criminal penalties provided for herein, any violation of or failure to comply with any provision of this Article is hereby declared to be a nuisance. Any person who violates or fails to comply with any provision of this Article, shall be liable for a civil penalty, which may be affixed and levied by the Sheriff, of up to five thousand dollars (\$5,000.00) per violation for each day that a violation exists. The Sheriff and/or the County may also take any other legal action as may be authorized under State or local law to abate or enforce the provisions of this Article, including but not limited to commencement of a civil action to redress, enjoin or abate any violation of this Article.~~

#### Sec. G-V 2.14 Appeal Process

~~An appeal of the determination of the Community Development Agency shall be conducted in accordance with Section L-II 5.12 Appeals of Chapter II: Zoning Regulations of the Land Use and Development Code. The applicant may appeal the denial of a permit or the imposition of any condition on a permit to the County Executive Officer or designee ("CEO") by filing a notice of appeal with the Clerk of the Board of Supervisors. This appeal shall be filed by the later of: (a) seven (7) days after issuance of the Sheriff's decision on the permit, or (b) twenty (20) days prior to the date of the proposed Outdoor Event. The Clerk of the Board of Supervisors shall schedule an appeal hearing with the CEO. The appeal shall not be valid and shall not be processed unless accompanied by an appeal fee in an amount established by resolution of the Board of Supervisors, which may be amended from time to time. Upon scheduling the hearing the Clerk shall promptly notify all affected public agencies and County Departments of the hearing date. At the hearing, the CEO may uphold, modify or overturn the action of the Sheriff if the CEO finds that, in taking such action, the public health, safety and welfare has been adequately protected. (Ord. 2383, 8/26/14)~~

#### Sec. G-V 2.15 Other Requirements Not Waived

Nothing in this Article shall be deemed to waive any other local, state or federal requirements which may apply to the Outdoor Event. ~~(Ord. 2383, 8/26/14)~~