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COUNTY OF NEVADA

NEVADA COUNTY  
BOARD OF SUPERVISORS

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August 6, 2014

Honorable Board of Supervisors  
Eric Rood Administrative Center  
950 Maidu Avenue  
Nevada City, CA 95959

**DATE OF MEETING:** August 12, 2014

**SUBJECT:** Ordinance Amending Article 2 of Chapter V of the Nevada County General Code Regarding Outdoor Events

**RECOMMENDATION:** Introduce/Waive Further Reading of an Ordinance Amending Article 2 of Section V of the Nevada County General Code Regarding Outdoor Events

**FUNDING:** Implementation and enforcement of the proposed ordinance will come from General Fund revenues allocated to the Sheriff's Department and Community Development Agency budgets, which may be partially offset by revenues from fees associated with permit applications, inspection fees, and the collection of civil fines.

**BACKGROUND:** Since September 2013, the Board of Supervisors has been considering potential revisions to the County's existing Outdoor Festivals Ordinance (now titled the "Outdoor Events Ordinance").

As proposed, the Outdoor Event Ordinance would apply to all outdoor events in the unincorporated areas of the County. The proposed Ordinance would require property owners, and event sponsors and promoters, to obtain a temporary permit for all Commercial Outdoor Events, unless the event qualifies for an exemption. The Ordinance defines an Outdoor Event as an outdoor gathering of a public nature held at any place other than a permanent building which has been permitted, designed and constructed for such events (see Section G-IV 2.2.F). A Commercial Outdoor Event is defined as any Outdoor Event where a fee or other financial consideration is charged to vendors, sponsors, or attendees for

participating in the event, using the facility, or purchasing food, goods or services (see Section G-IV 2.2.B).

The proposed Ordinance limits each property to a maximum of 4 permits per 12 month period. (Section G-IV 2.10.A) Facilities which are properly permitted, constructed and customarily used for outdoor events are exempt from the temporary permit requirements, as are events sponsored and conducted by 501(c)(3) organizations or state registered campaign committees if the proceeds from the event will benefit that organization or committee, the organization or committee is not charged for use of the facility, and there is no history of problems with the event or the venue. (Section G-IV 2.4) For outdoor events for which no permit is required, the proposed Ordinance creates limitations on hours of operation, noise, temporary lighting, parking and traffic; prohibits overnight camping in residential areas; and encourages event sponsors to provide the Sheriff and the local fire protection district with notice of the event, and an emergency and fire safety plan, at least 15 days prior to the event. (Section G-IV 2.5)

In December 2013, January 2014 and May 2014, the Board made several revisions to the County's Outdoor Events Ordinance based on public comments and information the County received throughout this process. At the conclusion of the Board's May 27, 2014, hearing, the Board created a Subcommittee consisting of Supervisors Weston and Anderson, 2 homeowner representatives, 2 wedding industry representatives and one festival/music representative. This Subcommittee worked with the Sheriff, the Community Development Agency Director and County Counsel to further review the proposed Ordinance and to consider additional revisions to it.

The Subcommittee met on June 4, July 1 and July 17 to review various comments and proposals from affected interest groups regarding the proposed Ordinance and respond to questions and concerns from each of these representatives. Detailed minutes from the Subcommittee meetings are contained in Attachment C to this staff report. Based on the input received from these representatives and other members of the public, your Subcommittee reached consensus on the following changes to the proposed ordinance:

- Delay the effective date of the Ordinance until December 1, 2014, to provide time for the community to adjust before the next event season and time for staff to develop implementation guidelines.

- Add definitions for “Local Fire Official” and “Property”. The definition of “Local Fire Official” is borrowed from your recently adopted Hazardous Vegetation Ordinance and is designed to allow either the CAL FIRE Unit Chief or the local fire protection district Chief (or their designees) to address fire safety issues. Corrections were made throughout the proposed Ordinance to use the term “Local Fire Official” in lieu of “County Fire Marshal.” (Section G-V 2.2)
- Add an express exemption to the permit requirement for private “by-invitation-only” events where a fee or other financial consideration is not charged for admission to the event, use of the property, or for goods or services offered at the event. (Section G-V 2.4.C)
- Add a provision allowing applicants to request up to 4 permits per property per year through a single application process. (Section G-V 2.6)
- Add Table L-II 4.1.7 from the Land Use and Development Code, which contains the applicable noise standards. (Section G-V 2.8.H)
- Modify the neighborhood noticing provision to require that the applicant mail notice to neighbors at the beginning of the application review process (within five days after the Sheriff receives the application) rather than at the end of the process. (Section G-V 2.8.I)
- Allow the Sheriff flexibility to approve events in excess of two days if the applicant demonstrates good cause and demonstrates that the extension will not adversely impact surrounding properties. (Section G-V 2.8.J)
- Add the requirement that if the permit is denied, the Sheriff will provide the reasons for the denial (Section G-V 2.9.C)
- Add a provision allowing the Sheriff to modify permits at the request of the applicant based on good cause or due to an unforeseen emergency situation which is beyond the applicant’s control. (Section G-V 2.12.A.5)

During this time, the County has continued to receive a large number of comments from other interested individuals and groups. Upon further review and balancing of the various interests, the County members of the Subcommittee also recommend the following modifications to the proposed Ordinance:

- Prohibit Commercial Outdoor Event permits on parcels with a gross acreage of 5 acres or less. (G-V 2.3.B) This reflects a concern by County Subcommittee members that the higher densities and physical constraints associated with smaller parcels make it difficult to mitigate potential impacts, especially noise, parking and traffic. Therefore, it's not appropriate to issue temporary permits for these small parcels. If a parcel of 5 acres or less wishes to hold Commercial Outdoor Events, the current conditional use permit process is the appropriate vehicle for regulating that activity. Prohibiting Commercial Outdoor Event permits on parcels of 5 acres or less would effectively preclude Commercial Outdoor Events on most if not all R-1, R-2, R-3 and R-A-5 parcels. This recommendation was discussed with the larger Subcommittee at the July 17<sup>th</sup> meeting. Everyone except the music festival representative indicated support for this limitation.
- Add a general requirement that exempt events must provide adequate toilets. (Section G-V 2.5.A.2) This is a basic and common sense health and safety requirement.
- Add findings to clarify and support the most recent revisions to the Outdoor Event Ordinance, and to clarify the County's intent and commitment to apply this ordinance in accordance with the 1<sup>st</sup> Amendment. (Section G-V 2.1)

In addition, various wedding and festival/music representatives have made three requests which are not reflected in the revised Ordinance nor recommended by your County Subcommittee members:

- 1) Allow more than four temporary Commercial Outdoor Event permits per property per year. The number of permits that the industry wishes to allow ranges from 10 to 15 per property per year.

The County Subcommittee members recognize that outdoor weddings are a seasonal activity in Nevada County. While such events may occur at any time between May through October and on any day of the week, it is reasonable to expect that the majority of outdoor events will occur between June and September. Allowing 10 to 15 events per summer season translates to 2 or more outdoor events per month, most of which are likely to occur on weekends. This frequency of commercial activity in residential and rural areas creates a more permanent, regular land use that, if allowed

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without appropriate mitigation, could fundamentally change the character of the neighborhood in which the activity is occurring and interfere with the neighbors quiet enjoyment of their own properties. Given the potential impacts and frequency of events proposed, this would more appropriately be reviewed and mitigated as a zoning issue pursuant to the County's conditional use process.

In addition, under State law, all developed property must meet minimum sanitation requirements including the installation of permanent toilet facilities which are adequate for the activities on that property. For many years, the County has allowed up to four temporary events per year per property as an exemption from the normal requirements to install permanent sanitation facilities. However, this exemption is not expressly provided by law and simply represents the County's reasonable but very limited discretion to allow flexibility for truly temporary activities. So long as the County continues to keep this threshold very low, the State has indicated that it will not interfere with the County's decisions in this regard. However, if the State perceives the County is abusing its discretion in granting these exemptions, then the State could take this flexibility away from the County. In the present case, Staff recommended a limit of 4 permits per year to be consistent with and conform to these sanitation requirements, while minimizing the risk of State intervention.

- 2) Exempt Commercial Outdoor Events with an attendance of less than 100 to 125 people from permit requirements.

The County Subcommittee members considered this request but do not recommend it. Under the County's existing zoning code, commercial uses in residential and rural areas are required to obtain a conditional use permit ("CUP"). In the absence of a CUP, commercial activity is not allowed. The proposed Ordinance does not change this basic zoning requirement. It simply allows for the issuance of an occasional, temporary event permit. Therefore, exempting these events from the proposed Ordinance does not create new opportunities. It would simply mean that all events below this threshold would have to be authorized under a CUP. It does not make sense to allow permits for larger events but require a CUP for the smaller ones.

In addition, one purpose of the proposed Ordinance is to provide the County with better enforcement tools for addressing nuisances that can

result from rogue outdoor events. It would be very difficult to enforce an exemption based on an attendance, in part because this determination can be subjective and difficult to control, and in part because trying to reasonably ascertain the number of attendees at an ongoing function for purposes of enforcing the ordinance would be challenging, at best.

- 3) Exempt weddings from the Commercial Outdoor Event requirement and prepare a separate zoning ordinance specific to weddings.

The County Subcommittee members do not recommend creating another separate Ordinance specific to the wedding industry. The County's existing ordinances, together with the proposed Ordinance, are adequate to address the issues and concerns associated with this industry. To the extent that wedding industry representatives have concerns regarding implementation of the proposed Ordinance, those concerns can be addressed through development of implementation guidelines for the proposed Ordinance. Staff has committed to working with the community, including wedding representatives, in preparing these guidelines.

The revised draft of the proposed Ordinance, which reflects the changes outlined above, and a redlined, "track changes" version of the Ordinance are attached as Attachments A and B, respectively. The County Subcommittee members recommend that the Board introduce and waive further readings of the attached Outdoor Event Ordinance.

Respectfully submitted,



Alison Barratt-Green  
County Counsel

ABG/ch

- Attachment A: Proposed Ordinance
- Attachment B: Redlined Revisions to Proposed Ordinance
- Attachment C: Subcommittee Meeting Minutes



**ORDINANCE No. \_\_\_\_\_**

**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER  
V OF THE NEVADA COUNTY GENERAL CODE  
REGARDING OUTDOOR EVENTS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS

SECTION I:

Article 2 of Chapter V of the Nevada County General Code is hereby amended to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

SECTION II:

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

SECTION III:

Severability. If any provision of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION IV:

This Ordinance shall take effect and be in force on the 1st day of December, 2014, and before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of the Supervisors voting for and against same in \_\_\_\_\_, a newspaper of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote of said Board:



## 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 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 at or in connection with the event.
- C. "County" means the County of Nevada, California.
- D. "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. "Local Fire Official" shall mean the CAL FIRE 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. "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. "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. "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. "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. "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 issue permits in accordance with this Article.

K. "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 at or in connection with the event.

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 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 the Sheriff or the Local Fire Official. Vehicles may not be parked on private property other than

the event property without written permission from the property owner.

- e. Adequate toilet facilities shall be provided.
- 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 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 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 Sheriff, be summarily denied. One application may be used to request up to four 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 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 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.
  - 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) 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.

12. 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.
14. Additional Information. Any additional information related to health and safety which the Sheriff determines is reasonably necessary to make a determination as to whether an Outdoor Event permit should be issued.
15. Notice to Neighbors. Within five days after an application has been filed with the Sheriff, 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 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.

#### 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. Public or common use toilets shall comply with the Federal ADA accessibility guidelines.

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. 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 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.

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

A. Upon receipt of a complete application and application fee, the 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 shall promptly issue a permit for an Outdoor Event if the Sheriff determines, based on his 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.

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B. The 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 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 Sheriff shall notify the applicant in writing of the issuance or denial of a permit. If the Sheriff denies an application for a permit, the written notification shall include the basis for the decision. Whenever administratively possible, the Sheriff shall make the notification no later than thirty (30) days after the date the application was determined to be complete.

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 of one hundred dollars (\$100) for each day of an approved Outdoor Event shall be due prior to issuance of the permit. The Sheriff may authorize a maximum of four (4) separate Outdoor Events per property per 12 month period.

B. The 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.

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 Sheriff and the Local Fire Official for an inspection of the event site to assure compliance with all permitting conditions. If the 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.

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

A. The 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 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 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 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 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 Sheriff.

E. The Sheriff may suspend operation and close any Outdoor Event prior to the expiration of an Outdoor Event permit when, in his 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 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.

#### Sec. G-V 2.13 Penalties

A. Violations of this Article shall be a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000), 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

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.

#### Sec. G-IV 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.



**ORDINANCE No. \_\_\_\_\_**

**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER  
V OF THE NEVADA COUNTY GENERAL CODE  
REGARDING OUTDOOR EVENTS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS

**SECTION I:**

Article 2 of Chapter V of the Nevada County General Code is hereby amended to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

**SECTION II:**

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

**SECTION III:**

Severability. If any provision of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION IV:

This Ordinance shall take effect and be in force ~~at the expiration of thirty (30) days from and after its passage, and it shall become operative~~ on the 1st day of December, 2014, and before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of the Supervisors voting for and against same in \_\_\_\_\_, a newspaper of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote of said Board:



## 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 County finds that there have been increased demands upon County resources and infrastructure and increasing concerns related to the operation of large Commercial Outdoor Events on private property. In order to adequately protect the public health, safety and welfare of event participants, neighboring property owners, and 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 large Commercial 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 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 at or in connection with the event.
- C. "County" means the County of Nevada, California.
- D. "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.
- D.E. "Local Fire Official" shall mean the CAL FIRE 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.
- E.F. "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.
- F.G. "Outdoor Event" means any outdoor gathering ~~of a public nature~~, 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. "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.
- G.I. "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.
- H.J. "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 issue permits in accordance with this Article.

I.K. "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.

A.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 at or in connection with the event.

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 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 2.87.A and G-V 2.8.H7.I 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 the Sheriff or, the County Fire Marshal ~~Local Fire Official~~ ~~or the local fire protection district~~.

Vehicles may not be parked on private property other than the event property without written permission from the property owner.

d.e. Adequate toilet facilities shall be provided.

e.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.

f.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 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 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 Sheriff, be summarily denied. One application may be used to request up to four 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 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 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.
  - 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) 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.

12. 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.
14. Additional Information. Any additional information related to health and safety which the Sheriff determines is reasonably necessary to make a determination as to whether an Outdoor Event permit should be issued.
15. Notice to Neighbors. Within five days after an application has been filed with the Sheriff, 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 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.

#### 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 ~~E~~vents 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. Public or common use toilets shall comply with the Federal ADA accessibility guidelines.

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. 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 ~~County Fire Marshal and local fire protection district~~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 Sheriff or the County Fire Marshal/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.

<b>Table L-II 4.1.7</b>					
<b>Exterior Noise Limits</b>					
<u>Land Use Category</u>	<u>Zoning Districts</u>	<u>Time Period</u>		<u>Noise Level, dBA</u>	
		<u>Start</u>	<u>End</u>	<u>L eq</u>	<u>L max</u>
<u>Rural</u>	<u>AG, TPZ, AE, OS, FR, IDR</u>	<u>7 am</u>	<u>7 pm</u>	<u>55</u>	<u>75</u>
		<u>7 pm</u>	<u>10 pm</u>	<u>50</u>	<u>65</u>
		<u>10 pm</u>	<u>7 am</u>	<u>40</u>	<u>55</u>
<u>Residential and Public</u>	<u>RA, R1, R2, R3, P</u>	<u>7 am</u>	<u>7 pm</u>	<u>55</u>	<u>75</u>
		<u>7 pm</u>	<u>10 pm</u>	<u>50</u>	<u>65</u>
		<u>10 pm</u>	<u>7 am</u>	<u>45</u>	<u>60</u>
<u>Commercial and Recreation</u>	<u>C1, CH, CS, C2, C3, OP, REC</u>	<u>7 am</u>	<u>7 pm</u>	<u>70</u>	<u>90</u>
		<u>7 pm</u>	<u>7 am</u>	<u>65</u>	<u>75</u>
<u>Business Park</u>	<u>BP</u>	<u>7 am</u>	<u>7 pm</u>	<u>65</u>	<u>85</u>
		<u>7 pm</u>	<u>7 am</u>	<u>60</u>	<u>70</u>
<u>Industrial</u>	<u>M1, M2</u>	<u>any time</u>		<u>80</u>	<u>90</u>

~~I. Notice to Neighbors. Applicants 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 Sheriff or the Planning Director. Notices shall be mailed at least ten (10) days prior to the first day of the event.~~

~~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.~~

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

A. Upon receipt of a complete application and application fee, the 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 shall promptly issue a permit for an Outdoor Event if the Sheriff determines, based on his 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 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 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 Sheriff shall notify the applicant in writing of the issuance or denial of a permit. If the Sheriff denies an application for a permit, the written notification shall include the basis for the decision. Whenever administratively possible, the Sheriff shall make the notification no later than thirty (30) days after the date the application was determined to be complete.

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 of one hundred dollars (\$100) for each day of an approved Outdoor Event shall be due prior to issuance of the permit. The Sheriff may authorize a maximum of four (4) separate Outdoor Events per property per 12 month period, ~~with a maximum length of two (2) days per Outdoor Event.~~

B. The 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.

#### 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 Sheriff and ~~County Fire Marshal~~ the Local Fire Official for an inspection of the event site to assure compliance with all permitting conditions. If the Sheriff, the Local Fire Official ~~Fire Marshal~~ 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.

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

A. The 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 Sheriff and/or the ~~County Fire Marshal~~ 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 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 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 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 Sheriff.

E. The Sheriff may suspend operation and close any Outdoor Event prior to the expiration of an Outdoor Event permit when, in his 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 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.

Sec. G-V 2.13 Penalties

A. Violations of this Article shall be a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000), 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

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.

Sec. G-IV 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.

**Outdoor Events Ordinance Committee meeting**  
June 4, 2014

Attendees:

- Supervisor Hank Weston, District 4
- Supervisor Richard Anderson, District 5
- Alison Barratt-Green, County Counsel
- Steven DeCamp, Community Development Agency Director
- Keith Royal, Sheriff
- Janine Blote, resident
- Bonnie Beyer, resident
- Dustin Rogers, event promoter
- Mike Bringolf, Resident
- Mardie Caldwell, Lifetime Ranch/Rough and Ready Vineyards
- Donna Hoekstra, NC Weds.com
- Eve Diamond, Board Analyst

Alison reviewed the history of the current Outdoor Festivals Ordinance (OFO) and how it has evolved to the current version of the proposed Outdoor Event Ordinance (OEO). She provided a handout of a slide show presented to the Board on May 27, 2014. The primary drawbacks of the original/current OFO were that it did not hold property owners accountable, and there was no enforcement mechanism if a permit was not obtained. The proposed OEO is designed to be complaint-driven and to provide tools for the County to address several current /ongoing issues at several properties around the County as well as future complaints.

Steve added that state law requires commercial event facilities have two access points for fire safety (Public Resources Code 4290 and 4291). The OEO is designed to allow people to do things some times that they currently are not able to do all the time.

The state also has laws for Sanitation (in the Health and Safety Code). Sanitation for commercial venues must be permanent. Steve will provide the relevant code sections to the event group. *(Note – this is not a provision in the proposed OEO, but is in the existing Use Permit requirements).*

Question was asked whether the minimum of 4 commercial events per year at one property could be increased to a greater number. Steve responded that technically the State does not allow any commercial activities in residential areas. Steve and Alison also clarified that there is no state code setting the 4 minimum as proposed in the draft OEO, but that the County's past history in dealing with the State has shown it may not have an issue with this number. Any more than this and the event/facility could be shut down by the State. Additionally the State could restrict the County from making other, similar adjustments to our permitting practices.

Discussion ensued regarding what qualifies as secondary access. The Fire Marshall would need to sign off on what qualifies as secondary access. Supervisor Weston added that in some cases a neighbor might provide a deeded easement across their property.

Discussion of what types of venues require use permits. There is already a Use Permit required for commercial wedding and event facilities. Handouts were provided on applicable Sections from the Zoning Code (Sec. L-II 3.7, Table L-II 2.2.1.B, Table L-II 2.3D). A Use Permit, and the proposed Outdoor Events Permit, would not be required of anyone but the owner (or his representative) of the property where the events would be held. It does not apply to brides/grooms, nor musicians, caterers or other vendors who typically sell their services at private and commercial events.

A Use Permit may be conditional (there may be conditions imposed) based on the specific circumstances of the proposed activity, the nature of the property, the zoning and other factors. The purpose of the Use Permit is to protect the public health and safety and ensure that the use/activity complies with state codes and local ordinance. Primary issues are traffic/parking, trespass, noise, sanitation, crime, building safety, fire safety (ingress/egress) and protecting the integrity of residential areas. Conditions may be imposed to mitigate potential impacts in these areas of health and safety and to the integrity of the residential area.

The County does not have a business license process. Certain businesses operating out of the home in the unincorporated areas may require a home business permit. Otherwise, a Use Permit is needed when residential property is used for commercial activities. The County is just concerned with permitting such events in the unincorporated areas. Venues within the Cities and Town are subject to those jurisdictions' requirements. Venues such as the Fairgrounds and Empire Mine are on State property.

Mardie and Donna discussed the importance of the wedding industry to Nevada County's economy. In the past the bride and groom would bring their own service providers (caterers, florists, musicians, etc.) from outside the County. NC Weds was established to promote the County venues and support services.

Jeanne stated the County of Monterey is facing liability issues with regard to unpermitted wedding and event venues. A discussion followed about liability and insurance.

There was a question about CC&Rs. The County does not enforce or recognize CC&Rs in its permitting process. If private neighbors agree to have more stringent regulations than what the County requires, these are private agreements between individuals.

The Sheriff clarified the need for the OEO. He, Counsel and the Supervisors are getting more and more calls from upset neighbors. The only other option is for a neighbor to file a citizen's complaint which neighbors typically do not want to do.



Donna asked about whether there could be a “limited” use permit in cases where weddings are smaller. Steve responded that this is addressed in the current use permit process, which is based on the scope of activities proposed on the property. He still has to follow state codes on ingress/egress, sanitation, fire safety, and the other issues listed earlier.

There was some discussion about how to communicate to the event property owners what they specifically need to provide to the County for an OEO permit. Alison responded that the proposed ordinance is written in a manner intended to serve as the legal instrument that gives the Sheriff the tools he needs to respond to complaints in situations that fall outside of the existing use permit process. Once the ordinance is adopted, there is a 30 day period before it takes effect. Staff will use that time to develop the proper application forms and a set of guidelines that can help serve as a checklist for the applicant.

For the existing Use Permit process, the application and guidelines are accessed through this link:

<http://www.mynevadacounty.com/nc/cda/planning/docs/Planning%20Dept%20Application%20Forms/14%20Use%20Permit%20Dev%20Permit.pdf>

*Note: There is also a process available called Pre-Application Review, where a potential development or land use application can be reviewed, prior to your filing and paying for a formal application, to uncover any potential major issues that may need to be addressed. Find out more here:*

<http://www.mynevadacounty.com/nc/cda/planning/docs/Planning%20Dept%20Application%20Forms/32%20Pre-App%20Request.pdf>

Dustin expressed concern over the 48-hour limit and wants more leeway outside of residential areas. He wondered what does “closing” mean. There was discussion of the noise standard, and that it is hard to measure in the mountains and valleys where sound travels and bounces, and who may be camping nearby. It was also stated that under the proposed Outdoor Event Ordinance, the Sheriff would have discretion to be flexible on permit conditions and could also extend the permitted hours of operation if the applicant demonstrates good cause and it would not adversely impact neighbors.

It was suggested Dustin could reserve the use of nearby campgrounds, or contact the US Forest Service and the Bureau of Land Management, who have jurisdiction over land use, enforcement and fire protection on their lands; to hold events on those federal lands.

It was also suggested that the NC Weds members get together and identify a handful of properties that either already have use permits for weddings/events or could more easily obtain them (i.e, already have secondary access, an expanded septic system, etc) and hold all their events there.

Alison suggested that as soon as possible, the event representatives provide her specific verbiage for the current draft ordinance to address their concerns/suggestions. She will review

to ensure it meets the Board's intent and does not conflict with other laws. Subject to any minor changes, she proposed that we proceed with the ordinance and see how it works, and review the status after one year. It is important to get real world examples to see where changes might be needed. Donna stated she would feel better getting as many changes in now and not wait a year.

#### **SUMMARY – ACTION ITEMS**

- Steve DeCamp will provide code reference numbers for Public Resources Code (Eve has done) relating to fire safety, ingress and egress; and Health & Safety Code relating to sanitation.
- He will also check with State officials to see whether deluxe portable restrooms may be used instead of permanent restrooms (such as in the case of Empire Mine?). However, this would be relevant to the requirements of the current Use Permit for commercial event facilities and would not impact provisions under the proposed Outdoor Events Ordinance.
- Event representatives are to provide Alison with bullet points of specific items would like to see incorporated for the draft ordinance by June 13. *(subsequently she has extended the date to June 24. Note –no need to provide legalese, just specific points you want in your own words. For example, Dustin wanted to extend the camping period from 48 hours to 72 hours)*
- The Board is expecting to see a revised ordinance presented to them by August 1<sup>st</sup>. The group agreed to meet again in two weeks *(subsequently the date of July 1<sup>st</sup> has been scheduled. County Counsel will be bringing a new draft revised ordinance to the Board on July 22nd)*

## Outdoor Events Ordinance Committee meeting

July 1, 2014

### Attendees:

Supervisor Hank Weston, District 4  
Supervisor Richard Anderson, District 5  
Alison Barratt-Green, County Counsel  
Steven DeCamp, Community Development Agency Director  
Keith Royal, Sheriff  
Terry McMahon, Deputy Fire Marshall  
Don Bessee, resident  
Dustin Rogers, event promoter  
Mike Bringolf, Resident  
Heather Featherston, Lifetime Ranch/Rough and Ready Vineyards  
Donna Hoekstra, NCWeds.com  
Eve Diamond, Board Analyst

Supervisor Anderson chaired the meeting. Everyone made introductions. Supervisor Anderson noted that, at the request of Bonnie Beyer, Chair Beason appointed Don Bessee to replace her as a resident representative on this subcommittee.

Steve began with explanation of the context for the proposed ordinance. He said that under the existing Zoning Ordinance, any recurring commercial activity in residential areas is required to obtain a Use Permit or Conditional Use Permit. The proposed Outdoor Events ordinance is intended to provide a mechanism where up to four events per year could be permitted without requiring the UP/CUP.

Alison distributed copies of the four primary comments the County received as part of this process (from Hoekstra, Weir, Rogers and Goar). She then handed out a redline version of the draft ordinance, and walked through the proposed revisions as a result of the comments received and last meeting's discussion.

There was discussion to clarify how specifically the "type of entertainment" needed to be defined. Would there be a chance the permit would be denied if there was a certain flavor of music or activity? Alison pointed to the addition of Sec. G-V 2.1 (D) which says that the content of the proposed speech could not be considered as a basis for approval or denial. She and Sheriff stated that they want to know only as far as the **impacts** – how loud the noise, how many people, how many cars, whether there would be alcohol, etc. Terry added that Fire officials would need to know whether there would be campfires or a pyrotechnic show, for example.

Dustin asked for clarification of "substantiated complaint". Alison responded that complaints cannot be anonymous and would be investigated before any enforcement or citation process is initiated.

Discussion ensued about whether to restrict an event using the Noise Standards table from the land use code. Staff clarified this is intended to apply to businesses that generate noise and are regulated under a use permit such as landscapers, machine shops or others. It was suggested that all that is really needed is a Noise Ordinance to address this. However, this ordinance is intended to address a range of impacts such as traffic, sanitation and fire safety.

Dustin asked to remove the reference to the maximum length of events. County staff will look at removing the reference to a maximum length, essentially allowing the Sheriff the discretion to extend the length on a case by case basis.

Don expressed desire for neighbors to be notified sooner than 10 days out from the event. It was agreed that notification would occur at the time the permit application is submitted. While this is an administrative permit that does not require a public hearing, neighbors might provide comments that could be informative to the Sheriff's decision.

Event representatives also requested that up to four events could be permitted at one time, even if the actual dates of the events are not known yet. Staff agreed this would be possible.

Donna shared questions and comments from the wedding community. She expressed concern that the new ordinance will have a chilling effect on her industry, which brings substantial revenue to the local economy. She presented results of an informal survey of wedding and event facilities across western Nevada County. Those that *responded* reported 300 known weddings per year. Adding those that did not respond it is estimated at 495 weddings per year. Alison clarified we are only concerned about events where a fee is charged for attendance or use of property. The CUP and this ordinance do not cover private events nor the services of caterers, musicians or wedding planners.

Supervisor Weston asked how many venues, permitted and unpermitted, were located in the unincorporated County. This excludes the Miners Foundry and other properties inside city limits, the Empire Mine, and Fairgrounds. Outside of the Roth Estate, Squirrel Creek, Windfall, Harmony Ridge and a few others he did not know of any. He noted there were about 30 at Squirrel Creek this year, for example, and about 50 at Miners Foundry. In the ensuing discussion about 20-25% of all weddings in Western Nevada County, or about 100-125 are held at unpermitted venues, but it is not clear how many venues are in the unincorporated areas.

Donna stated that even unpermitted facilities that do not generate complaints will close rather than risk the fine of \$5,000. She also wanted to clarify whether the owner or the agent/representative would have to file the permit. She was concerned a bride and groom would have to request the permit or undergo criminal background checks. Alison stated this ordinance applies when there is a fee for admission or use of property. It would apply to the person either collecting the fee for admission or for the use of their property. The application could be *submitted* by the property owner or the representative, if there is one. The application needs

to contain contact information for the property owner and the agent or representative overseeing the event, if they are not the same. While the County would ultimately hold the property owner responsible for a violation of the ordinance, we also need to know who to contact regarding the event.

Donna stated they would still like to have an intermediate type of permit process allowing 6-12 commercial events per year. They could be spread out over the year instead of happening just during the summer.

Steve said he looked at Placer County's ordinance for comparison/contrast against ours. Theirs limits special events by the numbers of attendees and required a minimum 200 foot setback from the property line. He then presented two maps representing two options to limit the applicability of the ordinance:

- Limit by zoning: Map with green areas showed residential zones where Outdoor Events permits could be prohibited.
- Limit by parcel size: Map with brown areas showing parcels of less than 10 acres where Outdoor Events permits could be prohibited.

Neither of these proposals was supported by both the neighborhood and event representatives.

Supervisor Weston wondered if there was a way to allow the types of intermediary septic system (such as Tobiassen Park) where there is a tank instead of a leach field, in a Conditional Use Permit. Steve said he will look into it.

Supervisor Weston asked if the group preferred one of the two proposals Steve presented for allowing an Outdoor Event permit. Donna suggested we see how this ordinance works out over the next year, and we could come back and make changes if necessary.

The group requested a little more time to review the proposed changes and suggested returning the week of July 15. *Meeting is now set for July 17, 1:00 pm in Providence Room A.*

#### **SUMMARY – ACTION ITEMS**

- Steve DeCamp will provide code references codes relating to sanitation.
- Alison will incorporate the suggested revisions that were agreed upon in today's meeting.
- Event representatives asked for time to review the proposed revisions and share with their colleagues.
- Counsel said that she will let Chair Beason know that the committee has been making progress in fine tuning the ordinance and that she will bring the draft document to the Board on August 12th. She would need to have a final draft for submittal to agenda by July 28.

## References

Nevada County Use Permit application and guidelines:

<http://www.mynevadacounty.com/nc/cda/planning/docs/Planning%20Dept%20Application%20Forms/14%20Use%20Permit%20Dev%20Permit.pdf>

Pre-Application Review information:

<http://www.mynevadacounty.com/nc/cda/planning/docs/Planning%20Dept%20Application%20Forms/32%20Pre-App%20Request.pdf>

## Outdoor Events Ordinance Committee meeting

July 17, 2014

### Attendees:

Supervisor Hank Weston, District 4  
Supervisor Richard Anderson, District 5  
Alison Barratt-Green, County Counsel  
Steven DeCamp, Community Development Agency Director  
Keith Royal, Sheriff  
Terry McMahan, Deputy Fire Marshal  
Don Bessee, resident  
Dustin Rogers, event promoter  
Mike Bringolf, Resident  
Heather Featherston, Lifetime Ranch/Rough and Ready Vineyards  
Donna Hoekstra, NCWeds.com  
Eve Diamond, Board Analyst

Supervisor Weston chaired the meeting.

Alison distributed an agenda for the meeting. She said she had prepared a redline version of the ordinance to reflect some changes since the last meeting, but did not have it ready for today. She went through the ordinance and highlighted the changes that will be in the new redline, including:

- Sec. J – will allow extensions beyond 2 days for good cause
- Added definition of Fire Marshal
- Sec. 2.8(i) – Changing notification process to be part of application process
- Will provide for a single application for four events to streamline the process
- Will extend the effective date of the ordinance to 12/1/14

She asked if anyone had any additional items that were not captured in these latest changes or any comments/questions?

Don said he is talking to business leaders and digesting numbers from the last meeting. He said that with Northstar and a new venue near Lake Engelbright seeking use permits, these could be two possible new venues for weddings and events.

Eve said that Supervisor Lamphier asked her to meet with two staff of the Courtyard Suites who wanted to suggest specific changes to the Ordinance. They requested: (1) restrict event venues by parcel size, (2) pull wedding venues out of the Outdoor Events ordinance altogether, and (3) allow 10- 12 events per year. The women said none of the venues do only 4 events, most average 10-12 per year. Eve distributed a document given to her by the two Courtyard Suites staff, showing results from the survey they conducted of wedding venues. It shows that of the 58 venues surveyed across the western county, 14 were un-permitted venues; including

three the County is already aware of; and of those only 8 responded. It is not known how many of the illegal venues are in the unincorporated area.

Alison clarified the distinction between the current Outdoor Festivals ordinance (in the General Code), the proposed amendment that is now called the Outdoor Events ordinance, and the land use code which requires a Use Permit or Conditional Use Permit (CUP) for certain commercial events in residential and other non-commercial zones. The current Festivals ordinance does not provide for enforcement and does not hold the property owner accountable for violations. Currently no commercial events are permitted in residential areas without a Use Permit. This proposed ordinance would allow up to 4, with less stringent requirements than the more extensive Use Permit process. The cities do not allow outdoor event venues in residential areas.

Dustin asked about the appeal process. Would there be assurance that reasons would be given for denial. Alison said yes, the Sheriff would issue a letter stating reasons for denial. This would be developed in the guidelines after the ordinance is final.

Dustin said that Steve was unable to provide him with a section of the Health and Safety code that states only four events could be allowed. Steve confirmed that the H&S code addresses four events for charitable events, but that the limit of four was pursuant to research by a previous Environmental Health Director and his colleagues in the statewide association.

Donna read from a list of concerns that she felt have not been addressed. They want this to be a "festivals only" ordinance. Weddings do not fit the way this is written. The Sheriff replied that many of the complaints this was written for have been about weddings. Steve confirmed without this ordinance, the Conditional Use permit process would prevail for one or more weddings held commercially.

Donna is concerned that there are too many unknowns about the details of an event when weddings are booked. Alison and Steve said these can be addressed in developing the permit application and guidelines. This group is invited to be part of that process. Steve said the ordinance is intended to outline what can't be done.

Steve stated that under the proposed Outdoor Events ordinance an applicant could submit a site plan as to where certain things would be, such as parking, portable toilets, a stage, etc., which typically would not change substantially from one event to the next. The approved site plan could stand for all four events.



Donna is still concerned that if there is no wedding planner responsible for the event then the bride would have to obtain the permit, get a background check, etc. Alison stated that if a fee is being charged either for admission or for the use of property, then the property owner will ultimately be responsible for the permit. A representative of the property owner could submit the application, but this ordinance is not intended to apply to the bride.

Donna suggested the neighbors' concerns could be addressed with a noise ordinance. Steve replied that there are many impacts in addition to noise that need to be addressed, including ingress and egress for fire safety, sanitation, trespassing and parking. Terry emphasized fire and access concerns.

The question was asked as to why the current Festivals ordinance is not enforceable. Sheriff and Alison replied that currently the property owner is not held accountable and fines/penalties are not spelled out.

The question was asked, what kinds of structures require a permit? Steve responded that if it is something people go inside or if it could fall on someone that would need to be inspected by Building. Many professional tents are the responsibility of the vendor to assure they are permitted and set up properly. Terry said the Fire department also inspects buildings.

Steve reviewed the various situations where the County may need to inspect facilities, such as where there is public sanitation, public water consumption or food is sold (Environmental Health); layout, access, camping (Fire agency), structures (Building). He said it is always a good idea to check with these departments to make sure your event is safe for your guests, even if you are not having a commercial event.

Dustin asked about Sec. 2.10(c), which prohibits the permit to be transferable to another person or removable to another location, date or time. What if there is a change in weather or an issue with the property owner and they need to move it? Alison replied "it depends". They are being asked to notify the neighborhood when the application is received, so at some point a change in venue is not possible. Permits are site-specific for a variety of reasons. The Sheriff needs to know where and when to have deputies assigned if something happens. There could be some flexibility in terms of timing. The biggest question is when would the music be occurring. Alison said there may be a possibility to modify Section 2.12, allowing the Sheriff to modify a permit if there is good cause, such as bad weather or other unforeseen circumstances.

Dustin asked for a reference in the State codes restricting commercial events to four. Steve said the code speaks to nonprofit charitable temporary food facilities but is silent on commercial events. A previous Environmental Health Director obtained feedback from the Environmental Health Directors Association and determined that it would be prudent to use the code reference that speaks to charitable events as a guide.

Ultimately, the four events is the County's proposal to balance the needs of residents, who expect quiet enjoyment of their properties, and the needs of property owners who may occasionally want to use their property for a commercial event. Without this proposal to allow four, there would be zero allowed.

Heather asked about the fees to obtain an Events permit. Sheriff stated there would be a licensing fee of \$100 for the actual permit. Steve added there may be additional costs for staff time to review the application depending on what was being proposed. The County can only charge for reasonable costs for staff time to review an application and do inspections. It is up to the Board to determine if these costs are to be borne by all the taxpayers or by the applicant/ property owner who is receiving the benefit of the permit.

Dustin asked about the security required in Sect. 2.9 (b). The Sheriff would determine what type of security would be needed, both in terms of an individual providing security and the posting of a bond, if necessary, on larger events.

Someone asked if there could be exemptions for events under 100, or if there were no amplified music. Alison replied that this is not just about noise, but about fire safety, traffic on private roads, building safety, sanitation, and other issues that impact neighborhoods.

Dustin asked where the restriction is in the state codes that say no commercial events are allowed in residential areas. Steve replied that where the code is silent, we get zero. Alison reminded everyone that she is required to make a recommendation to the Board. She said the County members of the Committee have heard everyone's concerns, and spent time going through the ordinance to try to address the needs and concerns of both residents and the events representatives.

Heather and Donna stated that they wanted weddings pulled out of the ordinance, as it seems written for large music festivals. Alison said she can meet with Donna privately on specific points of concern, but that the ordinance was written to address weddings too.

Steve then presented a map showing residential parcels of under 5 acres in red, residential parcels over 5 acres in green, and white areas for lands in other zoning or within city boundaries. This map proposes that parcels in the red areas would not be eligible to apply for an Outdoor Events permit at all. He clarified that currently in all areas, a Conditional Use Permit may be required for any commercial activities. For example, uses allowed "by right" on lands zoned Ag must be directly related to the production of agricultural products.

Heather, Donna and the residents agreed to support the restrictions as illustrated in the map. Dustin disagreed with it. Steve emphasized that this would not preclude anyone, even in the red areas, from applying for a Conditional Use Permit. This also does not guarantee that applicants in the green zones would be approved for an Outdoor Events Permit—only that they could be eligible to apply.

There was a discussion about complaints. Alison said that complaints must be investigated and substantiated before further action or enforcement occurs.

Dustin asked if the Sheriff has the discretion to extend the time/duration of an event, why not the number of events? Steve responded with a brief explanation regarding the fundamentals of land use regulations. He explained that the land use code establishes areas that communities determine, by a public process, where similar uses and activities can be grouped together. The Conditional Use permit is a process to allow a certain degree of "blurring of the lines" between residential and commercial uses, where the primary use is residential but a subsidiary use might be piano tutoring, a welding service or other commercial activity. The CUP establishes parameters to minimize nuisance, safety and environmental impacts. The limit of four is intended to protect the integrity of residential areas and allow a few events without requiring a CUP. More than four, and the owner can still apply for a CUP.

Dustin asked what are typical costs and timing for a Use Permit? Steve said it depends on the defined nature of the activity, the physical property and other parameters. The County can only charge for actual staff time, which includes review, inspections and hearing(s) before the Planning authority and possibly the Board. Timing can take as little as 3 months or longer, depending on individual circumstances. Some properties may just not be suitable for event venues. In one example, a property owner was required by the Fire Marshal to obtain secondary emergency access. She has been unable to obtain an easement from a neighbor and has spent time and legal costs on this matter.

Dustin raised additional concerns. Alison understood but said that we have to start somewhere. Some things will probably be adjusted along the way. Ordinances are drafted with the best possible information to anticipate as much as possible, but we cannot anticipate every hypothetical situation. While no ordinance is perfect, they have to be strong enough to provide clear guidelines and a legal framework to allow or prohibit an activity. They are also living documents that can be adjusted as necessary. At this point we need to move forward. Also, many of the finer details would be addressed in the guidelines and application, which the group can be involved in developing.

Steve provided the following example of how codes change: 20 years ago no zoning ordinances had provisions for cell towers. Our ordinances are designed to reflect the community's needs as well as provide health and safety protections.

Heather stated for the record she felt that her agreeing to restrict weddings and events to parcels over 5 acres was an important concession. She would like to see an exemption for events under 100 people. She said that our County weddings can range from 90-300, though typical wedding sizes are 125-150. Alison suggested that we could review the permit activity after the ordinance is adopted and consider whether an exemption could be supported based on the record. Steve said he is still concerned about access and other impacts, even if under 100 people.

#### **SUMMARY – ACTION ITEMS**

- Alison will incorporate the suggested revisions that were agreed upon in today's meeting and send out the redline. (Appeals – reason for denial, and that permit can be modified at Sheriff discretion)
- This will go to the Board on August 12. Alison will provide everyone a copy of the staff report.
- This ordinance could be revisited in a year to see how it is working.
- Steve will try to get copies of the maps to the event and resident representatives.
- Steve will review the code to see if there might be an alternative to permanent restrooms that is less costly to install and which could be allowed as part of a Use Permit.

Alison closed by saying that the Subcommittee did some hard work in crafting something that reflects the needs of the two sides. The Subcommittee helped us look at other alternatives to what was originally written.