

CHAPTER 19.60

TEMPORARY ACTIVITIES AND USES

Sections:

- 19.60.010 PURPOSE
- 19.60.020 DEFINITIONS
- 19.60.030 ACTIVITIES AND USES PERMITTED
- 19.60.040 PERMIT REQUIRED
- 19.60.050 EXEMPTIONS
- 19.60.060 PERMIT APPLICATION
- 19.60.070 APPLICATION PROCESSING
- 19.60.080 FINDINGS
- 19.60.090 BOND
- 19.60.100 DENIAL OF PERMIT
- 19.60.110 PUBLIC APPEAL
- 19.60.120 CITY COUNCIL APPEAL
- 19.60.130 REPORT
- 19.60.140 HEARING
- 19.60.150 STANDARDS OF OPERATION
- 19.60.160 DISTRIBUTION OF COPIES
- 19.60.170 DUTIES OF PERMITTEE
- 19.60.180 POSSESSION PERMIT
- 19.60.190 CAMPING AT TEMPORARY OUTDOOR ACTIVITY
- 19.60.200 SALE OR DISPENSING OF ALCOHOLIC BEVERAGES
- 19.60.210 PUBLIC CONDUCT AT TEMPORARY OUTDOOR ACTIVITY
- 19.60.220 PENALTY

19.60.010 PURPOSE

The purpose of this Chapter is to establish regulations and procedures for review of temporary activities or uses in order to minimize any adverse effects on surrounding properties and infrastructure or on the public health, safety and welfare. The intent of these regulations is to ensure that temporary activities and uses will be compatible with surrounding land uses, to protect the rights of adjacent residences and landowners, and to minimize any adverse effects on surrounding properties and the environment. (Ord. 1084, 2001)

19.60.020 DEFINITIONS

For the purpose of this Chapter, certain terms used herein are defined as follows:

- A. Temporary Outdoor Activity-Means an activity to which the public is invited with or without charge, which is held outside a building or in a temporary or portable structure, on public or private property or public right-of-way on a temporary basis including, but not limited to, concerts,

musical festivals, stage or theatrical shows, fairs, carnivals, exhibits, displays, sports events, automobile or animal races or competitions and off-road vehicle events and also including private parties or outdoor activities not open to the public but held on vacant property not associated with a building or established facility.

- B. Temporary Use-A use which is limited in time and extent and not involving construction or substantial improvements or significant alterations of the land, including but not limited to, sidewalk sales, seasonal produce stands, and other temporary uses. (Ord. 1084, 2001)

19.60.030 ACTIVITIES AND USES PERMITTED

The following temporary activities and uses shall be permitted, subject to obtaining a permit as described in Section 19.60.XXX. Other similar temporary activities or uses may be permitted as determined by the Director of Community Development.

TEMPORARY ACTIVITY OR USE	ZONES PERMITTED	MAX # EVENTS/ CALENDAR YEAR	MAX. DAYS PER EVENT	MAX. DAYS PER CALENDAR YEAR	TIME/DAYS BETWEEN EVENTS
Parking lot and private sidewalk sales	Commercial, industrial	4	4	16	60
Sales, outdoors or in temporary enclosures in conjunction with businesses, except that car sales are prohibited, per Section 19.60.150. P, Standards of Operation	Commercial, industrial	4	4	16	60
Tent Revivals	Commercial, industrial, open space	2	45	90	60
Circuses, carnivals, rodeos, pony riding or special event tents, or similar traveling amusement enterprises	Commercial, industrial, open space	2	7	14	90
Promotional Events, such as radio and television promotions, contests.	Commercial, industrial	4	4	16	60
Concerts, exhibits, arts and crafts shows, festivals outdoors or in temp. enclosures	Commercial, industrial, open space	4	3	12	60
Temporary sports events	Commercial, industrial, open space	7	2	14	30

Christmas tree lots	Commercial, industrial	1	60	November 1 <sup>st</sup> December 31 <sup>st</sup>	1 year
Pumpkin sales lots	Commercial, industrial	1	30	October 1 <sup>st</sup> October 31 <sup>st</sup>	1 year
Seasonal produce stands (on property where grown)	Rural Res., Agriculture	N/A	120	N/A	N/A
Temporary Land Use Permit, temporary land uses in association with an existing business, either on or off-site	Commercial, industrial	Duration and frequency as determined by the Director of Community Development			

\*Additional time may be approved by the Director. (Ord. 1084, 2001)

19.60.040 PERMIT REQUIRED

No person shall conduct a temporary outdoor activity or temporary use, with or without charge, unless or until a permit has been obtained from the Director of Planning and Community Development or his/her designee as applicable. It is expressly understood that nothing herein requires any additional permit where the activity is on-going and is authorized by the permit or entitlement approved for the use. (Ord. 1084, 2001)

19.60.050 EXEMPTIONS

- A. Use of City owned public parks or other community facilities for organized activities, celebrations or similar uses, of a group size that can be reasonably accommodated by the facility with the approval of the Recreation Department of the City
- B. Outdoor promotional sales by non-profit groups or the lessee of an occupied suite, limited to four (4) weekends per year, where:
  - 1. No structures are involved other than conventional sales racks, tables or similar items.
  - 2. No temporary electrical lines or electric generators will be used.
  - 3. Fire lanes will remain open for emergency access
- C. One-day celebrations limited to 75 persons or less where the event will be held on private property and parking will not create a hazard.
- D. Religious, patriotic or similar exhibits associated with seasonal holiday.
- E. Noncommercial car washes within commercial and industrial zones, limited to weekends and holidays only. (Ord. 1084, 2001)

19.60.060 PERMIT APPLICATION

Any person desirous of conducting a temporary outdoor activity or temporary use shall apply to the Director of Planning and Community Development a minimum of 30 days in advance of the date of the proposed event. The application for such permit shall be made in writing on a form approved by the Director of Planning and Community Development. In order that adequate arrangements may be made for the proper policing of the temporary use, the request shall contain the following information:

A. Application

The name, address and telephone number of the person requesting the permit. If the activity is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized head of such organization.

1. The name, address and telephone number of the person who will be responsible for management of the activity.
2. The purpose of the activity
3. The date(s) when the temporary activity is to occur.
4. Detailed site plan.

B. Parade

If the temporary outdoor event is a parade, the following information shall be provided:

1. The approximate number of persons and the number and kind of vehicles and animals constituting the parade.
2. The route of the parade.
3. The locations of the assembly and dispersal areas of the parade.
4. The location of traffic barriers, signage, detour routes, restrooms and refuse collection bins.
5. The plans for the assembly and dispersal areas of the parade, including the proposed times thereof.
6. If the dispersal area is located in another City, the location of such dispersal area, and if a parade permit has not been issued by such other City, an alternate route and alternate dispersal area in the City.
7. Such other information relating to the event as the Director of Planning and Community Development may require. (Ord. 1084, 2001)

19.60.070 APPLICATION PROCESSING

Upon receipt of a complete application and at the discretion of the Director of Planning and Community Development copies of the application will be transmitted to the City Manager, Chief of Police, Building Official/Fire Marshall and City Engineer who shall review the application and provide written comments and recommendations to the Director of Planning and Community Development. A copy of the application shall also be transmitted to the California Highway Patrol or County Sheriff's Department, as appropriate. The Director of Planning and Community Development may issue a permit subject to conditions and restrictions necessary to protect the public health, safety and welfare. The applicant for the temporary outdoor activity and temporary use permit shall be notified in writing of the decision of the Director of Planning and Community Development at least 7 days prior to the date of the proposed temporary use permit. The applicant must certify in writing that they have read and understood the conditions of approval. If the application is denied, the written notice of such denial shall set forth reasons for the denial. (Ord. 1084, 2001)

#### 19.60.080 FINDINGS

The review authority shall make the following findings in granting a temporary activity or use permit:

- A. That the temporary activity or use is compatible with the various provisions of this chapter;
- B. That the temporary activity or use is a reasonable use of land compatible with the general plan land use designation and zoning classification;
- C. That the temporary activity or use will not impede the reasonable use of land, or the orderly development of land in the immediate vicinity;
- D. The temporary activity or use will not adversely affect the adjacent uses, buildings or other structures;
- E. That the temporary activity or use will not endanger the public health, safety or general welfare; and
- F. Provisions for adequate traffic access/circulation, off-street parking and pedestrian safety have been provided and will be maintained during the operation of the use or activity. (Ord. 1084, 2001)

#### 19.60.090 BOND

As a condition of issuance of a temporary outdoor activity permit or a temporary use permit, the permittee may be require to execute an agreement with the City, secured by a bond in an amount determined by the Director of Planning and Community Development, to ensure restoration of the site of the temporary event to its original condition. (Ord. 1084, 2001)

#### 19.70.100 DENIAL OF PERMIT

The Director of Planning and Community Development may refuse to grant a permit for a temporary outdoor activity or use permit when in his/her judgment, all considered in relation to the safety, comfort and convenience of the public generally, the conditions of vehicular and pedestrian traffic or the effect upon stores, offices and other places of business, or upon residences, hospitals, churches, and institutions located in the vicinity where the temporary use permit is proposed to be conducted, shall so warrant. (Ord. 1084, 2001)

19.6 0.110 PUBLIC APPEAL

Within 10 calendar days after mailing of the decision, the applicant or any interested persons may appeal the decision to the City Council by filing a written appeal with the City Clerk with the appropriate filing fee. The City Clerk shall transmit one copy of the appeal to the Planning and Community Development Director and one copy to the applicant, in the event that the appeal is not that of the applicant. The written appeal shall specify the person making the appeal the decision appealed from and shall state the reasons for the appeal. Appeals shall be limited to action beyond the authority of the decision-making body, action based on incorrect facts or that the decisions violated provisions of the law. (Ord. 1084, 2001)

19.60.120 CITY COUNCIL APPEAL

Within 10 calendar days after the mailing of the decision, any member of the City Council may appeal a decision and request review by the Council. Thereupon, the City Clerk shall give written notice to the Planning and Community Development Director and the applicant and set the matter for review by the City Council within 30 days. (Ord. 1084, 2001)

19.60.130 REPORT

After filing of an applicant's or any other interested person's appeal, the City Clerk shall transmit the appeal to the Planning and Community Development Director for a written report detailing the facts of the appeal. The Planning and Community Development Director's report shall be filed within 30 days for review by the City Council. After reviewing the facts, the City Council may decide to either hear the appeals, hear the appeal in part or not hear the appeal by minute motion. (Ord. 1084, 2001)

19.60.140 HEARING

The appeal hearing shall be held within 30 days after the City Council's decision to hear the appeal, unless the 30 day time limit is waived by the appellant. Not less than 10 days before the date of the hearing the notice of the hearing shall be mailed to the applicant in the event the applicant is not the appellant, and to any person who has made a written request for such notice. (Ord. 1084, 2001)

19.60.150 STANDARDS OF OPERATION

The following standards shall be applied to all temporary activities and uses at the discretion of the review authority. Compliance with these standards shall be demonstrated as a condition of the issuance of any permit provided for by this Chapter:

- A. Police Protection. Every applicant shall employ at his own expense police protection as may be determined to be necessary. The number and type of officers shall be determined and specified by the Chief of Police to provide for the preservation of order and protection of persons and property in and around the place of the activity. Funds to employ the specified number of law enforcement officers at the current hourly rate for police officers shall be deposited by the applicant with the City at least ten (10) days prior to the specified date the activity is to occur.
- B. Fire Protection. Every applicant shall provide, at his own expense adequate fire protection as determined by the fire protection agency or agencies having jurisdiction where the event is to be conducted. If the event is located in a hazardous fire area as defined by the City Fire Marshall, a suitable number of fireguards shall be employed by the permittee, who shall be approved by the City Fire Marshall. Flammable vegetation and other fire hazards shall be removed in a manner and in such quantity as determined by the fire protection agency or agencies. First-aid and fire extinguishment equipment shall be provided as directed by the fire protection agency or agencies. Traffic lanes and other adequate space shall be designated and kept open for access and travel for ambulance, helicopter and other emergency vehicles to transport patients, or staff to appropriate on-site and off-site treatment facilities.
- C. Encroachment Permit. The applicant shall obtain an encroachment permit from the Public Works Department prior to conducting any activity or work in the public right-of-way.
- D. Parking Areas. Every applicant shall provide adequate parking spaces including required handicap parking and access in compliance with the Americans with Disabilities Act as determined by the review authority for persons attending the activity by motor vehicle. At the discretion of the review authority, a parking plan shall be submitted and approved prior to the issuance of a permit.
- E. Fencing. Perimeter fencing around the site is permitted. No chain link fence is permitted.

- F. Access and Parking Control. Every applicant shall provide adequate ingress and egress to the activity premises and parking areas. Necessary roads, driveways and entranceways shall exist to insure orderly flow of traffic onto the premises from a dedicated road. A special access-way for fire equipment, ambulances and other emergency vehicles may be required at the discretion of the City Fire Marshall. The City Engineer must approve the applicant's plan for ingress and egress before a permit shall be issued. Additionally, any applicant may be required to show that traffic guards are under his employ to insure orderly traffic movement and relieve traffic congestion in the vicinity of the activity.
- G. Water Facilities.
1. Every permittee shall provide water from a water purveyor operating under a permit as required under the State Health and Safety Code or an ample supply of potable water for drinking and sanitation purposes on the premises of the activity. Location of water facilities on the premises must be approved by the Building Official or his/her designee prior to issuance of a permit.
  2. The minimum supply of water to an outdoor activity is fifteen (15) gallons for each person in attendance per day. All water shall meet U.S. Health Service standards. Public and private flush-type water closets, lavatories including facilities for the handicapped shall be required as determined by the Building Official or his/her designee. Sewage and drainage systems relating to such facilities shall meet the requirements of the Health and Safety Code and be subject to the prior approval of the Building Official.
- H. Food Concessions. Concessions must be licensed and operate under a valid Health Department Permit pursuant to local ordinances and State laws. Every applicant shall provide at least one (1) flush-type water closet and lavatory for each sex in a closed facility for employees of each food concession or operation within the enclosure area of such food operation unless otherwise approved by the Health Officer.
- I. Hours of Operation. All activities which are subject to permit under this Chapter shall close and cease operations between the hours of twelve (12) midnight and seven (7) a.m. of each and every day.
- J. Illumination. Every applicant planning to conduct an activity after dark, or planning to allow people who attend the activity to remain on the premises after dark, shall provide electrical illumination to insure that those areas which are occupied are lighted at all times. The Building Official must approve the applicant's lighting plan as a prerequisite to the issuance of a permit hereunder. An applicant may be required to illuminate specific

areas on the premises in accordance with the following scale of lighting intensity:

<u>Illumination</u>	<u>Watts/Sq. Ft.</u>
Open areas reserved for spectators	0.05
Stage Areas	5.00
Parking and Overnight Areas	0.25
Restroom and Concession Areas	1.00

Portable, shielded arc-type searchlights shall be permitted in commercial and industrial districts only, provided that the beam of the searchlight shall not be projected at less than a 45 degree angle measured from a horizontal plane, and shall not project upon or reflect upon property or buildings other than the property or the building of the permittee.

- K. Medical facilities. Where a proposed activity is expected to attract a large number of persons or a site is located a substantial distance from adequate existing treatment facilities, the applicant shall be required to provide emergency medical treatment facilities on the premises.
- L. Signs and banners. Signs and banners permitted as part of a temporary activity or use shall comply with size, number and location requirements of Section 19.75.230 Temporary Signs.
- M. Trash and refuse. The site shall be cleaned and restored to its original condition or better at the conclusion of the event. An adequate number of trash receptacles shall be provided on-site and shall be emptied or removed as necessary at the applicant's expense.
- N. Noise. The amount of noise generated by the event shall not disrupt the activities of nearby land uses or otherwise violate the provisions of Chapter 7.34 of The Municipal Code relating to noise.
- O. Communication System. Applicant shall be required to establish a communication system for public use where ordinary communications are not available.
- P. Building, Health and Safety Codes. All applicable laws and ordinances with respect to equipment used, construction, plumbing, mechanical, electrical and all other respects shall be observed
- Q. Sales of Good and Services. All sales of goods and services shall be limited to one (1) of the following: (See also Table of Activities and Uses Permitted).

1. Non-profit organizations
2. Existing community organizations existing businesses, licensed and located in the City, at the location of the business.

R. Insurance. The applicant shall obtain and secure liability insurance to cover all activities prior to issuance of a temporary use permit. The event shall be subject to an Indemnity Agreement entered into with the City. (Ord. 1084, 2001)

19.60.160 DISTRIBUTION OF COPIES

Immediately upon the issuance of a permit, the Director of Planning and Community Development shall send a copy of the permit to the City Attorney, Fire Chief and the Public Works Director. (Ord. 1084, 2001)

19.60.170 DUTIES OF PERMITTEE

A permittee under this Chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances. (Ord. 1084, 2001)

19.60.180 POSSESSION OF PERMIT

The person responsible for management of the temporary activity shall carry the permit upon his person during the conducting of the activity. (Ord. 1084, 2001)

19.60.190 CAMPING AT TEMPORARY OUTDOOR ACTIVITY

Overnight camping may only be permitted by specific approval of the Director of Planning and Community Development or his/her designee and shall comply with the following guidelines:

1. Overnight camping may be permitted only for persons putting on the activity, participants in the event or activity or security personnel.
2. Overnight camping shall be limited to only fully self-contained vehicles with toilet facilities.
3. Any overnight camping shall obtain necessary approvals from the Building Official/Fire Marshall and comply with all conditions.
4. Any overnight camping shall obtain a permit from the City and pay required permit fees. Except for security personnel as provided in A, any overnight camping shall be subject to obtaining a temporary trailer park permit and compliance with all applicable provisions of California Administrative Code, Title 25. (Ord. 1084, 2001)

19.60.200 SALE OR DISPENSING OF ALCOHOLIC BEVERAGES

Sale or dispensing of alcoholic beverages may only be permitted by express written approval of the Director of Planning and Community Development or his/her designee and shall comply with the following guidelines..

1. A temporary license must be obtained from Alcoholic Beverage Control.
2. All conditions and recommendations of the Chief of Police and Alcoholic Beverage Control and the City shall be met. The Chief of Police may require the provision of officers at any event where alcoholic beverages are served. A minimum of one (1) off-duty deputy shall be required where more than 100 people are anticipated to attend unless specifically waived by the Department.
3. In compliance with the Zoning Ordinance Section 19.65.030, concession stands serving alcoholic beverages shall not be located within 1,000 feet of a church, school, park or playground. (Ord. 1084, 2001)

#### 19.60.210 PUBLIC CONDUCT AT TEMPORARY OUTDOOR ACTIVITY

1. No person shall unreasonably hamper, obstruct or interfere with any temporary outdoor event or with any person, vehicle or animal participating or used in such event. No driver of a motorcycle, bicycle or similar type vehicle shall drive between the vehicles, animals and/or persons comprising a parade when such vehicles, animals, and/or person area in motion and are conspicuously designated as a parade.
2. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along the highway, street, public right-of-way or a part thereof constituting a part of the route of a parade. The Chief of Police shall cause signs to be posted to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation of this posting. No person shall be liable for parking on a street not posted in accordance with this Chapter. (Ord. 1084, 2001)

#### 19.60.220 PENALTY

Any violation of the provisions of this chapter shall be deemed an infraction and punishable pursuant to Section 1.16.010 of this code, unless a defendant has been convicted of three or more violations of this code, in which case the violation shall be deemed a misdemeanor. Violations of this code may result in the confiscation of equipment, vehicles, or sales stock. Said confiscated equipment, vehicles or stock may be returned upon timely payment of any fines imposed any person violating any of the provisions of this Chapter is guilty of a misdemeanor. (Ord. 1084, 2001)