

ORDINANCE NO. 210

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING CHAPTER 15 OF DIVISION 1, TITLE 4 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO SPECIAL EVENTS

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. Code Amended

Chapter 15 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

“Chapter 15

TEMPORARY SPECIAL EVENT PERMIT

Sections:

41.151	Intent.
41.1510	Temporary Special Event Permit
41.1515	Permit Required.
41.1520	Submittal
41.1525	Processing
41.1530	Insurance Requirements.
41.1540	Rules and Regulations
41.1545	Appeals.
41.1550	Referral By The Planning Division
41.1555	Permits/Licenses Nontransferable.
41.1560	Posting.
41.1569	Requests for Law Enforcement Services at Special Events.

41.151 Intent.

The intent of this ordinance is to provide discretionary approvals for certain “temporary special events” as defined in this Chapter to be allowed in certain zones in addition to those uses which are specifically permitted in their respective zone. Temporary special uses shall be established by Special Event Permit granted by the Planning Division pursuant to the procedures contained in this Chapter.

41.1510 Temporary Special Events Permitted.

(a) Temporary special events shall be permitted with a Temporary Special Event permit

as specified below which indicate each temporary special event permitted, the zones in which the use is allowed, the maximum number of days each use is allowed and the maximum number of occurrences in each calendar year:

Permitted Special Events (With a Special Event permit)	Land Use District Permitted	Maximum Number of Days Per Event	Maximum Number of Events Per Calendar Year
Church tent revival meetings	All Land Use Districts	10	1
Circus, carnival	All "C", "T", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	10	2
Fair, concerts, parades, exhibits, festivals, art shows, car shows, street fairs or similar events	All "C", "T", and Public/Quasi Public, all land use districts in Old Town Specific Plan Area	10	12
Farmers Markets	All "C", "T", and Public/Quasi Public, all land use districts in Old Town Specific Plan Area	Two days per week	Permit is valid for one year

(b) Where uncertainty exists regarding the interpretation of any provision of this Chapter or its application to specific special event which may not be listed, the Planning Division shall determine the intent of the provision and or determine whether the proposed event is consistent with the provisions of this Chapter.

(c) Multiple Temporary Special Events maybe combined into a single permit, however Certified Farmers Markets shall comply with the California Code Of Regulations, section 1392 and obtain all required permits from the County of San Bernardino.

41.1515 Permit Required.

Except as otherwise provided by the Town of Yucca Valley or state law, no person or entity shall operate, maintain, conduct, advertise, or provide admission for any temporary special event within the Town of Yucca Valley without possessing an unexpired, unsuspended and unrevoked permit from the Community Development Department for each such temporary special event.

41.1520 Submittal.

(a) An application for a temporary special event shall be filed with the Community Development Department. The following information shall be included in the application:

- (1) The name, address, and telephone number of the applicant or representative.
- (2) The signature of the property owner, address or assessors parcel number of the site at which the activity is to be conducted, authorizing the application to be filed.
- (3) A written description specifying the date (s) of the event is to be held and a brief description of the activity, including the proposal for the preparation and clean up of the site where the activity is to take place.

(b) The charge for the permit shall be set from time to time by resolution of the Town Council. In addition, the applicant shall reimburse the Town for the actual cost of providing any necessary personnel, including but not limited to, police and fire personnel to the applicant for the purpose of assisting in the event.

41.1525 Processing:

Upon the receipt of a completed application and all related fees, the following will occur:

(a) The processing of a complete Temporary Special Event Permit application will generally vary from one (1) to five (5) working days, depending on the complexity. If such activities interfere with traffic or involve potential public safety hazards, an application may take more than five working days to allow for inter-departmental or agency notification.

(b) Each application for a Temporary Special Event Permit shall be analyzed at staff level to assure that the application is consistent with this Chapter and any other applicable Town standards or policies. If such activities interfere with traffic or involve potential public safety hazards the application shall be forwarded to the appropriate agencies for comment.

(c) At the completion of the Planning Section's review, a permit may be issued by the Planning Division including a listing of conditions necessary to assure the preservation of public health, safety and welfare.

41.1530 Insurance Requirements.

(a) Before any permit is issued for a church tent revival meeting, circus, large concert, parade, carnival, fair, exhibit, festival, art show, car show, street fair, farmers, market or similar type of event, the applicant shall provide the Town with evidence of a policy of liability insurance issued by an admitted insurer in an amount of not less than \$1,000,000.

The policy shall name the applicant and the Town of Yucca Valley, its officers, agents, and employees, as co-insured for protection against any loss, claims, liability, injury, and damage of any nature arising out of or in any way connected to the temporary special event conducted by the applicant. The insurance coverage shall be primary and not contributing with any other insurance of the Town. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the Town. A copy of the certificate shall remain on file.

(b) The applicant shall enter into a hold harmless and indemnification agreement provided by the Town prior to the issuance of any permit.

(c) To ensure cleanup and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of the event and inspection of the site by the Town, the deposit may be returned to the applicant if the cleanup and restoration of the site has been determined by the Town to be sufficient.

41.1540 Rules and Regulations.

(a) Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.

(b) Conditions of Approvals: The conditions of approval shall be based upon the following criteria:

- (1) The health, safety, and welfare of all persons;
- (2) Avoidance of undue disruption of all persons within the affected area;
- (3) The safety of property within the Town;
- (4) Compliance with all other applicable agency regulations.

(5) If an event is held within a parking area, the event shall not substantially alter the existing circulation pattern of the site or impact traffic movement with adjacent or surrounding public roadways.

(6) The event shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of 4 feet to provide for handicap access.

(7) Where an activity takes places within an unimproved (dirt) area, some form of dust control will need to be provided as approved by the Town.

(c) Additional Regulations: From time to time, the Planning Division may recommend, as deemed necessary, rules and regulations to implement the provisions of this section. Such rules and regulations shall have the force of law and failure to comply shall be considered a violation of the provisions of this section. The rules and regulations to be adopted shall be implemented with the following intent:

(1) Maintain the health and safety of persons and property within the Town:

(2) Avoid undue disruption of persons and traffic within the affected areas of Town.

41.1545 Appeals.

Any person aggrieved or affected by a decision of the Community Development Director in denying a Temporary Special Event Permit may appeal to the Planning Commission in writing within ten days after notice of the decision is given.

Any person aggrieved or affected by a decision of the Planning Commission in denying a Temporary Special Event Permit may appeal to the Town Council in writing within ten days after notice of the decision is given. The decision of the Town Council shall be final.

41.1550 Referral by the Planning Division

If in the judgment of the Planning Division, a proposed temporary special event may have a substantial adverse impact on public health, safety or welfare, may elect not to approve a Temporary Special Event Permit and may refer the application for disposition by the Town Council at its next regularly scheduled meeting.

41.1555 Permits/Licenses Nontransferable.

Any permit issued pursuant to this chapter is not transferable to any other person, organization or place.

41.1560 Posting.

Every permit required by these regulations shall be conspicuously posted upon the premises of the temporary special event.

41.1569 Requests for Law Enforcement Services at Special Events.

Any person or entity required to obtain a permit in accordance with the provisions of this chapter may request law enforcement services to preserve the peace at special events. Such application shall be made to the Sheriff's Department and shall be in writing, stating the name and address of the applicant, the place where the special event is to be held, the estimated number of persons to be present and the purpose of the special event. Upon receipt of said application, the Sheriff's Department shall determine whether law enforcement services are necessary to preserve the peace, and if the Sheriff's Department so determines, and if the services will not reduce the normal and regular on-going service that the County would otherwise provide, the Sheriff's Department shall contract with the applicant to provide the services at an amount to include all costs to the Town of Yucca Valley.

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor attested by the Town Clerk this 18th day of May, 2010.



MAYOR

ATTEST:

APPROVED AS TO FORM:



TOWN CLERK



TOWN ATTORNEY

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 210 as duly and regularly introduced at a meeting of the Town Council on the 4th day of May, 2010, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 18th day of May, 2010, by the following vote, to wit:

Ayes: Council Members Huntington, Luckino, Neeb, and Mayor Mayes

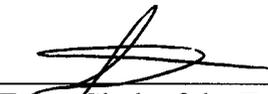
Noes: None

Abstain: Council Member Herbel

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 19th day of May, 2010.

(SEAL)



Town Clerk of the Town of
Yucca Valley