

ARTICLE III. OUTDOOR FESTIVALS

Sec. 3-30. Outdoor festivals defined

For purposes of this article, "outdoor festivals" shall mean and include any outdoor gathering of individuals for the purpose of participation in "rock" dances and similar musical or theatrical type performances which are of a periodic nature and to which the public is admitted, with or without the payment of admission charges.

(Ord. No. 727, §1; Ord. No. 1386, §1)

Sec. 3-31. License--required; application; filing fee

It shall be unlawful for any person to operate, maintain, conduct, advertise, sell or furnish tickets or other types of written authority for admission to any outdoor festival in the unincorporated area of the county and on all property owned or leased by the county in the incorporated areas of the county, unless that person shall first obtain a license from the county to operate or conduct such festival.

Application for a license to conduct an outdoor festival shall be made in writing to the board of supervisors of the county, accompanied by a nonrefundable application fee of one hundred dollars and filed with the county tax collector, and shall contain the following information:

- (a) The name, age, residence, mailing address and telephone number of the applicant. If the applicant is a partnership, the names and addresses of all general partners shall be included. If the applicant is a corporation, the application shall be signed by the president and attested to by the secretary thereof, and shall contain the names and addresses of all corporate officers; and a certified copy of the articles of incorporation shall be attached to the application. The address and telephone number of the principal place of business of the applicant shall also be included in the application.
- (b) The location and legal description of the premises where the outdoor festival is proposed to be conducted, including all lands to be used for parking or other uses incidental to the outdoor activity. The applicant shall submit proof of ownership of such premises or the written consent of all owners thereof for the proposed use.
- (c) The date or dates and the hours during which the festival is to be conducted.
- (d) An estimate of the maximum number of spectators, participants, and other persons expected to attend the outdoor festival for each day it is conducted.
- (e) A detailed explanation of the applicant's program, and plans to provide security protection, water supply, food supply, sanitation facilities, medical facilities and services; vehicle parking space, vehicle access and on-site traffic control; and if it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises and for camping or similar facilities

applicants plan to provide for the numbers of spectators in excess of the estimate, and provisions for clean-up of the premises and the removal of rubbish after the event has concluded.

(f) A detailed explanation of the applicant's plan for policing the activity with particular emphasis on the control and prevention of alcohol and drug consumption.

Such application shall be filed with the county tax collector at least sixty days prior to the time indicated for the commencement of the planned activity. The tax collector shall review and submit such application to the board of supervisors and no license shall be issued by the tax collector until the tax collector is authorized to do so by order of the board of supervisors at a regular meeting of the board.

(Ord. No. 727, §1; Ord. No. 753, §1; Ord. No. 1386, §1)

Sec. 3-32. Same--fixing time for hearing application; notice of hearing; investigation and report on application

Upon receipt of a complete application and the application fee, the tax collector shall request the board of supervisors to set a time and date for a public hearing, and the board of supervisors shall set the application for a public hearing at a regular meeting of the board of supervisors, not less than fifteen nor more than thirty days thereafter, and shall give not less than ten days' written notice thereof to the applicant. The clerk of the board of supervisors shall give notice of the hearing and copies of the application to the sheriff, the county health officer, the director of transportation and the director of environmental management, who shall investigate the manner and report in writing to the board of supervisors not later than the time set for the hearing, with appropriate recommendations concerning the activity.

(Ord. No. 727, §1; Ord. No. 1386, §1)

Sec. 3-33. Same--hearing on application; bond required prior to issuance

The board of supervisors shall consider the documentary and testimonial evidence of witnesses presented at such hearing, including all reports of investigation and shall grant the license without conditions or with conditions which must be met, including security required from the applicant as a guarantee that the conditions will be met, before a license is granted.

If conditions are imposed by the board the applicant shall furnish or cause to be furnished to the tax collector proof that all conditions have been met and that the required security has been given, before the license may be issued by such tax collector.

The security required by the board of supervisors may include the posting of an indemnity bond, a performance bond, or both, in favor of the county in connection with the operation of a public outdoor festival as defined in this article. Such bond or bonds shall be prepared by a corporate bonding company authorized to do business in the state by the department of insurance, in an amount determined by the board of

supervisors. Such bond or bonds shall indemnify the county, its agents, officers, employees, and the board of supervisors against any and all loss, injury and damage of any nature whatsoever arising out of or in any way connected with such outdoor festival, and shall indemnify against loss, injury and damage to both person and property.

The board of supervisors may also require that the applicant provide a corporate surety bond, prepared by a corporate bonding company authorized to do business in the state, indemnifying the county and the owners of property adjoining the outdoor site for all costs necessitated by such activity to clean up or remove debris, trash, garbage or other waste from, in, and around the premises. Such bond shall be in an amount determined by the county board of supervisors as in its discretion will adequately provide for such indemnification.

(Ord. No. 727, §1; Ord. No. 1386, §1)

Sec. 3-34. Same--issuance; fee

Upon determining that the board of supervisors has ordered the issuance of the license pursuant to section 3.33 and that the conditions, if any imposed by the board, have been complied with by the applicant, the tax collector shall collect a license fee of one hundred fifty dollars per day for each day the festival is scheduled, and the tax collector shall issue a license to the applicant for the specific location authorized for the festival and for the specific days which the festival is authorized.

(Ord. No. 727, §1; Ord. No. 1386, §1)

Sec. 3-35. Same--exemptions from application and fees

A neighborhood community benefit organization organized from charitable, religious or eleemosynary purposes shall be exempt from paying the application and license fees provided for in this article; provided, the net proceeds from any such activity do not inure to the benefit of any private person.

(Ord. No. 727, §1; Ord. No. 1386, §1)

Sec. 3-36. Same--revocation

The board of supervisors shall have the right to revoke any license issued pursuant to this article after a public hearing held after oral or written notice is given to the licensee at least twenty-four hours prior to such hearing, for any of the following causes:

- (a) The licensee fails, neglects, or refuses to fulfill any of the conditions imposed upon the granting of a license.
- (b) The licensee permits the outdoor festival to be conducted in a disorderly manner or allows any person to remain on the premises while under the influence of intoxicating liquor or any narcotic or dangerous drug.

(c) The licensee violates or attempts to violate any law of the state, provisions of this article, or ordinance of the county.

(d) That the licensee has previously made a false, misleading or fraudulent statement of material fact in the application for license or in any other document required pursuant to this article.

Written notice of such revocation shall be forwarded by the county clerk to the board of supervisors, the sheriff, and the permittee at the address given in the application. Such revocation shall become effective immediately after ordered by the board of supervisors.

(Ord. No. 727, §1; Ord. No. 1386, §1)

Sec. 3-37. Same--nontransferable

No license granted under the provisions of this article shall be transferable or removable to another location.

(Ord. No. 727, §1; Ord. No. 1386, §1)

Sec. 3-38. Closing of festivals prior to the expiration of license

The sheriff may suspend operation and close any outdoor festival prior to the expiration of the license granted under the provisions of this article in the event of the occurrence of a riot, major disorder or serious breach of the peace when, in his opinion, it becomes necessary to prevent injury to persons, damage to property or both.

(Ord. No. 727, §1; Ord. No. 753 §1, Ord. No. 1386, §1.)

Sec. 3-39. Exemption – Solano County Fair Association

The Solano County Fair Association or other organization operating the Solano County Fairgrounds as an agent of the County of Solano, is exempt from the provisions of this Article

(Ord. No. 1643, §3)