SUBJECT: ORDINANCE AMENDING COMMUNITY CIVIC EVENTS REGULATIONS

SOURCE: Department of Finance - Administration

COMMENT: Ordinance 1612, which amended Municipal Code Section 15-20(e) Regulations, Community Civic Events, was adopted at the August 20, 2002, City Council meeting. At that meeting, Dick Eckhoff, Chairman of the Downtown Porterville Association, presented some items of concern which he asked to be addressed in a subsequent ordinance. Staff has reviewed those items for possible inclusion in another ordinance, and is recommending the following changes:

Item #1: Section 15-20(e)5 has been changed in the attached ordinance to more clearly state the length of time and days of the week allowed for Community Civic Events.

Item #2: Section 15-20(e)6 and Section 15-20(e)16 have been changed in the attached ordinance to allow for last minute or drive-up participants in Community Civic Events.

Item #3: All typographical errors were corrected in Ordinance 1612.

Item #4: Section 15-20(e)12 was not changed. Mr. Eckhoff felt that this section was contradictory, but in reviewing the section, City Attorney Julia Lew believed that it should remain as adopted.

RECOMMENDATION: That the City Council approve the draft Ordinance amending the Community Civic Events Regulations Section 15-20(e), give First Reading of the Ordinance, and order the Ordinance to print.

ATTACHMENTS: Draft Ordinance.
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 15, BUSINESS LICENSES, SECTION 15-20, REGULATIONS, SECTION 15-20(E), COMMUNITY CIVIC EVENTS, OF THE CITY CODE

Section 1.

City Code Chapter 15, Section 15-20. Regulations, Section 15-20(e) Community Civic Events, Section 15-20(e)(5) is hereby amended to read as follows:

(5) Permit Required.

The CCE sponsor shall obtain a CCE permit from the City not less than thirty (30) nor more than one hundred and eighty (180) days before the commencement date of the proposed permit activities; provided that the council may waive these time requirements if it determines such a waiver to be in the public interest. Upon receipt of an application, the Business License Clerk shall circulate the application to the following departments for comments and approval: Police Department, Fire Department, Finance Department, Department of Community Development, Public Works Department, Parks and Recreation Department, and Risk Management Department. These departments may impose terms and conditions upon the CCE permit and issuance and approval of the permit is conditioned upon compliance with the required conditions. At a minimum, the permit shall include conditions for holding the City harmless, maintaining minimum limits of liability insurance in accordance with City standards, providing security and traffic control, providing adequate restroom and sanitation facilities, and paying for the cost of City services. The nonprofit sponsor of the CCE shall be exempt from a license fee. Said permit shall be valid for a period not to exceed four (4) consecutive days, one of which shall be a Saturday, Sunday, or national holiday. Said permit shall be valid for a maximum of four (4) consecutive days. If an event runs for four consecutive days, one of those days must include a Saturday, Sunday or national holiday. No person or sponsoring organization shall fail to keep the permit, at all times, at the place where the activities are being conducted, nor fail upon demand therefor to exhibit such permit to any public officer. The permit may be revoked for non-compliance with the conditions of the permit and the provisions of this Section. Revocation may be made by the Council, City Manager, Chief of Police, or their designees. If the grounds for revocation occur during the CCE, the Council, City Manager, Chief of Police or their designee shall first advise the CCE sponsor of the grounds for revocation and provide an opportunity to correct the same. The permit may also be revoked during the CCE if fire or another emergency requires the CCE to be terminated to protect the public safety. When the permit is revoked for this reason, all CCE participants must immediately comply with instructions from any City police officer or Fire Department personnel.
Section 2.

City Code Chapter 15, Section 15-20. Regulations, Section 15-20(e) Community Civic Events, Section 15-20(e)(6) is hereby amended to read as follows:

(6) Application.

The application for the CCE permit shall contain:

a) The name of the applicant, the sponsoring organization, the CCE chairperson, and the addresses and telephone numbers of each.

b) The location and outside perimeter of the CCE area, indicated upon a map of the area.

c) The date and times at which the CCE activities are to take place.

d) A description of the CCE activities which will be conducted.

A preliminary list of all persons who will be engaging in the CCE, and a preliminary list of all persons engaging in temporary selling activities at any time during the dates and times for which a temporary selling permit has been granted shall be furnished to the City no later than one (1) week before the CCE is to take place. An amended list of all participants is required to be submitted in conjunction with the payment of business license fees per Section 15-20(e)(16).

The Council shall cause such application to be investigated and shall grant the permit if it determines that the proposed CCE activities will not disrupt to an unreasonable extent the movement of vehicular or pedestrian traffic or create a hazard to the public; that the proposed CCE activities are not a size or nature that require the diversion of so great a number of police personnel to regulate such CCE activities that it prevents reasonable police protection for the City; that the concentration of persons, equipment and materials is not so great in the CCE areas that it would prevent proper fire, police and ambulance protection; and that the CCE permit applicant agrees to be responsible for cleanup necessitated by the proposed activities. The Council may, in its discretion, require a cleanup deposit to guarantee that cleanup takes place. The Council shall condition the granting of permits upon compliance with the provisions of this subsection and also with such other conditions as the Council may deem necessary to impose for the proper protection of persons and property.

Section 3.

City Code Chapter 15, Section 15-20. Regulations, Section 15-20(e) Community Civic Events, Section 15-20(e)(16) is hereby amended to read as follows:
(16) Business License Fees.

Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar ($1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid City business license shall be subject to separate licensing pursuant to this subsection.

The nonprofit sponsor shall collect said fee and remit the fee to the City within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee’s California Seller’s Permit number. Said receipts shall be furnished by the City. One (1) copy of the receipt shall be furnished to the licensee, one (1) copy filed with the finance department of the City, and one (1) copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

Section 4.

This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED AND ADOPTED this ____ day of ________________, 2002.

_________________________________
Gordon T. Woods, Mayor

ATTEST:

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John Longley, City Clerk