SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – KIWANIS CLUB OF PORTERVILLE - AMERICAN CROWN CIRCUS, INC - AUGUST 8 - 12, 2013

SOURCE: Finance Department

COMMENT: Kiwanis Club of Porterville and American Crown Circus, Inc. are requesting approval to hold a circus from Thursday, August 8 through Monday, August 12, 2013, at the ball field area of the Heritage Center, behind Vallarta Market.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached Application, Agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Kiwanis Club of Porterville and American Crown Circus, Inc., subject to the stated requirements contained in the Application, Agreement, Exhibit A and Exhibit B.


D.D. MB Appropriated/Funded MB C.M. Item No. 26
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 7/5/13  Event date: August 8, 9, 10, 11 & 12, 2013
Event time: 5:00 pm to 9:00 pm

Name of Event: American-Crown Circus

KIWANIS CLUB OF PORTERVILLE
Sponsoring organization: American Crown Circus, Inc.  PHONE # 702 493-2894
Address: 4088 Pleasant Rd., Las Vegas, NV 89108
Authorized representative: Leo Osorio  PHONE # 702 493-2894
Address: 4088 Pleasant Rd., Las Vegas, NV 89108
Event chairperson: Frank Osorio  PHONE # 702 592-7812

Location of event (location map must be attached):
Vacant Lot across from the Old Fairgrounds on E Olive Ave., behind La Vallarta Market.

Type of event: Acrobatic circus that includes jugglers, clowns, acrobats & magicians.
No exotic animals, rides, games of chance or open flames.

Nonprofit status determination: N/A

City services requested (an (fees associated with these services will be billed separately)

<table>
<thead>
<tr>
<th>Barricades (quantity): None</th>
<th>Street sweeping Yes</th>
<th>No</th>
<th>XX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police protection Yes</td>
<td>Refuse pickup  Yes</td>
<td>No</td>
<td>XX</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
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</tbody>
</table>

Parks facility application required: Yes XX  No  Attached
Assembly permit required: Yes  No XX  Attached

STAFF COMMENTS (list special requirements or conditions for event):

Approve  Deny
Bus Lic Spvr  
Pub Works Dir  
Comm Dev Dir  
Field Svcs Mgr  
Fire Chief  
Parks Dir  
Police Chief  
Deputy City Mgr
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.
City Code requirements:
- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council's approval.

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

First aid station: Organization/Applicant will establish a first aid station with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compression....

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

<table>
<thead>
<tr>
<th>American Crown Circus, Inc.</th>
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<th>7/31/13</th>
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<tr>
<td>(Name of Organization)</td>
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<td>(Signature)</td>
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<td>(Date)</td>
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Authorized Representative Initials

Authorized Representative Initials

Authorized Representative Initials

Authorized Representative Initials
CITY OF PORTERVILLE
VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND
AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY
TO BE HELD ON PUBLIC PROPERTY

Name of event: American Crown Circus

Sponsoring organization: American Crown Circus, Inc.

Kiwanis Club of Porterville

Location: Vacant Lot located on E. Olive Ave., behind La Valtita Market.

Event date: Aug. 8, 10, 11 & 12, 2013

Event time: 5:00 pm to 9:00 pm

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION. Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted NO LESS THAN ONE week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>No outside vendors.</td>
<td>We're not a carnival or a festival.</td>
<td></td>
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</table>

Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: American Crown Circus

Sponsoring organization: American Crown Circus, Inc. Kiwanis Club of Porterville

Event date: August 8, 9, 10, 11 & 12, 2013 Hours: 5:00 pm to 9:00 pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
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<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<th>Sidewalks</th>
<th>From</th>
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<th>Activity</th>
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<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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<tbody>
<tr>
<td>200</td>
<td>Vacant Lot across from the Old Fairgrounds on E Olive Ave., behind La Vallarta Market.</td>
<td>Acrobatic circus</td>
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT
CITY OF PORTERVILLE
KIWANIS CLUB OF PORTERVILLE
AMERICAN CROWN CIRCUS, INC.
AUGUST 8-12, 2013

Finance Director:
M. Bemis

Public Works Director:
B. Rodriguez

Community Development Director:
B. Dunlap

No comment.

The proposed site is the ball field area of the Heritage Center, which is publicly owned. The vacant lot across from the new courthouse - previously the fairgrounds - is owned by a private individual. No use of that property would be allowed through the proposed CCE without written authorization by that property owner. Without the approval, no access from Olive Avenue would be available since the access points are under private ownership. This also means that access to the site for parking would likely flow through Eastridge Circle, and an uncontrolled intersection at Plano Street and Eastridge Circle. This should be looked at more closely.

Comply with the City’s noise standards, provide temporary on-site striped parking at one space for every 50 square feet of assembly area (not including center ring or staging).

Field Services Manager:
B. Styles

No comment.

Fire Chief:
G. Irish

Will require a fire and life safety inspection for compliance with Title 19 and California Fire Code, 2010, prior to opening.

Parks and Leisure Services Director:
D. Moore

Lot to be left in same condition as upon arrival.

Police Captain:
D. Haynes

Please see Proposed Conditions/Requirements in Exhibit B.

Administrative Services Director:
P. Hildreth

Please see Exhibit A, page 2.
Sponsor: Kiwanis Club of Porterville  
Event: American Crown Circus  
Event Chairman: Leo Osorio, Treasurer  
Location: Vacant Lot on East Olive Avenue  
Date of Event: August 8-12, 2013  
Time of Event: 5:00 PM to 9:00 PM

RISK MANAGEMENT: Conditions of Approval

That the American Crown Circus, Inc., provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville and Successor Agency for the Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an “admitted” insurer in the State of California.
CITY OF PORTERVILLE

Temporary Business License Application

Proposed Conditions/Requirements for American Crown Circus August 8-12, 2013:

➢ No possession, sales or consumption of alcohol on the premises.

➢ Must provide a minimum of two (2) licensed/uniformed security officers to provide interior/exterior security during hours of the event.

➢ Must provide exterior lighting sufficient to illuminate areas subject to pedestrian/vehicular traffic related to the event during hours of darkness.

Dan Haynes, Captain
Porterville Police Department
(559) 782-7565

Exhibit B
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant: American Crown Circus
   4088 Pleasant Rd., Las Vegas, NV 89018

2 Address where amplification equipment is to be used: Vacant Lot across from the Old Fairgrounds on E Olive Ave., behind La Vallarta Market

3 Names and addresses of all persons who will use or operate the amplification equipment:
   Roberto Osorio  4088 Pleasant Rd., Las Vegas, NV 89018

4 Type of event for which amplification equipment will be used:
   Acrobatic circus.

5 Dates and hours of operation of amplification equipment:
   August 8, 9, 10, 11 & 12, 2013 5:00 pm to 9:00 PM

6 A general description of the sound amplifying equipment to be used:
   PC, amplifier and 4 speakers. Music will be inside a fully enclosed tent to minimize noise.

Section 18-9
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 8311)

Section 18-14
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall be the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 8312)

Penal Code Section 415 (2)
Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine:

(2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Signature of Applicant

Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

City of Porterville, Chief of Police Designee

Date
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: Allied Specialty Insurance
885 N.E. Loop 410
Suite 600
San Antonio, TX 78216

INSURED: American Crown Circus, Inc.
4088 Pleasant Road
Las Vegas, NV 89108

INSURER(S) AFFORDING COVERAGE: T.H.E. Insurance Company

COVERAGE:

<table>
<thead>
<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>LIMITS</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>EACH OCCURRENCE: $1,000,000</td>
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<td>DANNAGE TO RENTED PROPERTIES (Ex. occurred)</td>
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<td>MED EXP (Any one person)</td>
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<td>PERSONAL &amp; ADV INJURY</td>
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<td>GENERAL AGGREGATE</td>
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<td>PRODUCTS &amp; COMMERIAL AGG</td>
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</table>

COVERAGE holders are subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES: (Attach ACORD 161, Additional Remarks Schedule, if more space is required)

ADDITIONAL INSURED WITH RESPECTS TO THE OPERATIONS OF THE NAMED INSURER ONLY:
CITY OF PORTERVILLE, SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY.

LOCATION: HERTIGATE FIELD, PORTERVILLE, CA
FOR THE DATES: 8/06/13 THROUGH 8/13/13

CERTIFICATE HOLDER

CITY OF PORTERVILLE
SUCCESSOR AGENCY TO THE PORTERVILLE
REDEVELOPMENT AGENCY
291 N. MAIN ST.
PORTERVILLE, CA 93257

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2010 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s)</th>
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<tbody>
<tr>
<td>CITY OF PORTERVILLE, SUCCESSOR AGENCY TO THE PORTERVILLE REDVELOPMENT AGENCY.</td>
</tr>
<tr>
<td>LOCATION OF SPOT: HERTIGATE FIELD, PORTERVILLE, CA FOR THE PERIOD 8/08/13 TO 8/13/13, BUT ONLY AS RESPECTS TO THE OPERATIONS OF THE NAMED INSURED.</td>
</tr>
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Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

A. In the performance of your ongoing operations; or

B. In connection with your premises owned by or rented to you.
CITY OF PORTERVILLE
291 N. MAIN ST., PORTERVILLE, CA. 93257
(559) 762-7457

Attn: Frank
Application for City Business License

FEE MUST ACCOMPANY APPLICATION
Allow 10 to 21 days for necessary inspections and approvals. Licensee is responsible for compliance with all ordinances of the City of Porterville i.e. Fire, Health, Building and Zoning Codes.

- RENEWAL
- NEW
- OWNERSHIP CHANGE
- ADDRESS CHANGE
- NAME CHANGE

LICENSE NO. 97200768
TAX NO. 88-0344571
CA. LIC. 2069116

BUSINESS NAME
American Crown Circus, Inc.
4088 Pleasant Rd.
Las Vegas, NV 89108

BUSINESS ADDRESS
Vacant Lot across from the Old Fairgrounds on E Olive Ave., behind La Vallarta Market.

BUSINESS PHONE NO. 702 493-2894

PLEASE INDICATE OWNERSHIP STATUS:
- INDIVIDUAL
- PARTNERSHIP
- CORPORATION
- NON-PROFIT

List owners, partners, or officers Title SS# Residence Address City Zip Residence Phone
Francisco Osorio President 464-15-6649 4088 Pleasant Rd., Las Vegas, NV 89018 702 592-7812

DESCRIPTION OF BUSINESS (give details)
Acrobatic Circus that includes jugglers, clowns, acrobats & magicians. No exotic animals or rides.

Amusement Devices on Premises?
- Yes
- No Number

Coin Operated Machines
- Yes
- No Number

Provide separate list (name, address, phone if owned and operated by vending company).

Do you store hazardous or flammable materials?
- Yes
- No

In case of emergency notify:
1. 
2. Roberto Osorio 702 241-6927

IMPORTANT READ AND SIGN BELOW - RETURN WITH FEE, VALIDATED LICENSE WILL BE MAILED TO YOU

CIRCUS $200 PER DAY $800.00
NO. OF DAYS AT $200 PER DAY = 4

ADDITIONAL INFORMATION
need $200 more
Plus $100 Applic. fee
#200

REFUNDS for overpayment must be requested in writing within six months of payment date.

PAST DUE - Cumulative penalty of 25% per month will be added to fee

I certify the above information is correct. (make any corrections as needed.)

Signed by: Leo Osorio
Office/Title Treasurer
Application Date 7/05/13

ALL BUSINESS SIGNS WITHIN THE CITY LIMITS MUST BE APPROVED BY THE PLANNING DEPARTMENT.
NOTE: Additional City permits may be necessary before the owner can commence business.

Approved Date
1. Licensing
2. Accounting

REQUIREMENTS/CONDITIONS

AMOUNT PAID DATE ISSUED BY SIC# SCHEDULE DT BUSINESS DISCONTINUED LICENSE NUMBER

Notify City if you change your business address, name, ownership, nature of business, or if you are no longer doing business in Porterville.

PLEASE RETURN ALL COPIES