ORDINANCE NO. 1386

AN ORDINANCE REPUBLISHING CHAPTER 3
OF THE SOLANO COUNTY CODE
CONCERNING AMUSEMENTS

The Board of Supervisors of the County of Solano, State of California does ordain as follows:

SECTION I.

Chapter 3 of the Solano County Code entitled "Amusements" is hereby republished, to read as follows:

CHAPTER 3.

AMUSEMENTS

ARTICLE I. CIRCUS, RODEO, ETC.

§ 3.10. Maximum length of exhibition.
§ 3.11. License--Required; application; approval by board of supervisors.
§ 3.12. Same--Fee.

ARTICLE II. PUBLIC DANCES.

§ 3.20. "Public dance" defined.
§ 3.21. Permit--Required.
§ 3.22. Same--Revocation.
§ 3.23. Same--Permittee not exempt from other ordinances or laws.

ARTICLE III. OUTDOOR FESTIVALS.

§ 3.30. "Outdoor festivals" defined.
§ 3.31. License--Required; application; filing fee;
§ 3.32. Same--Fixing time for hearing on application; notice of hearing; investigation, and report on application.
§ 3.10. Maximum length of exhibition. No person shall exhibit, conduct, or carry on any circus, rodeo, carnival, traveling show, or side show within the county for more than six days in any two consecutive weeks. (Ord. No. 236 1/2, § 1; Ord. No. 588, § 1; Ord. No. 589, § 1.)

Sec. 3.11. License--Required; application; approval by board of supervisors. It shall be unlawful for any person to exhibit, conduct, or carry on any circus, rodeo, carnival, traveling show, or side show within the county without first filing with the tax collector of the county a written application for a license to conduct such activities. Such written application shall be filed within a reasonable time prior to the date that it is intended to conduct such activities. The tax collector shall submit such application to the board of supervisors, and no license shall be issued by the tax collector until authorization to do so by order of the board of supervisors, at a regular meeting of the board, shall be received. (Ord. No. 235 1/2, § 2; Ord. No. 589, § 2.)

Sec. 3.12. Same--Fee. In the event that the license required by section 3.11 is ordered to be issued by the board of supervisors, the tax collector shall issue such license and collect a license fee from such person of one hundred dollars to cover the period of six days mentioned in section 3.10, or any lesser number of days that such circus, rodeo, carnival, traveling or side show shall be conducted in the county. (Ord. No. 236 1/2, § 3; Ord. No. 580, § 3.)

ARTICLE II. PUBLIC DANCE

Sec. 3.20. "Public dance," defined. For the purposes of this article, "public dance" means a dance into which the public or any part of the public is admitted. (Ord. No. 580, § 3.)


Sec. 3.21. Permit--Required. It shall be unlawful for any person, whether as principal, servant, agent or employee, to engage in, carry on, operate, maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any public dance in the county without first having obtained a written permit from the sheriff. It shall be unlawful to conduct a public dance after such permit has been revoked. (Ord. No. 580, § 1.)

Sec. 3.22. Same--Revocation. The permit required by section 3.21 may be revoked by the sheriff at any time the sheriff believes that the safety of persons or property will be in danger by the existence of such permit. Such revocation shall consist of either a written or oral notice of revocation to the permittee. (Ord. No. 580, § 2.)

Sec. 3.23. Same--Appeal from refusal to issue or from revocation. Any person to whom the issuance of the permit required by section 3.21 has been refused, or whose permit has been revoked by the sheriff, may appeal such refusal or revocation to the board of supervisors. Whereupon, the board of supervisors shall hold a hearing on such appeal, reasonable notice of which shall have been given to the sheriff; and if the board of supervisors finds that the issuance of such permit shall not endanger persons or property, the board of supervisors shall direct the sheriff to issue such permit and the sheriff shall comply with such direction. If, subsequent to such direction, the sheriff discovers additional acts have occurred that endanger persons or property, he may revoke the permit and the applicant may again appeal the action to the sheriff. (Ord. No. 580, § 4.)

Sec. 3.24. Same--Permittee not exempt from other ordinance or laws. The issuance of a permit under the provisions of this article shall not exempt the permittee from any provision of this Code or any other ordinance of the county requiring a permit or license, or any law of the state pertaining to the operation or the conduct of the businesses enumerated in this article. (Ord. No. 580, § 5.)

ARTICLE III. OUTDOOR FESTIVALS.

Sec. 3.30. Outdoor festivals defined. For purposes of this article, "outdoor festivals" shall mean and include any outdoor
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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.)

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
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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.)

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.)

Sec. 3.33. Same--Hearing on application; bond required prior to issuance. The board of supervisors shall consider the documentary and testimonial evidence of witnessed presented at such hearing, including all reports of investigation and shall thereafter gant 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.)

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.)

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.)

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
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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.)

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.)

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.)

SECTION II.

Pursuant to provisions of Government Code Section 25124(b)(1), a summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second
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reading), and a summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the Daily Republic, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

A certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk to the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors, at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the Office of the Clerk of the Board of Supervisors, at least FIFTEEN (15) DAYS after adoption of the Ordinance, and the posting shall include the vote of the supervisors for or against the Ordinance.

ATTEST:

LINDA TERRA, Clerk to the Board of Supervisors

I, LINDA TERRA, Clerk to the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held this 16th day of April, 1991.

On the motion of Supervisor Carroll and the Second of Supervisor Stewart, this Ordinance was adopted at a regular meeting of said Board on the 7th day of May, 1991, by the following vote:

AYES: SUPERVISORS Caddle, Carroll, Simmons, Stewart and Chairman Davis

NOES: SUPERVISORS None

ABSTAINED: SUPERVISORS None

ABSENT: SUPERVISORS None
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WITNESS my hand and the Seal of said Board this 7th day of May, 1991.

LINDA TERRA, Clerk to the Board of Supervisors

By

Linda Terra