ORDINANCE NO. 727

ORDINANCE AMENDING CHAPTER SIXTEEN OF THE CODE OF SOLANO COUNTY, CONCERNING AMUSEMENTS, BY ADDING ARTICLE 4, OUTDOOR FESTIVALS.

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

SECTION 1. Chapter 3 of the Code of Solano County, California, concerning amusements is hereby amended by adding Article 4 as follows:

ARTICLE 4. Outdoor Festivals.

SECTION 4-30 Outdoor festivals defined

For the purpose 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 and/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.

SECTION 4-31 Application for license and fee

It shall be unlawful for any individual, partnership or corporation to operate, maintain, conduct, advertise, sell or furnish tickets or other types of written authority for admission to an outdoor festival in the unincorporated area of the County of Solano, California, unless he, they or it shall first obtain a license from the County of Solano 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 of Solano, accompanied by a non-refundable application fee of $100.00 and filed with the County Tax Collector and shall contain the following information:

1. The name, age, residence, mailing address and telephone number of the applicant.

If the application is made by 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 places of business of the applicant shall also be included in the application.

2. 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 said premises or the written consent of all owners thereof for the proposed use.

3. The date or dates and the hours during which the festival is to be conducted.

4. An estimate of the maximum number of spectators, participants and other persons expected to attend the outdoor festival for each day it is conducted.

5. 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 its proposed or expected that spectators or participants will remain at night or over-night, the arrangements for illuminating the premises and for camping or similar facilities, applicant's plans to provide for numbers of spectators in excess of the estimate, and provisions for clean-up of the premises and removal of rubbish after the event has concluded.

6. A detailed explanation of the applicant's plan for policing the activity with particular emphasis on the control and prevention of alcoholic and drug consumption. Such application shall be filed with the Solano County Tax Collector at least 60 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 he is authorized to do so by order of the Board of Supervisors at a regular meeting of the said Board.

SECTION 4-32 Same - Fixing time for hearing, investigation and report.

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 15 nor more than 30 days thereafter, and shall give not less than 10 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 Public Works and the Planning Administrator, who shall investigate the matter and report in writing to the Board of Supervisors not later than the time set for the hearing, with appropriate recommendations concerning the activity.
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SECTION 4-32 Same--Hearing.

The Board of Supervisors shall consider the documentary and testimonial evidence of witnesses presented at said hearing, including all reports of investigation and shall thereafter grant the license without conditions or with conditions which must be met, including any 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 said Tax Collector proof that all conditions have been met, and the required security has been given, before the license may be issued by said tax Collector.

Security required by the Board of Supervisors may include the posting of an indemnity bond and/or a performance bond in favor of the County in connection with the operation of a public outdoor festival as defined in this ordinance. Such bond or bonds shall be prepared by a corporate bonding company authorized to do business in the State of California by the Department of Insurance, in an amount determined by the Board of Supervisors of Solano County. Said bond or bonds shall indemnify the County of Solano, its agents, officers, employees and the Board of Supervisors of said County against any and all loss, injury and damage of any nature whatsoever arising out of, or in any way connected with, said 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 of California, indemnifying the County of Solano and the owners of property adjoining the outdoor festival site for all costs necessitated by such activity to clean up and/or remove debris, trash, garbage or other waste from, in and around the premises. Such bond shall be in an amount determined by the Solano County Board of Supervisors as in its discretion will adequately provide for such indemnification.

Section 4-33 Same--Issuance of License

Upon determining that the Board of Supervisors has ordered the issuance of the license pursuant to section 4-32 and that the conditions, if any, imposed by the said board, have been complied with by the applicant, the Tax Collector, shall collect a license fee of $150.00 per day for each day the festival is scheduled for and he shall issue a license to the applicant for the specific location authorized for the festival and for the specific days for which the festival is authorized.

SECTION 4-34 Same--Exemptions from Application and Fee Payments.

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

SECTION 4-35 Same--Revocation of License

The Board of Supervisors shall have the right to revoke any license issued pursuant to this article after a public hearing held at least 24 hours prior to such hearing, for any of the following causes:

(1) The licensee fails, neglects, or refuses to fulfill any of the conditions imposed upon the granting of a license.

(2) 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.

(3) The licensee violates or attempts to violate any law of the state and provision of this ordinance or any other ordinance of the County of Solano.

(4) 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 ordinance.

Written notice of such revocation shall be forwarded by the County Clerk to the Tax Collector, 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.

The Sheriff of Solano County may suspend operation and close any outdoor festival prior to the expiration of the license granted under the provisions of this ordinance, 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 person or persons and/or damage to property.
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Section 4-36 Non-transferable
No license granted under the provisions of this article shall be transferable or removable to another location.

SECTION 4-37. Any violation of this ordinance shall be a misdemeanor, punishable by a fine of not more than $500.00, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment. A separate offense shall be deemed to have been committed for each that such violation continues.

SECTION 4-38 This ordinance shall be published once before the expiration of fifteen (15) days after its passage in the TIMES HERALD, a newspaper of general circulation printed and published in Solano County, and shall be in full force and effect thirty (30) days after its passage.

/s/ WALLACE L. BRAZELTON
WALLACE L. BRAZELTON, CHAIRMAN
of the Board of Supervisors

ATTTEST: /s/ Neil Crawford
Neil Crawford, County Clerk and
EX-officio Clerk of Board of Supervisors

I, Neil Crawford, County Clerk of Solano County, an Ex-officio Clerk of the Board of Supervisors of said County, do hereby certify that the foregoing ordinance was regularly introduced, passed and adopted by said board at a regular meeting thereof, held on the 6th day of January, 1970, by the following vote:

AYES SUPERVISORS Church, Godfrey, Mazzoni, Scofield & Brazelton
NOES Supervisors None
ABSENT: Supervisors None
WITNESS my hand and the seal of said board this 6th day of January, 1970.
Neil Crawford, County Clerk
By Ellen Starmer, Deputy Clerk

ORDINANCE AMENDING CHAPTER 11, ARTICLE II, SECTION 11-6, CONCERNING TRANSIENT OCCUPANCY TAX

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

SECTION 1:
Effective April 1, 1970, Chapter 11, Article II, Section 11-6 of the Solano County Code is amended to read as follows:

Section 11-6 Imposition of tax; payment of tax by transient.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of five percent of the rent charged by the operator. Such tax constitutes a debt owed by the transient to the county which is extinguished only by payment to the operator or to the county. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If, for any reason, the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

SECTION II:
This ordinance shall be published once before the expiration of fifteen (15) days after its passage in the TIMES HERALD, a newspaper of general circulation printed and published in Solano County,