

ORDINANCE NO. 1457

AN ORDINANCE OF THE CITY OF REDLANDS ESTABLISHING RULES AND REGULATIONS FOR THE CONDUCT OF CERTAIN OUTDOOR FESTIVALS

The City Council of the City of Redlands, California, does ordain as follows:

SECTION I. Definitions: Definition of outdoor festival. "Outdoor Festival" means any music festival, dance festival, "rock" festival or similar musical activity, at which music is provided by paid or amateur performers or by pre-recorded means, which is held at any place other than in a permanent building or permanent installation which has been constructed for the purpose of conducting such activities or similar activities, and to which members of the public are invited or admitted for a charge or free of cost.

SECTION II. License Requirement. No person shall operate, maintain, conduct, advertise, or sell or furnish tickets for an outdoor festival in the City of Redlands unless he shall first obtain a license from the City of Redlands to operate or conduct such festival.

SECTION III. License Application. Application for a license to conduct an outdoor festival shall be made in writing to the City Clerk of the City of Redlands at least sixty (60) days prior to the time indicated for the commencement of the planned activity and shall be accompanied by a nonrefundable application fee of \$100.00 and shall contain the following information:

a. The name, age, residence and mailing address of the person making said application. If the application is made by a partnership, the names and addresses of the partners must appear. Where the applicant is a corporation, the application must be signed by the president, vice president and secretary thereof and must contain the addresses of said corporate officers; and a certified copy of the Articles of Incorporation shall be submitted with the application.

b. A statement of the kind, character, or type of festival which the applicant proposes to conduct, operate or carry on.

c. The address or legal description of the place where the proposed festival is to be conducted, operated or carried on. Additionally, the applicant must submit proof of ownership of the place where the festival is to be conducted or a notarized statement signed by the owner of the premises indicating his consent that the site be used for the proposed festival.

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

e. An estimate of the number of customers, spectators, participants and other persons expected to attend the festival for each day it is conducted. This will include the basis upon which the calculation was made.

f. The applicant shall provide names and addresses of anyone contributing, investing or having a financial interest greater than \$500.00 in producing the festival.

SECTION IV. Festival Plans. A detailed explanation of the applicant's plans to provide security and fire protection, water supply and facilities, food supply and facilities, 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. The applicant's plans shall include what provisions shall be made for numbers of spectators in excess of the estimate, provisions for clean-up of the premises and removal of rubbish after the event has concluded. A plot plan showing arrangement of the facilities including those for parking, egress and ingress shall be submitted with said application.

SECTION V. Processing Application. Upon receipt of a complete application and the application fee, the City Clerk of the City of Redlands shall set the application for public hearing at a regular meeting of the City Council, not less than fifteen (15) days nor more than thirty (30) days thereafter, and shall give not less than ten (10) days written notice thereof to the applicant. The City Clerk shall promptly give notice of hearing and copies of the application to the City Manager, Chief of Police, Fire Chief, Director of Public Works, Park Superintendent, Disposal Superintendent, the Planning Director, and the Director of Building and Safety, who shall investigate the application. The City Manager shall report in writing to the City Council not later than the hearing, with appropriate recommendations as to granting a license and conditions thereof.

SECTION VI. Consideration of Application by the City Council. Based upon the testimony of the witnesses and evidence presented at said hearing, including the report of the City Manager, the City Council shall grant the license, deny the license, or set conditions which must be met, or security given that they will be met, before a license may be granted. If conditions are imposed by the City Council the applicant shall furnish or cause to be furnished to the City Clerk proof that all conditions have been met before the license may be issued by the City Clerk.

SECTION VII. Issuance: A License Fee, Non-transferable License.

a. When the City Clerk certifies that conditions have been met, the City Treasurer shall, upon payment of \$100.00 per day of operation, issue a license specifying the name and address of the licensee, the kind of festival licensed and the number of days' operation authorized. The licensee shall keep said license posted in a conspicuous place upon the premises at which the festival is conducted. No license issued pursuant to this Ordinance shall be transferable or removed to another location.

b. Inspection. After issuance of a license, the City Manager is responsible to provide inspection of the activity to insure compliance with the terms of this Ordinance.

SECTION VIII. Licensing Conditions. At the hearing required under Section VI, the City Council may establish conditions which must be met prior to the issuance of any license under this Ordinance, except that the City Council may take a matter under submission before determining which conditions shall be imposed. Where the City Council takes a matter under submission, written notice of any conditions imposed as prerequisite to the issuance of a license must be mailed to the applicant within fifteen (15) days of the original hearing. The conditions which may be imposed by the City Council pursuant to the city's general police power for the protection of health, safety and property of local residents and persons attending festivals in the city are as follows:

a. POLICE PROTECTION: Every licensee shall employ at his own expense, police protection. The number and type of officers shall be determined, specified, and approved by the Chief of Police, City of Redlands, to provide for the preservation of order and protection of property in and around the place of the festival. Funds to employ this specified number of law enforcement officers at the current hourly salary rate for City of Redlands Police Officers shall be deposited by the licensee with the City Treasurer at least ten (10) days prior to the specified date the activity is to occur. A minimum of one law enforcement officer for every five hundred (500) persons expected to be in attendance shall be required.

Where the Chief of Police specifies the employment of off-duty peace officers to meet the requirements of this Ordinance, said peace officers shall be under the complete direction and control of the Chief of Police, City of Redlands. The Chief of Police must be satisfied that the requisite number of peace officers will be provided at all times of operations, plus any specified time prior to and following the event, before a license

is issued. The licensee must also furnish the City Manager, City of Redlands, prior to granting of a license, written permission for City of Redlands law enforcement officers or city officials to enter upon the premises for the purpose of any inspections deemed necessary by the City Manager.

b. WATER FACILITIES: Every licensee shall provide from the City of Redlands Public Works Department an ample supply of potable water for drinking and sanitation purposes on the premises of the festival. Location of water facilities on the premises must be approved by the Director of Public Works prior to issuance of a license.

The minimum supply of water to outdoor festival shall be fifteen (15) gallons of water for each person in attendance per day. All water shall meet U. S. Public Health Service standards. Public and private flush type water closets, lavatories and drinking facilities shall be required as determined by the City of Redlands Director of Public Works. Sewage and drainage systems relating to such facilities shall meet the requirements of and be subject to the prior approval of the City of Redlands Director of Public Works and the Director of Building and Safety.

c. FOOD CONCESSIONS: Where the proposed festival is to be held a substantial distance from public eating places, food handling places or like establishments, applicant shall be required to demonstrate that food will be available at the premises for each day of operation to adequately feed the number of persons expected to be in attendance. Concessionaires must be licensed and operate under a valid County of San Bernardino Health Department permit pursuant to local ordinances and state laws. Every licensee shall provide at least one flush type water closet and lavatory for each sex in a closed facility for employees of each food concession or operation within the enclosure area of such food operation unless otherwise approved by the County Health Officer. Under no circumstances shall the Health Officer allow such flush type water closets and lavatories to be located more than fifty (50) feet from the food concession or operation. All lavatories required in conjunction with food concessions and food operations shall be provided with hot and cold water under pressure which shall be dispensed by an approved type mixing faucet.

All sewage, sink waste and waste water from water closets, lavatories, sinks operated in connection with food concessions or food operations shall be disposed of to a public sewer or a sewage disposal system approved by the County of San Bernardino Health Officer and the City of Redlands Director of Public Works.

d. SANITATION FACILITIES REQUIRED. Every licensee shall provide at least one enclosed flush type water closet facility marked "Men" and one such facility marked "Women" on the premises

of a festival on the basis of one flush type water closet for each forty (40) males and one for each forty (40) females expected to be in attendance. Urinals may be substituted for the required flush type water closets for men on the ratio of one urinal and one flush type water closets for men on the ratio of one urinal and one flush type water closet per sixty (60) males.

Lavatories provided with cold water under pressure, soap and paper towels shall be provided on the basis of one lavatory for each seventy-five (75) persons expected to be in attendance.

Where flush type water closets cannot be made available for the persons in attendance, the City Council may allow the use of portable chemical toilets. Such chemical toilets must meet the approval of the San Bernardino County Health Officer before any license may be issued. Chemical toilets shall be emptied and recharged at the licensee's expense as necessary pursuant to procedures established by the San Bernardino County Health Officer.

The requirement for water flush type water closets for food concessions, food operations and for the use of employees may not be waived.

Every licensee shall be required to furnish at least one (1) trash can with thirty-six (36) gallon capacity with a tight fitting lid for each twenty-five (25) persons expected to be in attendance, an adequate supply of plastic bag liners to fit the trash receptacles shall be provided and each container shall at all times have a plastic bag liner inserted and when full it shall be tied, removed and a new plastic bag liner inserted. The pick-up and removal of refuse, trash, garbage and rubbish shall be at least once a day and more often if required by the City of Redlands Disposal Superintendent. Removal of all trash and refuse shall be at the licensee's expense, and will be done by the City of Redlands Disposal Department. The bond posted by the licensee may be charged for this expense, if necessary.

e. MEDICAL FACILITIES: The applicant shall provide as required by the City Manager emergency treatment facilities on the premises of the festival.

The location of such facilities, number of doctors, psychiatrists, psychologists, nurses and other aides needed to staff said facilities and the quantity of medical supplies, drugs, ambulances, and other equipment that must be on the site shall be approved by the City Manager prior to the issuance of any license under this Ordinance. The City Manager shall calculate the need for medical services, based on the number of persons expected to attend a festival, their expected age group, the

duration of events planned and the possibility of exposure to inclement weather and outdoor elements.

Traffic lanes and other adequate space shall be designated and kept open for access and travel for ambulance, helicopter, and other emergency vehicles to transport patients, or staff to appropriate on and off-site treatment facilities.

f. **PARKING AREAS:** Every licensee shall provide adequate parking space for persons attending the festival. Persons desiring to operate or conduct a festival will be called upon to provide a separate parking space for every three (3) persons expected to attend the festival. Such individual parking spaces shall be clearly marked and shall not be less than nine (9) feet wide and nineteen (19) feet long. The Planning Director must approve an applicant's "parking plan" before a license shall be issued.

g. **ACCESS AND PARKING CONTROL:** Every licensee shall provide adequate ingress and egress to festival premises and parking areas therefor. Necessary roads, driveways and entranceways shall exist to insure orderly flow of traffic into the premises from a highway or road which is a part of the city system of highways or which is a highway maintained by the State of California. A special accessway for fire equipment, ambulances and other emergency vehicles may be required. The Director of Public Works must approve the licensee's plan for ingress and egress before a license shall be issued. Additionally, any applicant may be required to show that traffic guards as approved by the Chief of Police, City of Redlands, are employed by him to insure orderly traffic movement and relieve traffic congestion in the vicinity of the festival area.

h. **HOURS OF OPERATION:** All festivals which are subject to license under this Ordinance shall close and cease operation continuously between the hours of 2 o'clock A.M. and 6 o'clock A.M. of each day, except that a festival site closer than 660 feet from any residential zone shall cease operation between 10 o'clock P.M. and 6 o'clock A.M.

i. **ILLUMINATION:** Every licensee planning to conduct a festival after dark, or planning to allow persons who attend the festival to remain on the premises after dark, shall provide electrical illumination to insure that those areas which are occupied are lighted at all times. The Director of Public Works must approve an applicant's lighting plan as a prerequisite to issuance of a license hereunder.

A licensee may be required to illuminate specific areas on the premises in accordance with the following scale of lighting intensity:

Illumination

Watts/sq. ft.

Open areas reserved for spectators	0.50
Stage areas	5.00
Parking and overnight areas	0.25
Restroom and concession areas	1.00

j. OVERNIGHT CAMPING FACILITIES: Every licensee authorized to allow persons who attend the festival to remain on the premises overnight shall provide camping facilities and overnight areas that meet the requirements of the California Administrative Code Title 25 for mobile home parks, special occupancy trailer parks and campgrounds including travel trailer parks, recreational trailer parks, temporary trailer parks incidental camping areas and tent camps. Such areas and facilities shall be approved by the Director of Building and Safety prior to the issuance of any license.

k. BONDS: Any licensee may be called upon to post an indemnity bond and/or a performance bond in favor of the city in connection with the operation of a festival. Bonds required by this Ordinance must be approved by the City Attorney prior to the issuance of a license. An applicant may be required to submit a surety bond written by a corporate bonding company authorized to do business in the State of California by the Department of Insurance, in a penal amount determined by the City Council. Said bond shall indemnify the City of Redlands, its agents, officers, servants and employees and the City Council against any and all loss, injury and damage of any nature whatsoever arising out of, or in any way connected with, said festival, and shall indemnify against loss, injury, and damage to both person and property. Additionally, the City may demand that applicant provide a corporate surety bond written by a corporate bonding company authorized to do business in the State of California, indemnifying the City of Redlands and the owners of property adjoining the festival site for any costs necessitated for cleaning up and/or removing debris, trash or other waste from, in, and around the premises. Said bond shall be in an amount determined by the City Council.

l. FIRE PROTECTION: Every licensee shall provide, at his own expense adequate fire protection equipment as determined by the Fire Chief, City of Redlands. If the event is located in a hazardous fire area as defined by the Fire Chief, a suitable number of Fire Guards, as approved by the Chief, shall be employed by the licensee. Flammable vegetation and other fire hazards shall be removed in a manner and in such quantity as determined by the Fire Chief. First aid and fire extinguishment equipment shall be provided as directed by the Fire Chief.

m. FINANCIAL STATEMENTS: Each licensee shall be required to provide a financial statement to give assurance of the ability

of the promoters and/or applicants to meet the conditions of the permit.

n. COMMUNICATION: Licensee shall be required to establish a communication system for public use where ordinary communications are not available.

o. MISCELLANEOUS: Any applicant may be required to meet any other condition prior to receiving a license to conduct a festival which is reasonable calculated as necessary to protect the health, welfare, and property of local residents and persons attending a festival.

SECTION IX. Grounds for Denial of License: Notice of Denial. After holding the required public hearing, the City Council may deny issuance of license if it finds any of the following:

a. That the applicant fails to meet the conditions imposed pursuant to this Ordinance.

b. That the proposed festival will be conducted in a manner and/or location not meeting the health, zoning, fire or building and safety standards established by the ordinances of the City of Redlands or the laws of the State of California.

c. That the applicant has knowingly 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.

d. That the applicant, his employee, agent, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate, or manager has previously conducted the type of festival being applied for which resulted in the creation of a public or private nuisance.

e. That the applicant, his employee, agent, or any person associated with applicant as partner, director, officer, stockholder, associate, or manager has been convicted in a court of competent jurisdiction, by final judgment of:

(1) an offense involving the presentation, exhibition, or performance of an obscene production, motion picture or play; or of selling obscene matter; or

(2) an offense involving lewd conduct; or

(3) an offense involving the use of force and violence upon the person of another; or

(4) an offense involving misconduct with children; or

(5) a felony offense.

Where the applicant is denied, the City Clerk shall mail to the applicant written notice of denial within fourteen (14) days of said action, which notice shall include a statement of the reasons the application was denied.

SECTION X. Complaints. Any person may file a complaint with the City Clerk of the City of Redlands or may petition the City Council to conduct a hearing concerning the revocation of the license of any licensee. The City Clerk of the City of Redlands shall post notice of the complaint or petition and set the date for hearing by the Council. Such hearing shall normally be set for the next regularly scheduled Council meeting, but in no event shall be set for less than ten (10) days from the date of filing of complaint or petition.

SECTION XI. Revocation of License. The City Council of the City of Redlands shall have the power to revoke any license, or to revoke and reinstate any license upon suitable conditions, when the following causes exist:

a. The licensee fails, neglects or refuses to pay to the City Treasurer the fee prescribed by this Ordinance.

b. The licensee, his employee or agent, fails, neglects, or refuses to fulfill any or all of the conditions imposed pursuant to this Ordinance.

c. The licensee allows the festival to be conducted in a manner which violates any law or regulation established by the ordinances of the City of Redlands or the laws of the State of California.

d. The licensee allows the festival to be conducted in a disorderly manner or knowingly allows any person to remain on the premises of the festival while under the influence of intoxicating liquor, or any narcotic or dangerous drug.

e. The licensee, his employee or agent, is convicted of any of the offenses enumerated under Section IX.

SECTION XII. Notice of Intent to Revoke; Hearing. Notice of intent to revoke any license shall be given and the licensee shall be entitled to a hearing. The City Clerk of the City of Redlands shall give notice, setting forth the causes for revocation and shall state the time and place at which the matter of revocation will be heard before the City Council. Said notice shall be mailed not later than ten (10) days prior to the date set for hearing. The City Council shall hear all interested parties and may revoke a license only for one or more causes

enumerated by Section XI.

SECTION XIII. Violations: Remedies of City. It shall be unlawful for any licensee, employee, agent or person associated with said licensee, to do any of the following:

a. Conduct or operate a festival without first procuring a license to do so.

b. Sell tickets to a festival without a license first having been obtained.

c. Operate, conduct or carry on any festival in such a manner as to create a public or private nuisance.

d. Exhibit, show or conduct within said place or festival any obscene, indecent, vulgar or lewd exhibition, show, play entertainment or exhibit no matter by what name designated.

e. Allow any person on the premises of the licensed festival to cause or create a disturbance in, around, or near any place of festival by offensive or disorderly conduct.

f. Knowingly allow any person to consume, sell, or be in possession of intoxicating liquor while in a place of a festival except where such consumption or possession is expressly authorized under the terms of the Ordinance and under the laws of the State of California.

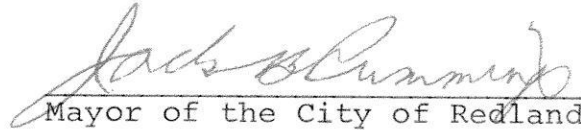
g. Knowingly allow any person at the licensed festival to use, sell, or be in possession of any narcotic or dangerous drug while in, around, or near a place of the festival.

Any of the above enumerated violations shall constitute a criminal act and shall be punishable pursuant to ordinances of the City of Redlands and the laws of the State of California. It is provided, however, that the City of Redlands retains any and all civil remedies, including the right of civil injunction for the prevention of said violations and for the recovery of money damages therefor.

SECTION XIV. This ordinance is hereby declared to be an urgency measure and necessary for the immediate protection and preservation of the public peace, health, safety, and welfare of persons and property within the City of Redlands. The facts establishing the necessity of such urgency measure are these: That the City Council is aware of the recent events at Woodstock, New York, and Altamont, California involving so-called "rock-festivals" and the adverse effect thereof upon the public safety, health, and welfare of those communities: that it has come to the attention of the City Council that there are persons already making inquiry of various offices of the City of Redlands

concerning the holding of rock festivals, which, if held without regulations contained within this ordinance, may be inimical to the public safety, health, and welfare. Therefore, this ordinance shall take effect immediately upon its adoption. Prior to the expiration of fifteen (15) days from the passage hereof, the ordinance shall be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in the City of Redlands, with the names of the members of the City Council voting for and against the same.

ATTEST:


Mayor of the City of Redlands

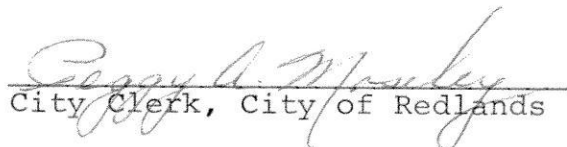

City Clerk

APPROVED FOR FORM:

s/ Edward F. Taylor
City Attorney

I, Peggy A. Moseley, City Clerk, City of Redlands, hereby certify that the foregoing ordinance was adopted by the City Council at a regular meeting thereof held on the 17th day of August , 1971, by the following vote:

AYES: Councilmen DeMirjyn, Miller, Sewall, Mayor Cummings
NOES: None
ABSENT: Councilman Knudsen


City Clerk, City of Redlands