

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE NO. 400 - AMENDING SECTION 9.21 "SPECIAL EVENTS PERMITS" OF TITLE 9 "DEVELOPMENT CODE" OF THE APPLE VALLEY MUNICIPAL CODE AS IT RELATES TO MODIFYING THE PERMITTING REQUIREMENTS FOR SPECIAL EVENTS CONDUCTED WITHIN THE TOWN OF APPLE VALLEY.

Summary Statement:

At its September 22, 2009 meeting, the Town Council reviewed and introduced Ordinance No. 400, amending Title 9 "Development Code" of the Town of Apple Valley Municipal Code, by amending Section 9.21 "Special Events Permits" to correct the processes to be consistent with the 1998 Development Code and to provide internal procedural consistency between Town Divisions. As part of the requirements to adopt a new Ordinance, Ordinance No. 400 has been scheduled for adoption at the October 13, 2009 Town Council meeting.

Recommended Action:

Adopt Ordinance No. 400

Proposed by: Planning Division **Item Number** _____

Town Manager Approval: _____ **Budget Item** **Yes** **No**

ORDINANCE NO. 400

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.21 “SPECIAL EVENTS PERMITS” OF TITLE 9 “DEVELOPMENT CODE” OF THE APPLE VALLEY MUNICIPAL CODE AS IT RELATES TO THE PERMITTING REQUIREMENTS FOR SPECIAL EVENTS CONDUCTED WITHIN THE TOWN OF APPLE VALLEY.

The Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 1. Recitals

- (i) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and
- (ii) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and
- (iii) Specific changes to Title 9 “Development Code” of the Town of Apple Valley Municipal Code include amending Section 9.21 “Special Events Permits” of Title 9 “Development Code” of the Apple Valley Municipal Code as it relates to modifying the permitting requirements for special events conducted within the Town of Apple Valley; and
- (iv) On September 11, 2009, Development Code Amendment No. 2009-004 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and
- (v) The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and
- (vi) On August 5, 2009, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2009-004, receiving testimony from the public and adopted Planning Commission Resolution No. 2009-005 recommending adoption of this Ordinance; and
- (viii) Development Code Amendment No. 2009-004 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley.

Section 2. Findings

(i) Find that the changes proposed by Development Code Amendment No. 2009-004 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), specifically Section 15061(b)(3), the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is exempt from, and not subject to, CEQA.

Section 3. Amend subsection A and B of Section 9.21.020 “Applicability” of Chapter 9.21 “Special Events Permits” of the Development Code to read as follows:

9.21.020 Applicability

- A. *Major Special Events Permits.* Temporary outdoor activities with more than one thousand (1,000) people at any one time.
- B. *Minor Special Events Permits.* Temporary outdoor activities with a maximum attendance of one thousand (1,000) people at any one time.

Section 4. Add Section 9.21.025 “Exemptions” to Chapter 9.21 “Special Events Permits” of the Development Code to read as follows:

9.21.025 Exemptions

The following activities shall be exempted from the provisions of this Chapter:

- A. Town of Apple Valley sponsored and co-sponsored events.
- B. Events located at public or private recreational facilities with a maximum attendance of 200 people at any one time.
- C. Events of 500 people or less at any given time sponsored by non-profit organizations and agencies on private property.

Section 5. Amend subsection B of Section 9.21.030 “Authority” of Chapter 9.21 “Special Events Permits” of the Development Code to read as follows:

9.21.030 Authority

- B. *Minor Special Events.* The Director is authorized to approve, approve with conditions, or deny applications for Minor Special Events Permits in compliance with the procedures and standards established in this Chapter and other applicable provisions of the Municipal Code. Notice of pending action is not required for Minor Special Events.

Section 6. Amend Section 9.21.050 “Approval, Frequency and Time Limitations” of Chapter 9.21 “Special Events Permits” of the Development Code to read as follows:

9.21.050 Approval, Frequency And Time Limitations

Permits for special events regulated by this Chapter shall not be granted for more than (4) four events per calendar year and shall not exceed fourteen consecutive days per event. However, events may be consecutive or combined. Events located at public or private recreational facilities may exceed four (4) events per calendar year.

Section 7. Amend Section 9.21.060 “Standards of Operation” of Chapter 9.21 “Special Events Permits” of the Development Code to read as follows:

9.21.060 Standards of Operation

Special events as described in this Chapter shall be conducted in a manner that will not adversely impact the public peace, health, safety or welfare. The operator of the special event shall be responsible to assure that adequate provisions are made and implemented for all of the following. Conditions may be required to demonstrate compliance with the following requirements. There are adequate provisions on the proposed site to accommodate adequate law enforcement and/or security protection, adequate ingress/egress and adequate parking including provisions for special traffic guards or signals; consideration of the impositions upon adjacent properties and the local communities; noise impact(s); topographical and ecological considerations and consideration of alternative sites; electrical illumination requirements; inclement weather contingencies; water facilities; food concessions; sanitation facilities; medical/first aid facilities; overnight camping; bonding and insurance requirements; fire protection, including location of fire hydrants and supplemental water sources; communication, including temporary or additional telephones and an adequate public address system; news releases required; adequate office space(s) and communication equipment for all regulatory personnel on site by the permittee; clean-up trash disposal; restoration of landscape; final accounting procedures, billings and/or reimbursements.

Section 8. Invalidation. The amendment by this Ordinance of Title 9 “Development Code” of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

Section 9. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 10. Effective Date. The Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 11. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provision of the Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk
this 13th day of October, 2009.

Honorable Rick Roelle, Mayor

ATTEST:

Ms. La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager