

ORDINANCE NO. 2010-01  
**SPECIAL EVENT PERMITS AND REGULATION**

AN ORDINANCE ESTABLISHING PERMIT FEES AND PROCEDURES FOR SPECIAL EVENTS THROUGHOUT LINCOLN COUNTY AND PROVIDING EXEMPTIONS FROM SUCH FEES AND PROCEDURES.

WHEREAS, Lincoln County is responsible to protect the safety, health, property, and general welfare of its residents; and

WHEREAS, Lincoln County desires to promote safe, fun, and successful special events within its boundaries.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY, NEVADA, DOES HEREBY ORDAIN:

That Chapter 4 of Title 4 of the Lincoln County Code, formerly entitled "Outdoor Festivals and Motion Pictures," shall be entitled "Special Event Permits" and shall read:

**DEFINITIONS:**

As used in this chapter:

**ADMINISTRATOR:** the administrator of the Lincoln County Building and Safety Department.

**BOARD:** the Board of Lincoln County Commissioners.

**DEPARTMENT:** the Lincoln County Building and Safety Department.

**SPECIAL EVENT:** any activity or series of activities, specific to an identifiable time and place, held on public property, or held on private property with any significant effect on public property, such as county roadways. Examples include but are not limited to:

1. Any activity open to the public which involves the use of public facilities, or
2. Any activity open to the public that substantially increases or disrupts the normal flow of traffic on any street or highway, or
3. Any activity involving entertainment and/or amplified sound, food, beverage, merchandise sales or any activity promoted as a festival, celebration, trade show open to the public, craft show, public dance, concert or performance, or
4. Any activity relating to organized recreational events, including OHV races, trail rides, rodeos, mountain bike races, or similar activities, or
5. Commercial motion picture filming or large-scale productions.

## **PERMIT REQUIRED:**

Any person wishing to operate, maintain or conduct an "special event", as defined in this chapter, within the confines of the county, must first obtain a permit to do so. No permit shall be issued, however, until all conditions required pursuant to this chapter have been met and fulfilled.

## **APPLICATION FOR PERMIT:**

Any person desiring to conduct a special event shall file a written application (consisting of an original and five copies) with the Department, at least sixty (60) days prior to the start of such event, which shall contain the following facts and information:

- A. The name, telephone number, 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 the 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 event, which the applicant proposes to conduct or carry on.
- C. The address, detailed map, or legal description of the place or premises where the proposed event is to be conducted or carried on. Additionally, the applicant must submit proof of ownership of the place where the event is to be conducted, or a statement signed by the owner of the premises indicating his consent that the site be used for the proposed event.
- D. The number of days for which the permit is sought.
- E. An estimate of the number of customers, spectators, participants and other persons expected to attend the event for each day it is conducted or carried on.
- F. An indemnification or hold harmless agreement between the applicant and the County.

## **FILING FEES:**

The Department shall collect from the applicant a filing fee of fifty dollars (\$50.00) which shall be nonrefundable. Non-profit applicants or applicants proposing a community sponsored event may request a waiver and shall not pay a filing fee until the

Board hears such request. Other departments, such as the Lincoln County Sheriff, may charge reasonable fees as necessary and rationally related to the permit.

## **TRANSMITTAL OF APPLICATION; ISSUANCE OF PERMIT:**

A. Filing Application; Investigation: Upon receipt of the application, the Department shall file the original application and distribute one copy thereof to the sheriff and the district attorney. These county department heads shall thereupon cause an investigation to be made of the application, if necessary.

B. Hearing; Notice: The administrator shall set the matter for public hearing at a regular meeting of the board, which shall be not less than fifteen (15) days or more than thirty (30) days after filing of the application. Ten (10) days' written notice of the date of such hearing shall be given to the applicant and to the county departments receiving a copy of the application.

C. Action on Application: The board may, based upon the reports of the interested county departments and on the testimony of witnesses and evidence presented at the hearing, grant the application, deny the application, or set conditions, which must be met before a permit may be granted.

D. Conditions: Where conditions are imposed pursuant to this chapter, the administrator shall require written notice from county departments charged with responsibility under this chapter that conditions have been met before issuing the permit.

E. Issuance of Permit; Posting of Permit: When the administrator determines that conditions have been met, he/she shall immediately issue a permit specifying the name and address of the permittee, the kind of special event permitted, and the number of days' operation authorized. The permittee shall keep the permit posted in a conspicuous place upon the premises at which the special event is conducted.

## **GROUND FOR AND NOTICE OF DENIAL:**

A. Reasons for Denial: After holding the required public hearing, the board may deny issuance of a permit if it finds any of the following:

1. Failure to Meet Conditions: That the applicant fails to meet the conditions imposed pursuant to this chapter.

2. Hazardous To Health And Safety: That the proposed special event will be conducted in a manner and/or location which will be hazardous to the health and safety of any persons within Lincoln County, or to the quiet and peaceful enjoyment of any privately owned property in the near vicinity of the proposed special event.

3. False Statements: That the applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the application for permit, or in any other document, required pursuant to this chapter.

4. Prior History Of Applicant: That the applicant, his employee, agent or any person connected with or associated with the applicant as partner, director, officer, stockholder, associate, or manager, has previously conducted the type of special event being applied for which resulted in the creation of a public or private nuisance.

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

- a. An offense involving the presentation, exhibition or performance of an obscene production, motion picture or play, or of selling obscene matter; or
- b. An offense involving lewd conduct; or
- c. An offense involving the use of force and violence upon the person of another; or
- d. An offense involving misconduct with children.

B. Notice to Applicant: Where the application is denied, the administrator shall mail to the applicant written notice of denial within fourteen (14) days of the action, which notice shall include a statement of the reasons the application was denied.

## **CONDITIONS AND REQUIREMENTS:**

A. Establishment of Conditions:

1. Established at Hearing: At the hearing required under this chapter, the board may establish conditions, which must be met prior to the issuance of any permit under this chapter, except that the board may take a matter under submission before determining which conditions shall be imposed.
2. Notice of Conditions: Where the board takes a matter under submission, written notice of any conditions imposed as prerequisite to the issuance of a permit must be mailed to the applicant within fifteen (15) days of the original hearing.
3. Conditions Listed: The conditions, which may be imposed by the board pursuant to the county's general police power for the protection of health, safety, and property of local residents and persons attending special events in the county are as follows in this section.

B. Police Protection:

1. Requirement: Every applicant that anticipates 500 persons or more at the proposed special event shall employ at his own expense at least one private patrolman or guard, approved by the sheriff of the county, whose duty shall be the preservation of order and protection of property in and around the place of the special event.

2. Large Crowd; Additional Guards: In case of special events expected to attract large numbers of persons, provision for additional private patrol officers and security guards may be required. One patrol officer or security guard for every five hundred (500) persons expected to attend may be required.

3. Fingerprinting; Uniforms: The patrolmen may be required to be fingerprinted and processed by the sheriff of the county and to be in attendance, wearing uniforms, at all times the special event is in operation.

4. Off Duty Police Officers: Where the sheriff authorizes the employment of off duty peace officers to meet the requirements of this chapter, the peace officers shall be under the direction and control of the county sheriff.

5. Condition for Permit Issuance: The sheriff must be satisfied that the requisite number of private patrol officers or guards will be provided at all times of operation before a permit is issued.

6. Written Agreement: Submittal by the applicant of a written agreement between the applicant and a licensed private patrol agency may be required.

#### C. Water Facilities:

1. Ample Supply: Every permittee shall provide an ample supply of water for drinking and sanitation purposes on the premises of the special event.

2. State Approval: Quality and quantity of water and location of facilities may be required to have the approval of the state engineer and the state public health service prior to the issuance of a permit.

3. Quantity Required: In the case of special events proposed to be held in arid or semiarid areas, a supply of ten (10) gallons of water for each person expected to attend may be required.

4. Standards: All water shall meet U.S. public health service standards.

5. Lavatories and Drinking Facilities: Public and/or private lavatories and drinking facilities may be required at the discretion of the administrator.

6. Drainage and Sewage Systems: Drainage and sewage systems relating to such facilities shall meet the requirements of the state public health service.

D. Food Concessions; License Required: In the case of special events proposed to be held in areas located a substantial distance from markets, restaurants or like eating establishments, applicant may 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 pursuant to local regulation and state laws.

E. Sanitation Facilities:

1. Requirement: The administrator may require on the premises of the special event a toilet facility marked "MEN" for each forty (40) males and one marked "WOMEN" for each forty (40) females expected to attend.

2. Portable Chemical Toilets: Where flush type toilets cannot be made available, the board may consent to the use of portable chemical toilets. Such chemical toilets must meet the approval of or must be of a type approved by the public health service of the state before any permit may be issued. Chemical toilets must be emptied at permittee's expense, as necessary, and pursuant to procedures established by the state public health service.

3. Garbage Receptacles: Every applicant shall be required to furnish at least one trash can with thirty two (32) gallons' capacity for every twenty five (25) persons expected to be in attendance. Proof that the requisite quantity of trash and refuse receptacles will be available must be made to the state public health service. Trash and refuse shall be emptied at applicant's expense, as necessary, and pursuant to procedures established by the state public health service.

F. Medical Facilities: Where a proposed outdoor festival is expected to attract large numbers of persons and is planned for a site that is located a substantial distance from existing medical treatment facilities, the applicant may be required to provide emergency medical treatment facilities on the premises of the special event.

G. Parking Areas: Every applicant shall provide on site adequate parking space for persons attending an special event by motor vehicle in accordance with applicable requirements of the zoning ordinance of the county. The sheriff must approve an applicant's parking plan before a permit shall be issued.

H. Access and Parking Control:

1. Ingress and Egress: Every applicant shall provide adequate ingress and egress to his special event premises and parking areas therefore. Necessary roads, driveways and entranceways shall exist to ensure orderly flow of traffic into the premises from a highway or road which is part of the county system of roads or which is a highway maintained by the state.

2. Plan Approval by Sheriff: The county sheriff must approve the applicant's plan for ingress and egress before a permit shall be issued.

3. Traffic Guards: Additionally, any applicant may be required to show that traffic guards are under his employ to ensure orderly traffic movement and relieve traffic congestion near the special event area.

I. Hours of Operation: All outdoor festivals which are subject to permit under this chapter shall not operate between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. of each day.

J. Illumination: Every applicant planning to conduct an special event after dark, or planning to allow persons who attend the special event to remain on the premises after dark, shall provide electrical illumination to ensure that those areas which are occupied are lighted at all times.

K. Overnight Camping Facilities:

1. Requirement: Every applicant authorized to allow persons who attend the special event to remain on the premises overnight shall provide camping facilities and overnight areas.

2. Approval by County: Such areas and facilities must be approved by the sheriff and district attorney of the county prior to the issuance of any permit.

L. Bonds:

1. Bonds May Be Required: Any applicant may be called upon to post an indemnity bond and/or a performance bond in favor of the county in connection with the operation of an special event.

2. Approval by County: Bonds required by this chapter must be approved by the district attorney prior to issuance of a permit.

3. Damage to Person or Property; Cleanup: An applicant may be required to submit a surety bond written by a corporate bonding company authorized to do business in the state by the department of insurance, in a penal amount determined by the board. The bond shall indemnify the county, its agents, officers, servants and employees and the board against all loss, injury and damage of any nature whatsoever arising out of, or in any way connected with, the special event and shall indemnify against loss, injury, and damage to both person and property. Additionally, the county may demand that applicant provide a corporate surety bond written by a corporate bonding company authorized to do business in the state, indemnifying the county and the owners of property adjoining the special event site for any costs necessitated for cleaning up and/or removing debris, trash or other waste from, in and around the premises. The bond shall be in an amount determined by the board.

M. Fire Protection: Applicants are required to provide adequate fire protection, at such applicant's expense, during such special event.

N. Miscellaneous Requirements: Any applicant may be required to meet any other condition prior to receiving a permit to conduct an special event which is reasonably calculated as necessary to protect the health, welfare and property of local residents and persons attending an special event.

## **REVOCAION OF PERMIT:**

A. Causes for Revocation: The board shall have the power to revoke any permit, or to revoke and reinstate any permit upon suitable conditions, when the following causes exist:

1. The permittee, his employee or agent fails neglects or refuses to fulfill any or all of the conditions imposed pursuant to this chapter.
2. The special event violates any law or regulation established by the ordinances of the county or the laws of the state.
3. The permittee allows the special event to be conducted in a disorderly manner or knowingly allows any person to remain on the premises of the special event while unlawfully under the influence of intoxicating liquor, or any narcotic or dangerous drugs.
4. The permittee, his employee, or agent is convicted of any of the offenses enumerated in this chapter.

B. Complaints: Any person may file a complaint with administrator or may petition the board to conduct a hearing concerning the revocation of the permit of any permittee. The administrator shall notice the petition for hearing in accordance with the provisions of subsection C of this section.

C. Notice of Intent to Revoke; Hearing: Notice of intent to revoke any permit shall be given and the permittee shall be entitled to a hearing. The administrator 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 board. The notice shall be mailed not later than ten (10) days prior to the date set for hearing. The board shall hear all interested parties and may revoke a permit only for one or more causes enumerated by subsection A of this section.

## **VIOLATION; PENALTY:**

A. Violations Designated: It shall be unlawful for any permittee, employee, agent, or person associated with the permittee, to do any of the following:

1. Operation without Permit: Conduct an special event without first procuring a permit to do so.

2. Sell Tickets without Permit: Sell tickets to an outdoor festival without a permit first having been obtained.

3. Creation of Nuisance: Operate, conduct, or carry on any special event in such a manner as to create a public or private nuisance.

4. Obscene Entertainment: Exhibit, show or conduct within said place of an special event any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated.

5. Creation of Disturbance: Allow any person on the premises of the special event to cause or create a disturbance in, around, or near the place of the special event, by offensive or by disorderly conduct.

6. Liquor and Gaming: Knowingly allow any person to consume, sell, or be in possession of intoxicating liquor or conduct any gambling game or game for money while on the site of the special event, unless the permittee holds applicable liquor and gaming licenses or permits pursuant to this title and the laws of Nevada.

7. Drugs: Knowingly allow any person on the site of the special event to use, sell or be in possession of any narcotic or dangerous drug while in, around or near the site of the special event.

B. Penalty; Civil Remedies: Any of the above enumerated violations shall constitute a criminal act and shall be punishable pursuant to ordinances of the county and the laws of the state. It is provided, however, that the county retains all civil remedies, including the right of civil injunction for the prevention of said violations and for the recovery of monetary damages therefore.

Proposed on the \_\_\_\_\_ (day) of \_\_\_\_\_, 2010.

Proposed by Commissioner \_\_\_\_\_.

Passed on the \_\_\_\_\_ (day) of \_\_\_\_\_, 2010 by the following vote:

Ayes: Commissioners \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nays: Commissioners \_\_\_\_\_

Absent: Commissioners \_\_\_\_\_

Attest: Commissioners \_\_\_\_\_

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman of the Board

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_.

DRAFT