

ORDINANCE

SUMMARY

An ordinance amending chapter 5.12 of the Douglas County Code to add findings and a purpose, change definitions, change application information, add requirements for applicants background checks, add requirements to reimburse Douglas County for extraordinary expenses, amend the conditions placed on the licensee, add an emergency revocation procedure and change the violations of this chapter.

TITLE

Ordinance No. 2009-1280 amending Douglas County Code Chapter 5.12, the Outdoor Festivals ordinance and other properly related matters.

The Board of County Commissioners of the County of Douglas, State of Nevada, does ordain:

Section I: Chapter 5.12 is amended as follows:

Chapter 5.12

Outdoor Festivals

Sections:

- 5.12.005 Findings and purpose.
- 5.12.010 Definitions.
- 5.12.020 License--Required.
- 5.12.030 License--Application--Time--Required information.
- 5.12.040 Plans.
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- 5.12.170 Violations -- Owners of real property.
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- 5.12.220 Penalty.
- 5.12.210 Divisibility.

5.12.005 Finding and purpose.

The board finds and declares that it is necessary for the protection of the health, safety and welfare of the general public and the inhabitants of Douglas County that rules and regulations be established for the purpose of regulating outdoor festivals, to ensure the public health and safety, proper sanitary conditions, proper police and fire protection, and to comply with NRS 244.354.

5.12.010 Definitions.

A. **“Assembly”**, as defined by NRS 244.3541, means a company of persons gathered together for any purpose at any location, other than in a permanent building or permanent installation, which has been constructed for and will accommodate the number of persons gathered therein.

B. **“Board”** means the Douglas County Board of Commissioners.

C. **“County”** means Douglas County.

D. **“Extraordinary Costs”** means financial burdens beyond what is normally, usually, regularly, or customarily expended by Douglas County in providing services.

E. **“Licensee”** means the promoter who has the right to control the conduct of a festival who applies to the county to hold an outdoor festival.

F. **“Outdoor Festival”** means an outdoor assembly to which members of the public are invited or admitted for a charge or free of cost, and the number of persons in the attendance is five hundred persons or more, except:

1. Assemblies at any permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similarly permanently established location;
2. Athletic events sponsored by schools, colleges, professional sports teams, or organized amateur athletic associations or leagues;
3. Douglas County Parks and Recreation events held at Douglas County Parks and Recreation facilities;

Events which are subject to the provisions of this chapter include, but are not limited to, music festivals, rock concerts, carnivals, tent shows, circuses, protests, demonstrations, cultural festivals, dances, plays, stage shows, craft shows, rodeos, automobile races, motorcycle races and sporting events .

G. **“Person”** means a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust, or unincorporated organization. Notwithstanding the definition of a person, as defined by DCC 1.04.020(k) and NRS 0.039, for purposes of applying this chapter, “person” includes Douglas County, its agencies and departments; the towns of Genoa, Minden and Gardnerville; all special or general improvement districts; and any other subdivision within the county.

(Ord. 179 §1, 1970)

5.12.020 License--Required.

Every person that operates, maintains, conducts, advertises, sells or furnishes tickets for an outdoor festival or series of similar outdoor festivals in the county, with an actual or reasonably anticipated attendance of five hundred (500) or more persons on any one day of the event, shall obtain a license from the county to operate or conduct an outdoor festival.

(Ord. 179 §2, 1970)

5.12.030 License--Application--Time--Required information.

An application for a license to conduct an outdoor festival must be made in writing to the clerk of the board at least sixty (60) days prior to the time indicated for the commencement of the planned activity and shall be accompanied by a non-refundable application fee of one hundred dollars (\$100.00). With good cause shown, in case of emergency or extenuating circumstances, applications, may be submitted not less than twenty-five (25) days in advance

of the event. No application fee is required where the applicant is a Douglas County based charitable or nonprofit organization in good standing or where the applicant is an agency or department of the county. All applications must contain the following information:

- A. The name, physical and mailing address of the person making the application;
 1. If the application is made by a partnership, the names and addresses of the partners must appear;
 2. If the applicant is a corporation, the application must be signed by the president, vice-president or secretary and must contain the addresses of the corporate officers and a certified copy of the articles of incorporation shall be submitted with the application;
 3. If the applicant is Douglas County, the town of Minden, Genoa or Gardnerville, or a special or general improvement district, the application must be signed by the department director, manager, chair or other authorized employee;
- B. The kind, character or type of outdoor festival which the applicant proposes to conduct, operate maintain, advertise, sell or furnish tickets to, or carry on must be specified in a statement, including, but not limited to the following for each outdoor festival or series of similar outdoor festivals where applicable:
 1. The names of the performers and/or performing groups;
 2. The entrance fee, if any, to the public;
 3. The number of tickets and/or passes that will be printed and/or distributed to the public;
- C. The type and extent of promotional advertising specifying the type of media, the geographical area covered by said media, and other details of the information communicated to the public;
- D. The address or legal description of the place where the proposed festival is to be conducted, operated or carried on, including:
 1. Proof of ownership of the place where the festival is to be conducted;
 2. A statement signed by the owner of the premises indicating his consent that the site be used for the proposed festival; or
 3. A permit from the public agency which manages the place the outdoor festival is to be conducted;
- E. A plot plan showing arrangement of the facilities including those for parking, egress and ingress;
- F. The date or dates and the hours during which the festival is to be conducted;
- G. An estimate of the number of customers, spectators, participants and other persons expected to attend the festival for each day it is conducted;
- H. Names and addresses of anyone contributing, investing or having financial interest greater than five hundred dollars (\$500.00) in producing the festival;
- I. If applicable, proof that the applicant is a Douglas County based charitable or nonprofit organization pursuant to Section 501 of the United States Internal Revenue Code or a certificate of nonprofit corporation, association or society from the Nevada Secretary of State;
- J. If applicable, all permits, or proof an application for all permits, required by the State of Nevada or the federal government, including but not limited to, permits from the Nevada Department of Transportation.

(Ord. 382 §1, 1981; Ord. 179 §4, 1970)

5.12.040 Plans.

The licensee shall submit to the clerk of the board, along with the application, detailed plans to provide law enforcement protection, water facilities, food concessions, toilet facilities, trash cans and litter, medical facilities, fire protection, parking areas, access and parking control, maintenance of a headquarters, 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 pursuant to section 5.12.120. In addition, the plans must include what provisions will be made for numbers of spectators in excess of

the estimate. (Ord. 179 §5, 1970)

5.12.050 Applicant background check.

A. Upon receiving notice of the application as provided for in section 5.12.070(B), unless the applicant is an agency of Douglas County, the town of Minden, Genoa or Gardnerville, or a special or general improvement district, the Douglas County Sheriff shall conduct a criminal history background check of the applicant to determine whether cause exists for denial of the application pursuant to section 5.12.130. AT the discretion of the Sheriff, the applicant may be required to present himself to the Douglas County Sheriff for fingerprinting. The Douglas County Sheriff may send a copy of those thumbprints and fingerprints to the appropriate criminal history repository, and to the Federal Bureau of Investigation, pursuant to NRS 239B.010, for a national background check. At the discretion of the Sheriff, a criminal history records check need not be processed through the criminal history repository and the Federal Bureau of Investigation, but the Sheriff shall review local police records including, without limitation, wants and warrants to determine whether cause for denial exists. The reasonable costs of the background check shall be the responsibility of the applicant and shall be paid to the Douglas County Sheriff.

B. For a second or subsequent application by an applicant, and provided that the applicant, owner, partner, officer or director who signed the application has not changed, the Douglas County Sheriff may waive the requirements of this section.

5.12.060 Application for use of parks and recreation facilities.

The applicant must secure a permit under DCC Title 13 to conduct or operate any outdoor festival proposed to take place on any lands managed by Douglas County Parks Department. The applicant must provide the permit, or proof an application for the permit, under DCC Title 13.

5.12.070 License--Application--Processing.

Upon receipt of a complete application and the application fee, the clerk of the board must:

A. Set the application for public hearing at a regular meeting of the board of commissioners, not less than fifteen (15) days thereafter, and shall give not less than ten (10)days written notice thereof to the applicant.

B. Promptly give notice of hearing and copies of the application to: the county manager, the sheriff, the applicable fire district, the applicable paramedic district, the applicable town, the community development director, the public works director, the district attorney's office and the community services director, who shall investigate the application and report to the clerk of the board not later than ten (10) days prior to the hearing, with appropriate recommendations related to their official functions, as to granting a license and conditions. (Ord. 179 §6, 1970)

5.12.080 License--Application--Consideration by county commissioners.

Based upon the testimony of the witnesses and evidence presented at the hearing, including the report of the department heads, the board may 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. The applicant must provide proof to the clerk that all conditions imposed or modified by the board are met before the license may be issued by the clerk. (Ord. 179 §7, 1970)

5.12.090 License--Issuance.

When the clerk of the board certifies that conditions have been met, the clerk of the board may issue a license specifying the name and address of the licensee, the kind of festival licensed and the number of days of operation authorized

The licensee shall keep the license posted in a conspicuous place upon the premises at which the festival is conducted. No license issued pursuant to this chapter shall be transferable or removed to another location. (Ord. 382 §2, 1981; Ord. 179 §8, 1970)

5.12.100 Duration of license.

The duration of any license may not exceed one calendar year. A license is valid for only one outdoor festival or one series of outdoor festivals.

5.12.110 Extraordinary costs.

Any Douglas County department or agency required to perform any duty during the outdoor festival that results in it incurring extraordinary costs may request the clerk of the board to invoice the licensee or proceed against a bond posted pursuant to section 5.12.120(M).

5.12.120 Licensing conditions.

At the hearing, the board may establish, modify or waive the conditions that must be met prior to the issuance of any license under this chapter. The board may take a matter under submission before determining which conditions shall be imposed, modified or waived. Where the board takes a matter under submission, written notice of any conditions imposed, modified or waived as a 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, modified, or waived 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 outdoor festivals in the county, are as follows

A. Law Enforcement.

Every licensee shall employ at his own expense, law enforcement protection.

1. The number and type of officers shall be determined and specified by the sheriff with approval by the board.

2. Where applicable, the sheriff with the approval of the board can allow a licensee to employ private security officers to meet the requirements of this chapter.

3. The sheriff must be satisfied that the requisite number of law enforcement officers will be provided at all times of operations, plus any specified time prior to and following the event, before a license is issued.

4. If the sheriff's employees are employed by the licensee, funds to employ this specified number of employees, must be deposited with the clerk of the board prior to the license being issued.

B. Water facilities.

Every licensee shall provide an ample supply of potable water for drinking and sanitation purposes of the premises of the festival.

1. Location of water facilities at the outdoor festival must be approved by the county prior to issuance of a license.

2. There shall be one water outlet for each two hundred fifty persons reasonably expected to attend. The water supply must be capable of dispensing four gallons per hour to be deemed an adequate supply.

3. All water shall meet Nevada and U.S. Public Health Service standards.

C. Food concessions.

Every licensee shall provide food concessions or facilities to feed adequately the number of persons expected to attend, considering the event's location, expected attendance, access to and capacity of existing facilities, and the distance from public eating places or like establishments.

1. Concessionaires must be licensed and operate under a valid health department permit pursuant to NRS chapter 466. Applicants are solely responsible for ensuring that all food concessionaries are licensed under this section.

2. The licensee shall provide facilities for the washing of hands with both hot and cold water for persons who prepare food at the festival.

3. The licensee shall provide sanitation facilities for employees of the festival. Every licensee shall provide at least one flush-type toilet facility marked "men" and one facility marked "women". The toilet facilities should be located within 50 feet from the concession or operation. 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. The requirement for flush-type water closets for food concessions, food operations and for the use of employees may only be waived where the event is in a remote area or because of special situations.

D. Toilet facilities

Every licensee shall provide toilet facilities.

1. Toilet facilities that are provided for the festival may include flush-type toilet facilities or non-sewered toilet facilities. Non-sewered toilets that are treated with chemicals must conform to the provisions of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, and all applicable administrative regulations which pertain to the disposal of sewage.

2. Toilet facilities that are provided for the festival must be kept clean and in good repair. An adequate supply of toilet paper must be provided for each toilet at all times.

3. A signed contract with a licensed sanitation company shall be submitted to the county and a copy of same filed with the application.

4. The requirement for sanitation facilities may not be waived.

5. The county shall determine the number of toilet facilities required for the outdoor festival based on the following table pursuant to NAC 444.825:

NUMBER OF TOILET FACILITIES REQUIRED										
EXPECTED PEAK HOURLY ATTENDANCE AT THE EVENT	EXPECTED AVERAGE NUMBER OF HOURS SPENT AT THE EVENT PER PERSON									
	0-1	2	3	4	5	6	7	8	9	10 or more
1-500	2	4	4	5	6	7	9	9	10	12
501-1,000	4	6	8	8	9	9	11	12	13	13
1,001-2,000	5	6	9	12	14	16	18	20	23	25
2,001-3,000	6	9	12	16	20	24	26	30	34	38
3,001-4,000	8	13	16	22	25	30	35	40	45	50
4,001-5,000	12	15	20	25	31	38	44	50	56	63
5,001-10,000	15	25	38	50	63	75	88	100	113	125
10,001-15,000	20	38	56	75	94	113	131	150	169	188
15,001-20,000	25	50	75	100	125	150	175	200	225	250

6. Upon the request of the licensee, the county may amend the number of toilets required for the outdoor festival, if the numbers of toilets proposed are sufficient.

E. Trash cans and litter

Every licensee shall provide an ample supply of trash cans on the premises for the event.

1. Every licensee shall be required to furnish a minimum of one trash can with a minimum of a thirty-six gallon capacity for each one hundred persons expected to be in attendance.
2. 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.
3. 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 county.
4. A signed contract with a licensed refuse collector shall be submitted to the county and a copy of same filed with the application.
5. Removal of all trash and refuse shall be at the licensee's expense.

F. Medical facilities.

Every licensee shall provide emergency medical treatment facilities and employ, at his own expense, medical personnel.

1. The number medical personnel and type of medical treatment facilities on the premises shall be determined and specified by the applicable fire district and/or the applicable paramedic district with the approval by the board.
2. The applicant shall be required to provide emergency medical treatment facilities on the premises of the festival. The location of the facilities, number of doctors, psychiatrists, psychologists, nurses and other aides needed to staff the facilities and the quantity of medical supplies, drugs, ambulances and other equipment that must be on the site, shall be approved by the applicable fire district and/or the applicable paramedic district prior to the issuance of any license under this chapter.
3. 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.
4. If fire and/or paramedic district employees are employed by the licensee, funds to employ this specified number of employees must be deposited with the clerk of the board prior to the license being issued.

G. Fire protection.

Every licensee shall employ at his own expense, fire protection.

1. The number of fireguards and type of fire protection on the premises shall be determined and specified by the applicable fire district with the approval by the board of county commissioners.
2. Flammable vegetation and other fire hazards shall be removed in a manner and in the quantity determined by the applicable fire district.
3. First aid fire extinguishment equipment shall be provided as directed by the applicable fire district.
4. Applicant shall be required to comply with all International Fire Code requirements as determined by the applicable fire district.
5. If fire and/or paramedic district employees are employed by the licensee, funds to employ this specified number of employees must be deposited with the clerk of the board prior to the license being issued.

H. Parking areas, access and parking control.

Every licensee shall provide adequate parking space for persons attending the festival by motor vehicle.

1. The sheriff and county community development department, and where applicable the Nevada Department of Transportation, must approve the licensee's "parking plan" before a license shall be issued.
2. Every licensee shall provide adequate ingress and egress to the outdoor festival

3. Necessary roads, driveways and entrance ways shall exist to insure orderly flow of traffic into the premises from a highway or road which is a part of the county highway system or which is a highway maintained by the state.

4. A special access way for fire equipment, ambulances and other emergency vehicles is required.

5. Persons desiring to operate or conduct an outdoor festival may be required to provide a separate parking space for every ten persons expected to attend the outdoor festival by motor vehicle. Individual parking spaces shall be clearly marked and shall not be less than eight feet wide and twenty feet long.

6. Any licensee may be required to show the traffic guards are under his employ to insure orderly traffic movements and relieve traffic congestion in the vicinity of the outdoor festival area.

If applicable, copies of the permit or application for permits from the Nevada Department of Transportation or the Nevada Highway Patrol must be submitted to the county with the application

I. Hours of operation.

All festivals which are subject to license under this chapter shall close and cease operation continuously between the hours of two a.m. and six a.m. of each and every day.

J. Maintenance of headquarters or contact information.

Every licensee must maintain a headquarters at the site of the gathering or provide contact information, including a cellular phone number, of the licensee or a natural person designated by the licensee who is responsible for the event. Every licensee must ensure that a natural person designated by the licensee is present at the headquarters of the operator at all times that the festival is in operation or that the designated person may be contacted and respond to the event within a reasonable amount of time and is authorized to take immediate action to correct or terminate a violation of any provision of this code identified to him by any employee of the county.

K. 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.

1. The county must approve of the applicant's lighting plan as a prerequisite to issuance of a license hereunder.

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

FT.	ILLUMINATION	WATT/SQ.
	Open areas reserved for spectators	0.50
	Stage areas	5.00
	Parking and overnight areas	0.25
	Restroom and concession areas	1.00

3. Upon the request of the licensee, the county may amend the scale of lighting intensity required for the outdoor festival, if the scale of lighting intensity proposed is sufficient for that outdoor festival.

L. 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 state and county 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. The areas and facilities shall be approved by the county prior to the issuance of any license.

M. Bonds.

Every licensee may be called upon to post an indemnity bond or a performance bond in favor of the county in connection with the operation of an outdoor festival.

1. Bonds required by this chapter must be approved by the district attorney and the county manager prior to the issuance of a license.

2. A licensee may be required to submit a surety bond written by a corporate bonding company authorized to do business in the state of Nevada in a penal amount determined by the board. The bond shall indemnify the county, its agents, officers, servants and employees and the county commissioners, and any other public agencies, their agents, officers, servants and employees involved against any and all loss, injury and damage of any nature whatsoever arising out of or in any way connected with the outdoor festival, and shall indemnify against loss, injury and damage to both person and property.

3. The county may demand that the licensee provide a corporate surety bond written by a corporate bonding company authorized to do business in the state of Nevada, indemnifying the county and the owners of property adjoining the outdoor festival site for any extraordinary costs incurred by the county during the outdoor festival. The bond shall be in an amount determined by the board of commissioners.

4. Additionally the county may demand that the licensee provide a corporate surety bond written by a corporate bonding company authorized to do business in the state of Nevada, indemnifying the county and the owners of property adjoining the outdoor festival 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.

N. Insurance.

Every licensee shall furnish proof of insurance coverage in an amount of not less than one million dollars for all normal events or an amount of not less than two million dollars for events with high risk as determined by the county in the aggregate property damage and bodily injury coverage covering any officer, employee, volunteer, member, agent or representative of the licensee and any officer, employee, volunteer, member, agent or representative of the county while acting in the performance of his or her duties.

O. Indemnification

Every Licensee must indemnify, hold harmless, and defending the county, its agents, officers, servants and employees and the board, and any other public agencies their agents, officers, servants and employees, from and against any and all losses, injuries, or damages of any nature whatsoever arising out of, or in any way connected with the outdoor festival or series of outdoor festivals.

P. Financial statements.

Each licensee shall be required to provide a financial statement to give assurance of the ability of the promoters or applicants to meet the conditions of the permit.

Q. Communication system.

The licensee shall be required to establish a communication system for public use where ordinary communications are not available.

R. Miscellaneous requirements.

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

5.12.130 License--Grounds for denial.

After holding the required public hearing, the board of county commissioners may deny issuance of a license if it finds any of the following:

A. That the applicant fails to meet the conditions imposed pursuant to this chapter;

B. That the proposed festival will be conducted in a manner or location not meeting the health, zoning, fire or building and safety standards established by the ordinances of the county or the laws of the state;

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

chapter;

D. That the applicant, his employee, agent or any person connected or associated with the applicant as a 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 the 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 place; or of selling obscene matter;
2. An offense involving lewd conduct;
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.

Where the application is denied, the clerk of the board of county commissioners shall mail to the applicant written notice of denial within fourteen days of the action, which notice shall include a statement of the reasons the application was denied. (Ord. 179 §10, 1970)

5.12.140 License--Revocation.

The board 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 the clerk of the board the fees prescribed by this chapter;

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

C. The licensee allows the festival to be conducted in a manner which violates any law or regulation established by the ordinances of the county or the laws of the state;

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 in this chapter. (Ord. 179 §12, 1970)

5.12.150 License--Emergency revocation.

Notwithstanding any other provisions of this section, the sheriff may issue an emergency order revoking a license when the sheriff believes that such action is necessary for the immediate preservation of the public peace, health, safety or general welfare. The emergency order shall set forth the grounds upon which it is based, including a statement of facts constituting the emergency necessitating such action. The emergency order shall be effective immediately upon issuance and service on the licensee or agent of the licensee. The licensee shall immediately cease operation of the outdoor festival.

5.12.160 License--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 clerk of the board of county commissioners 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 of county commissioners. The notice shall be mailed not later than ten (10) days prior to the date set for hearing. The board of county commissioner shall hear all interested parties and may revoke a license only for one or more causes enumerated by this chapter. (Ord. 179 §13, 1970)

5.12.170 Violations --Owners of Real Property.

- A. It is unlawful for an owner of any interest in real property to do any of the following:
1. Hold or conduct an outdoor festival on this property without first obtaining a license for the outdoor festival; or
 2. Knowingly and willfully admit a greater number of persons to the outdoor festival than is authorized by the license; or
 3. Knowing that a license is required, agree to let another person use the property for the purpose of holding or conducting an outdoor festival prior to the other person obtaining a license, and the other person thereafter holds or conducts an outdoor festival without having obtained a license; or
 4. Consent to the issuance of a license for another person to hold an outdoor festival and the other person admits a greater number of persons to the outdoor festival than is authorized by the license.
- B. The owner of real property shall be strictly liable, without any showing of an intentional act or omission on his part for all of the following:
1. Damages in an amount equal to all actual costs incurred by any public entity, including the county, providing extraordinary governmental services for the protection or preservation of the public peace, health or safety which are proximately caused by the holding or conducting of the event,
 2. Damages for any injury to property occurring to or on any other real property that are proximately caused by holding or conducting the outdoor festival.

5.12.180 Violations --Licensee, Employee Agents or Person Associated with the License

It is unlawful for any licensee, employee, agent or person associated with the licensee, to do any of the following:

- A. Conduct or operate an outdoor festival without first procuring a license to do so;
- B. Sell tickets to an outdoor festival without first obtaining a license;
- C. Operate, conduct or carry on any outdoor festival in a manner to create a public or private nuisance;
- D. Exhibit, show or conduct within the place of any outdoor 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 outdoor festival to cause or create a disturbance 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 an outdoor festival except where the consumption or possession is expressly authorized under the laws of the state;
- G. Knowingly allow any person at the licensed outdoor festival to use, sell or be in possession of any narcotic or dangerous drug while in, around or near a place of the festival.
- H. Fail to cease operation of an outdoor festival where an emergency order has been issued pursuant to section 5.12.150.

5.12.190 Remedies

- A. The county retains any and all civil remedies, including the right of civil injunction for the prevention of these violations and for the recovery of money damages therefore.
- B. No liability under this section shall attach to any public entity.
- C. The liability imposed by this section is in addition to any other liability imposed by statute, ordinance or judicial decision on any person.
- D. In addition to any other remedy, the county may enforce its permit requirements by bringing an action to enjoin any or all of the following:
 1. The holding of an outdoor festival, without a license;
 2. Ticket sales for, or advertising or promotion of, an outdoor festival prior to the

3. The threatened violation of a license requirement limiting the number of persons in attendance at an outdoor festival.

5.12.200 Penalty

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the Douglas County jail for a term not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000.00), or both such fine and imprisonment.

5.12.210 Divisibility

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held by a court of competent jurisdiction to be invalid such decision shall not affect the validity of the remaining portions of this chapter.

Adopted this _____ day of _____, 2009, by the following vote:

Vote:	Ayes: Commissioners	_____

Nays: Commissioners	_____

Absent: Commissioners	_____

Nancy McDermid, Chair
Douglas County Board of Commissioners

Attest:

Ted Thran, Clerk

This Ordinance is effective on the _____ day of _____, 2009.