

DEPARTMENT: Planning

By: Skip Strathearn  
Associate Planner

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes X No \_\_\_\_\_

Waive second reading and adopt ordinance amending Sections 8.28.030 and 8.28.032 of Chapter 8.28, Public Assemblages, of Title 8, County Health and Safety Code to allow consideration of public assemblages of over 2500 people through the conditional use permit process.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

First reading of ordinance waived and introduced on May 1, 2001

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: Not initiate amendments and leave language in the Chapter unchanged

NEGATIVE ACTION: Current text of this chapter provides no procedure through which a public assemblage in the county of over 2,500 persons can be allowed unless the event is an official county activity. This language would remain if not amended.

COSTS: ( X ) Not Applicable	
A. Budgeted Current FY	\$ _____
B. Total anticipated Costs	\$ _____
C. Required additional funding	\$ _____
D. Internal transfers	\$ _____
COSTS: ( ) 4/5th Vote Required	
A. Unanticipated revenues	\$ _____
B. Reserve for Contingencies	\$ _____
C. Source Description	\$ _____
Balance in Reserve Contingencies, If Approved:	
\$ _____	

**SPECIAL INSTRUCTIONS**  
List the attachments and number the pages consecutively:

Memorandum to Board with Attachment

Attachment 1 Proposed amendments to Chapter 8.28, Title 8  
County Health and Safety Code

Attachment 2 Proposed Ordinance

**CLERK'S USE ONLY**  
Res. No.: \_\_\_\_\_ Ord. No.: 965  
Vote - Ayes: 4 Noes: \_\_\_\_\_  
Absent: Parlier Abstained: \_\_\_\_\_  
 Approved  Denied  
 Minute Order Attached  No Action Necessary  
The foregoing instrument is a correct copy of the original on file in this office.  
Date: \_\_\_\_\_  
ATTEST: \_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board  
By: \_\_\_\_\_  
Deputy

**ADMINISTRATIVE OFFICER'S RECOMMENDATION:**  
This item on agenda as:

\_\_\_\_\_ Recommended  
\_\_\_\_\_ Not Recommended  
  j   For Policy Determination  
\_\_\_\_\_ Submitted for Comment  
\_\_\_\_\_ Returned for Further Action  
Comment: \_\_\_\_\_  
A.O. Initials:   ASD

## MARIPOSA COUNTY ORDINANCE NO. 965

### AN ORDINANCE AMENDING SECTIONS 8.28.030 AND 8.28.032 OF CHAPTER 8.28 ENTITLED "PUBLIC ASSEMBLAGES" OF TITLE 8 ENTITLED "HEALTH AND SAFETY"

**WHEREAS**, the Board of Supervisors has determined that public assemblages of over 2,500 people, that have not been adopted as official county activities, should be allowed to be considered for approval through the conditional use permit process;

**NOW THEREFORE**, the Board of Supervisors of Mariposa County does hereby ordain as follows:

**SECTION I:** Sections 8.28.030 and 8.28.032 of Chapter 8.28 entitled "Public Assemblages" of Title 8 entitled "Health and Safety" shall be amended to read in their entirety as follows:

#### **8.28.030 Prohibited activities.**

No person shall use any land, or erect, construct or use any building, structure or enclosure, for any activity involving the assemblage on any particular day of more than two thousand five hundred people including and not limited to, circuses, carnivals, festivals, concerts and races, except where such assemblage has been adopted by the county by action of the board of supervisors as an official county activity, or the applicant for such an assemblage has obtained a conditional use permit as approved by the Planning Commission in accordance with Chapter 17.112 of Title 17, Mariposa County Zoning Ordinance.

#### **8.28.032 Exemptions.**

The following shall be exempt from the requirement to obtain a public assembly permit:

- A. Public or private gatherings in existing facilities designed for such gatherings where adequate provisions for health, safety and public welfare have been made and approved by the county, provided such gatherings or assemblages do not exceed the capacity of such facilities as established by the county, and provided that the activities proposed therein do not otherwise violate the laws of the state and the ordinances and laws of the county. Any gathering in excess of two hundred fifty people on public property of the county requires the advance written permission of the county in order to qualify for this exemption;
- B. Public assemblages adopted by the county as official county activities;
- C. Public assemblages occurring entirely within the boundaries of Yosemite National Park on lands owned and controlled by the federal government;
- D. Public assemblages of over two thousand five hundred people on any land, or within structures or enclosures in the county on any particular day

Ordinance No.

for which a conditional use permit is required to be obtained through the process identified in Chapter 8.28.030 of this Title. For such assemblages, the conditional use permit process shall replace the public assemblage permit process.

**SECTION II:** This ordinance shall become effective thirty (30) days from date of final passage pursuant to California Government Code Section 25123.

**PASSED AND ADOPTED** on this 15<sup>th</sup> day of May, 2001 by the following vote:

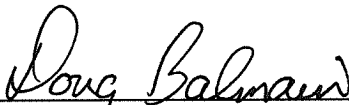
AYES: Balmain, Reilly, Stewart, Pickard

NOES: None

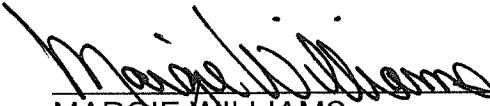
ABSTAINED: None

EXCUSED: Parker


NOT VOTING: None

  
\_\_\_\_\_  
Doug Balmain, Chairman  
Mariposa County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS,  
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFFREY G. GREEN,  
County Counsel