

COUNCIL AGENDA: MARCH 18, 2014

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE AND ENSPIRIT, INC. – FESTIVAL OF COLORS 5K RUN - APRIL 26, 2014

SOURCE: Finance Department

COMMENT: Porterville Chamber of Commerce and Enspirit, Inc., are requesting approval to hold a 5K run on Saturday, April 26, 2014, from 6:00 a.m. to 11:00 a.m. The run will start on Main Street, head north, turn east on Henderson Avenue then follow the Rails to Trails path, turn east towards Plano Street, ending at the Heritage Center. The runners will be splashed with different colors of powder. No street closures are requested.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce and Enspirit, Inc., subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B.

ATTACHMENT: Community Civic Event Application and Agreement, Street Route, Exhibit A, Exhibit B, Map, Outside Amplifier Permit.

D.D. MB Appropriated/Funded MB C.M. J Item No. 12

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569



APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? YES E-mail address? YES Website? YES

Application date: 28 FEB 14 Event date: 26 APR 14
3/7/14 @ 4:30PM Event time: 0600 - 1100

Name of Event: FESTIVAL OF COLORS RUN
(in partnership with Iris Festival)

Sponsoring organization: ENSPRIT, INC Phone # 791-8045

Address: 804A E WORTH AVE (MAILING) PO BOX 8123 PORTERVILLE 93258

Authorized representative: JENNA SALAZAR Phone # 783-9545

Address: 1967 W NANCY AVE PORTERVILLE 93257

Event chairperson: (SAME) Phone # _____

Location of event (location map must be attached): (PLEASE SEE ATTACHED)

START IN FRONT OF 410 N MAIN ST / FINISH @ HERITAGE CENTER

Type of event: 5K RUN/WALK

Non-profit status determination: PORTERVILLE CHAMBER 501(c)(6)

City services requested (fees associated with these services will be billed separately):

Barricades (quantity): 20 Street sweeping Yes _____ No X

Police protection Yes X No _____ Refuse pickup Yes X No _____

Other: WE WOULD LIKE TO UTILIZE POLICE FORCES FOR SOME TRAFFIC ASSISTANCE ALONG WITH VOLUNTEER FORCES.

Parks facility application required: Yes _____ No X Attached _____

Assembly permit required: Yes _____ No X Attached _____

STAFF COMMENTS (list special requirements or conditions for event):

Appr.	Deny		
_____	_____	Bus. Lic. Spvr.	_____
_____	_____	Pub. Works Dir	_____
_____	_____	Comm. Dev. Dir.	_____
_____	_____	Field Svcs. Mgr.	_____
_____	_____	Fire Chief	_____
_____	_____	Parks Dir.	_____
_____	_____	Police Chief	_____
_____	_____	Admin. Svcs. Dir.	_____

CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?


A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted **NO LESS THAN 30 days PRIOR** to the date of the event in order to obtain City Council approval.


City Code requirements:

- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.


Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. **When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured.** The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. **This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council's approval.**

 Authorized Representative Initials

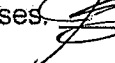
Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. **Claims-made policies are not acceptable.**

 Authorized Representative Initials

Health permit: Organization/Applicant **will obtain or ensure** that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

 Authorized Representative Initials

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

 Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

EWSARIT, INC. (Name of Organization)	 (Signature)	28 FEB 14 (Date)
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CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: FESTIVAL OF COLORS RUN

Sponsoring organization: ENSPRIT, INC.

Event date: 26 APR 14 Hours: 0600-1100

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed			
<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
N/A			
<u>Sidewalks</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
N/A			
<u>Parking lots and spaces</u>	<u>Location</u>		<u>Activity</u>
N/A			

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

PORTERVILLE CHAMBER OF COMMERCE
ENSPiRiT, INC.

FESTIVAL OF COLORS 5K RUN

APRIL 26, 2014

Finance Director:

M. Bemis

Public Works Director:

B. Rodriguez

Community Development Manager:

J. Phillips

Field Services Manager:

B. Styles

Barricades may be pickup and returned
at 555 N. Prospect St.

Fire Chief:

G. Irish

Parks and Leisure Services Director:

D. Moore

Please clean trail and Heritage Center
of any color and trash after the event.

Police Captain:

D. Haynes

See Conditions/Requirements for
Special Event in Exhibit B.

Administrative Services Director:

P. Hildreth

See attached Exhibit A, page 2.

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Chamber of Commerce/Enspirit, Inc.
Event: Festival of Colors 5 K Run
Event Chairman: Jenna Salazar
Location: Main Street
Date of Event: April 26, 2014
Time of Event: 6:00 a.m. to 11:00 a.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Chamber of Commerce and Enspirit, Inc provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, Successor Agency to the Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as Additional Insured against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

- a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- a. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A: VII, and the insurance company must be an 'admitted' insurer in the State of California.

Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

PORTERVILLE POLICE DEPARTMENT

Festival of Color Run – 4/26/14

Conditions/Requirements for Community Event

Your application to conduct/hold a community event has been received and approved pursuant to the following concerns and conditions:

1. Participants/Pedestrians must obey all traffic related laws.
2. Participants/Pedestrians must not interfere with or impede the normal flow of vehicle or pedestrian traffic.
3. Event organizers have requested a permit to use sound amplification equipment. Event organizers are encouraged to be mindful of residences in the area when utilizing sound amplification equipment between the hours of 10:00 p.m. and 07:00 a.m..
4. Event organizers should consider “follow up” vehicles that have first aid supplies, water, etc., so as to treat or pick up and transport any participant who becomes ill or is otherwise unable to complete the course.
5. At conclusion of event, event organizers shall ensure public areas are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling through this area.
6. Event organizers must contact Porterville Police Sergeant Rick Carrillo well in advance of the event in order to discuss police participation and other traffic related concerns. Sergeant Carrillo can be reached at 559-782-7408.

Dan Haynes, Captain
Porterville Police Department

EXHIBIT B

Route Summary

1. Stage and Start will be at 410 N. Main St.
2. Proceeding North on the West side of N. Main St. to the S/E corner of N. Main St. and Henderson Ave.
3. Continue East on the South Side of Henderson Ave. to the S/E corner of Henderson Ave. and 4th St.
4. At 4th St. Pick-up the Rails to Trails Path and follow South to all the way to Olive Ave. (Color will be sold at Henrahan St. and Putnam Ave. to apply in support of Runners.)
5. Cross Olive Ave. Navigate the dirt lot and Exit out onto Eastridge Cir.
6. Continue East on the South Side of Eastridge Cir. to the S/W corner of Plano Ave.
7. Continue South on the West Side of Plano Ave. to the S/W corner of E. Locust Ave.
8. Continue West on the South Side of E. Locust Ave. to the N/E corner of S. Wallace St.
9. Finish Line will be in the Heritage Center Dirt Lot.

CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)



This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

- 1 Name and home address of the applicant: ENSPIRIT, INC
801 A E WORTH AVE, PORTERVILLE 93257
- 2 Address where amplification equipment is to be used: 410 N MAIN (INSURICA) / HERITAGE CENTER
- 3 Names and addresses of all persons who will use or operate the amplification equipment: MEMBERS OF
ENSPIRIT, INC.
- 4 Type of event for which amplification equipment will be used: 5K RUN/WALK - FESTIVAL OF COLORS
RUN
- 5 Dates and hours of operation of amplification equipment: 26 APR 14 - 0730 - 1030
- 6 A general description of the sound amplifying equipment to be used: OUTDOOR PA SYSTEM 300 WATTS

Section 18-9

It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore; but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2)

Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

[Signature]
Signature of Applicant

26 FEB 14
Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

[Signature]
City of Porterville, Chief of Police Designee

3-11-14
Date