

PALM SPRINGS MUNICIPAL CODE
Chapter 5.75 EVENT HOUSES

5.75.010 Purpose and intent.

The city recognizes that there are houses and related residential facilities within the community that due to their location, design, size, or status as a home that may have been occupied by a celebrity or other famous person, are desirable for the staging of special events. The city allows such events to be staged in residential areas of the city so long as such events do not unreasonably interfere with the public health and safety of the residents or unreasonably endanger any property within the city.

It is the purpose and intent of this chapter to provide the means by which such events may be reasonably regulated to preserve the public health and safety, provide for the protection of property, and to maintain harmonious relations between the community or neighborhood and those engaged in such activities. (Ord. 1745 § 1, 2008)

5.75.020 Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

“Applicant” means the owner of the event house.

“City manager” means that person acting in the capacity of the city manager of the city of Palm Springs or the city manager’s designee.

“Event” means an occurrence or social occasion or other activity that involves a gathering of persons, including without limitation, a reception or party.

“Event house” means one or more residential dwellings, including either a single-family detached or multiple-family attached unit, or any portion of such a dwelling or the property, rented for occupancy for the purpose of staging an event.

“Event house permit” means the registration for an event submitted to the city pursuant to this chapter.

“Local contact person” means a local property manager, owner, or agent of the owner, who is available twenty-four hours per day, seven days per week for the purpose of responding within forty-five minutes to complaints regarding the condition, operation, or conduct of occupants of the event house, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this code.

“Owner” means the person(s) or entity(ies) that hold(s) legal and/or equitable title to an event house. The term “owner” includes any lessee of an owner who has an exclusive lease of the event house for a term of at least one calendar month.

“Property” means a residential legal lot of record on which an event house is located.

“Responsible person” means an occupant of an event house who is at least eighteen years of age and who shall be legally responsible for compliance of all occupants of the unit and/or their guests with all provisions of this chapter and/or this code.

“Remuneration” means any consideration of any kind, including without limitation money, services, or goods, of any kind or in any amount, but does not include reimbursements for actual clean-up costs. (Ord. 1745 § 1, 2008)

5.75.030 Permit required.

Except as otherwise provided in Section 5.75.040, it is unlawful for any person to stage an event at any property unless such person has first been issued an event

house permit from the city manager for such event. (Ord. 1745 § 1, 2008)

5.75.040 Exception.

The provisions of this chapter shall not apply to any event for which the owner does not receive any remuneration for an event or for the owner’s use of the owner’s property as an event house. (Ord. 1745 § 1, 2008)

5.75.050 Application for permit.

(a) Prior to each use of a property as an event house, the applicant shall submit a complete application to the city manager on an application form furnished by or acceptable to the city manager and signed by the applicant under penalty of perjury. Each application shall be filed at least sixty days prior to the proposed event and contain the following information:

- (1) The name, address, and telephone number of the owner of the unit for which the permit is to be issued;
- (2) The name, address, and telephone number of the agent, if any, of the owner of the unit;
- (3) The name, address, and twenty-four-hour telephone number of the local contact person;
- (4) The address of the residential property proposed to be used as an event house, a description of the event, date of the event, hours of operation including all pertinent operation descriptions including without limitation the setup and cleanup, a descriptive list of all activities proposed to be carried on as part of the event and the location of such activities, and a list of all facilities which applicant desires to use in conjunction with the proposed event;

(5) Evidence of a valid business license issued by the city for the separate business of operating an event house or similar business activity or submission of a certificate that owner is exempt or otherwise not covered by the city's Business Tax Ordinance (Division II, Title 3 of the Palm Springs Municipal Code) for such activity;

(6) Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of an event house;

(7) The applicant shall provide conclusive evidence that the applicant mailed or delivered written notice of the application to the all property owners shown on the last equalized county assessment roll and all occupants of each dwelling unit within three hundred feet of the proposed event house and to the office of neighborhood involvement of the city. Such notice shall have been commenced no more than fifteen days before, and completed no more than three days prior to, the submission of the application to the city manager. The notice shall include:

(A) The date, time, hours of operation, and a complete description of all activities for the event house as required to be submitted as part of the application pursuant to subsections (1) through (4) of this subsection,

(B) The name and twenty-four hour contact phone number of the local contact person for the property, and

(C) Direction that written comments regarding the event or the use of the property as an event house may be submitted to the city manager within twenty days of the date of the notice;

(8) Such other information as the city manager deems reasonably necessary to administer this chapter.

(b) The application shall be accompanied by a fee established by resolution of the city council, provided, however, the fee shall be no greater than reasonably necessary to cover the full cost incurred by the city in administering the provisions of this chapter.

(c) An application for an event house permit may be denied if an event house permit for the same unit and issued to the same owner has previously been revoked pursuant to this chapter or if the city manager determines that the applicant failed to provide the information required in this section or failed to provide the notice as required in subsection (a)(7) of this section.

(d) All information provided on an application for an event house permit shall be deemed public information and the owner and/or the applicant shall consent to the distribution of all such information in such manner or format as the city manager may determine appropriate, including posting on a city-sponsored web page. (Ord. 1745 § 1, 2008)

5.75.060 Application approval and conditions.

(a) The city manager shall review the application and shall circulate the application to such departments or agencies as the city manager deems appropriate for recommendation.

(b) Upon a determination by the city manager that the activities described in the application form, as may be reasonably conditioned or otherwise limited, do not pose a threat to the public health and safety and reasonably provide for the protection of property, the application may be approved. The city manager may impose such conditions to approval as are necessary or appropriate to make such a determination. If such a determination cannot be made, the application for an event house shall be denied. (Ord. 1745 § 1, 2008)

5.75.070 Issuance of permit.

(a) The city manager shall issue an event house permit to applicant upon the approval or conditional approval of the application for an event house permit, and after applicant has:

- (1) Procured general liability insurance in the amount of one million dollars combined single limit naming the city of Palm Springs as co-insured (this requirement may be waived by the city's risk management officer); and
- (2) Executed an agreement to indemnify, defend and save the city harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the issuance of such permit; and
- (3) Prepaid such costs as the city manager reasonably estimates will be incurred by city for the use of its personnel and facilities, with overpayments to be reimbursed and underpayments billed for payment to the applicant thirty days after the event.

(b) The permit shall be subject to the conditions of the approved application. (Ord. 1745 § 1, 2008)

5.75.075 Operational requirements and standard conditions.

(a) The owner shall use reasonably prudent business practices to ensure that the event house complies with all applicable codes regarding fire, building and safety, health and safety, and all other relevant laws.

(b) The owner or his or her agent, and/or the local contact person designated by the owner shall be available at the event house during all activities related to the set up and break down of the event and at all times during the event for the purpose of responding promptly to complaints regarding the condition, operation, or conduct of occupants of the event house.

(c) The owner shall use reasonably prudent business practices to ensure that the occupants and/or guests of the event house do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of the Municipal Code or any state law.

(d) Notwithstanding the provisions of Section 11.74.043, any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the

producing or reproducing of any sound shall be conducted within an enclosed event house.

(e) Prior to each event, the owner or the owner's agent or representative shall obtain the name, address, and driver's license number of the responsible person and shall require such responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance of all occupants of the event house or their guests with all provisions of this chapter and/or the Municipal Code. This information shall be readily available upon request of any officer of the city responsible for the enforcement of this chapter.

(f) The owner, or his or her agent, shall, upon notification that the occupants and/or guests of the event house have created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of provisions of the Municipal Code or any state law, shall promptly respond in a timely and appropriate manner to prevent a recurrence of such conduct by those occupants or guests. Failure of the owner or his or her agent to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the event house in a timely and appropriate manner, shall be grounds for imposition of penalties as set forth in this chapter.

(g) Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the collectors and between the hours of five a.m. and eight p.m. on scheduled trash collection days. The owner of the event house shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapter 6.04 of the Municipal Code (Waste Disposal and Diversion).

(h) The owner of the event house shall post a copy of the permit and a copy of the conditions set forth in this section in a conspicuous place within the event house.

(i) The owner shall provide each responsible person of an event house with the following information prior to occupancy of the event house and/or post such information in a conspicuous place within the event house:

- (1) The name of the managing agency, agent, rental manager, local contact person, or owner of the unit, and a telephone number at which that party may be reached on a twenty-four-hour basis;
- (2) The maximum number of occupants permitted to occupy the property during the event;
- (3) The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property;
- (4) Notification that the amplification of music outside of the event house unit is a violation of this chapter;
- (5) Notification that the occupant may be cited or fined by the city and/or immediately evicted by the owner pursuant to state law, in addition to any other remedies available at law, for creating a disturbance or for violating other provisions of this chapter;

(6) Notification that failure to conform to the occupancy requirements of the event house is a violation of this chapter.

(j) The use of an event house shall not violate any applicable conditions, covenants, or other restrictions on real property.

(k) The city manager shall have the authority to impose additional standard conditions, applicable to all event house units, as necessary, to achieve the objectives of this chapter. A list of all such additional standard conditions shall be maintained and on file in the office of the city clerk and such offices as the city manager designates.

(l) The standard conditions may be modified by the city manager upon request of the owner or his or her agent based on site-specific circumstances for the purpose of allowing reasonable accommodation of an event house. All requests must be in writing and shall identify how the strict application of the standard conditions creates an unreasonable hardship to a property such that, if the requirement is not modified, reasonable use of the property for an event house would not be allowed. Any hardships identified must relate to physical constraints to the subject site and shall not be self-induced or economic. Any modifications of to the standard conditions shall not further exacerbate an already existing problem. (Ord. 1745 § 1, 2008)

5.75.080 Reimbursement of costs to the city.

The applicant shall reimburse the city for all costs incurred by the city which result from the issuance of the permit and/or the activities authorized therein, including without limitation any costs for public safety services. (Ord. 1745 § 1, 2008)

5.75.090 Authority to promulgate rules and regulations.

The city manager is authorized to promulgate such rules and regulations as are necessary to realize the purpose and intent of this chapter and which are not inconsistent therewith. (Ord. 1745 § 1, 2008)

5.25.100 Violations.

(a) Any person who uses, or allows the use of, property in violation of the provisions in this chapter is guilty of a misdemeanor for each day in which such property is used, or allowed to be used, in violation of this chapter. Violations are punishable pursuant to Sections 1.01.140 and 1.01.150 and the administrative citation provisions of Chapter 1.06 of the Municipal Code, except that the fine for any violation shall be five hundred dollars for each violation.

(b) Notwithstanding the provisions of Chapter 1.06, any pre-citation or courtesy notice issued for violations specified in this section may provide for a reasonable compliance date or time of less than fifteen calendar days but at least thirty minutes from the date or the time the pre-citation notice is given if, due to the nature of the violation, a

shorter compliance period is necessary or appropriate, as determined in the reasonable judgment of the city official issuing the notice.

(c) If the applicant violates any of the conditions of approval, performs those activities described in the application for an event house permit in a manner that poses a threat to the public health and safety, endangers the preservation of property, engages in activities outside the scope of the activities described in the application, or fails to timely reimburse the city for costs incurred as provided in Section 5.75.090, the city manager may summarily deny, suspend, or revoke any current or pending event house permit.

(d) The remedies provided for in this section are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this code or other public nuisance. (Ord. 1745 § 1, 2008)

5.75.110 Appeal.

Any person aggrieved by an action taken by the city manager may appeal such action pursuant to the provisions of Chapter 2.50 of the Palm Springs Municipal Code. (Ord. 1745 § 1, 2008)