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La Mirada, CA Code of Ordinances

CHAPTER 21.100 TEMPORARY USE PERMIT

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21.100.010 Purpose.

The purpose of a temporary use permit is to regulate those uses and activities of a temporary nature which may affect the public peace, health, safety, and general welfare.

(Ord. 612 Exhibit A (part), 2008).

21.100.020 Applicability/permit requirement.

(a) A temporary use permit is required prior to the construction or operation of any facility or use associated with the following activities:

(1) The following activities may be permitted for a maximum period of four days within a ninety-day period at any one location for a given applicant.

- (A) Exhibits, demonstrations or sales of goods, equipment, merchandise or services.
- (B) Aircraft, helicopter, hot air balloon and parachutist demonstrations and landings.
- (C) Promotional events.
- (D) Halloween haunted houses.
- (E) Art and craft shows and exhibits.
- (F) Health and safety services, demonstration and training.

(G) Revivals.

(2) Patriotic, historic or similar displays or exhibits adjacent to commercial buildings, parking areas, or sidewalks and special outdoor holiday sales or displays may be permitted for a maximum period of fifteen days within a ninety-day period at any one location for a given applicant.

(3) Carnivals, circuses, fairs, rodeos, pony riding, or similar traveling amusement enterprises may be permitted for a maximum period of seven days or three weekends of operation within a one hundred eighty-day period at any one location for a given applicant.

(b) The community development director, upon consulting with the permit review board, may approve other similar temporary uses in accordance with the provisions of this chapter and title. Any request to exceed the specified time limits for temporary uses herein shall require a conditional use permit pursuant to Chapter 21.110.

(Ord. 612 Exhibit A (part), 2008).

21.100.030 Outdoor display.

Any outdoor display of goods associated with a temporary promotional or sales event shall comply with the outdoor display standards set forth in Sections 21.20.060 and 21.22.050.

(Ord. 612 Exhibit A (part), 2008).

21.100.040 Temporary use permit processing.

A temporary use permit application shall be submitted to the finance and community development department no less than forty-five days prior to the proposed commencement date of the temporary use. Within twenty days from receipt of a complete application, the permit review board shall approve, conditionally approve, or deny the temporary use permit application. No public hearing shall be required.

(Ord. 612 Exhibit A (part), 2008).

21.100.050 Findings and conditions of approval.

(a) Findings. A temporary use permit shall be granted only when the permit review board finds that the proposed activity complies with all of the following criteria:

(1) The temporary use or activity is in harmony with the various elements and objectives of the city's general plan;

(2) The temporary use or activity complies with all applicable standards of the zoning ordinance with respect to the location of the proposed activity;

(3) The temporary use or activity will not be detrimental to persons or properties adjacent to or in the vicinity of the proposed location of the activity; and

(4) Provisions for adequate traffic circulation, off-street parking and pedestrian safety have been provided and will be maintained during the operation of the use or activity.

(b) Conditions. The permit review board may impose such terms, conditions and restrictions upon the operation or conduct of the use or activity as deemed necessary or expedient to protect the public peace, health, safety, morals, or welfare of the citizens of the city. Such conditions may include a requirement for temporary fencing. A notice of decision with written record of findings and conditions shall be mailed to the applicant in accordance with provisions of Section 21.84.090.

(Ord. 612 Exhibit A (part), 2008).

21.100.060 Permit issuance.

An authorized signature of the community development director on the completed temporary use permit application form, along with applicable conditions, shall signify issuance of the permit. Such permit shall only become valid after the designated ten-day appeal period has expired.

(Ord. 612 Exhibit A (part), 2008).

21.100.070 Insurance deposit.

The permit review board may impose the following insurance conditions on any temporary use permit approval.

(1) Site clean up. A cash deposit may be required to ensure clean up of the site following the event. If the applicant fails to clean up the site to its original condition within seven days from the termination of the permit, the city may apply the applicant's deposit for the payment of all costs associated with site clean up.

(2) Liability. Liability insurance may be required in compliance with the city's insurance requirements in effect at the time of permit issuance. Such condition is mandatory if the temporary use or activity is conducted on public property.

(Ord. 612 Exhibit A (part), 2008).

21.100.080 Permit suspension.

(a) Immediate Suspension. Temporary use permits issued in accordance with provisions of this chapter may be immediately and permanently suspended for the protection of public health, safety, or welfare. If the city manager finds that the use is being conducted in a manner that constitutes an immediate threat to the public health, safety, or welfare, the temporary use permit shall be immediately suspended. Within twenty-four hours, the city manager shall serve a notice of suspension to the business address or location of the subject use. The notice shall identify the basis for suspension and opportunity to contest the suspension. The written request for hearing shall be submitted to the city clerk within two days from the notice date. If the suspension is contested, a hearing shall be scheduled with the city council at the next regularly scheduled city council meeting. Notice of the final decision shall be mailed to the permittee.

(b) Suspension Upon Notice. If the temporary use or activity is being conducted in violation of the permit conditions or there has been a material misrepresentation in the application, the city manager may provide written notice of the violation. The notice shall specify that immediate compliance is required, and that failure to do so within the time set forth therein will result in suspension of the permit. If the permittee fails to comply with the notice, the permit shall be suspended in accordance with the dates on the violation notice. The suspension is deemed permanent unless contested by filing a written request for hearing with the city clerk within two business days from the date of suspension. If the suspension is contested, a hearing shall be scheduled with the city council at the next regularly scheduled council meeting. Notice of the final decision shall be mailed to the permittee.

(Ord. 612 Exhibit A (part), 2008).