

CITY OF PORTERVILLE
291 N. MAIN STREET, PORTERVILLE, CA 93257
(559) 782-7457

APPLICATION FOR A CHARITABLE ORGANIZATION CAR WASH PERMIT

ALL APPLICATIONS MUST BE SUBMITTED TO THE FINANCE DEPARTMENT 5 WORKING DAYS BEFORE THE PLANNED EVENT

Name of organization (see attachment, page 3,C-1): _____
 Physical address: _____ City, State, Zip _____
 Mailing address, if different: _____ City, State, Zip _____
 Business telephone number: () _____
 Headquarters address (if applicable) _____
 Non-profit designation: _____ Tax ID number: _____
 Attach IRS determination letter (annual requirement)

Officers of the organization:

(Name)	(Address)	(Title)	(Telephone number)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Proposed event date: _____ Hours of operation of car wash: _____
Each application requires a letter from the event sponsor authorizing the proposed event and the use of his/her property.

Location of car wash: _____
 Name of event sponsor (see attachment page 3,C-2): _____
 Physical address of sponsor: _____
 Sponsor's telephone number: () _____
 Name(s) and address(es) of person(s) in charge of conducting car wash:

If this permit is granted, it may not be used or represented in any way as an endorsement of this charitable organization by the city or any department or officer thereof. If approved, this permit must be prominently displayed at the location where the car wash is conducted, must be removed at the completion of the car wash, and is only valid for the date specified in this application.

I declare under penalty of perjury that the above information is correct. Fees due: \$ _____
Attach receipt

 Signature of applicant Date submitted

OFFICE USE ONLY

Total number of car washes this calendar year (limit = 4): by this organization _____ by this sponsor _____

Approved	Denied	Reviewer's signature/initials	Special conditions
_____	_____	Business license _____	
_____	_____	Planning/zoning _____	
_____	_____	Engineering _____	
_____	_____	Fire _____	

ORDINANCE NO. 1669

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE VI, SECTIONS 15-70 THROUGH 15-170 TO CHAPTER 15, ENTITLED "CHARITABLE CAR WASH PERMIT PROCEDURE"

WHEREAS, the City Council of the City of Porterville has determined that there has been a proliferation of charitable car washes within the City; and

WHEREAS, due to the lack of regulation, these operations have had a detrimental effect on the city's environment due to the wastewater run-off, and on commercial car wash operations that must abide by City regulatory wastewater discharge requirements;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PORTERVILLE, AS FOLLOWS, TO WIT:

SECTION 1. That Article VI is hereby added to Chapter 15 of Porterville Municipal Code, as follows:

Chapter 15
Article VI

CHARITABLE CAR WASH PERMIT PROCEDURE

Sections:

- | | |
|--------|--|
| 15-70 | Definitions. |
| 15-80 | Permit required for charitable car wash. |
| 15-90 | Applications for permits. |
| 15-100 | Issuance and form of permits. |
| 15-110 | Term of permits. |
| 15-120 | Nontransferability of permits. |
| 15-130 | Manner of car wash. |
| 15-140 | Fund raising as a business. |
| 15-150 | Revocation of permit. |
| 15-160 | Violations. |
| 15-170 | Car washing as a business. |

15-70 Definitions.

For purposes of this chapter, the following definitions shall apply:

“Applicant” means a member of a charitable organization who applies for a car wash permit on behalf of the charitable organization.

“**Charitable** Car wash,” for the purposes of this Article, shall mean a temporary vehicle washing operation conducted by members of a **charitable** organization for organization fundraising purposes. It shall not be deemed to include the operation of an authorized permanent vehicle washing business or service station authorized to wash vehicles on its premises, although a car wash, as defined above, may be conducted on such premises.

“Charitable” means benevolent, civil, religious, educational, fraternal, patriotic, political, philanthropic or other similar purposes.

“Charitable organization” means and includes an organization which is a duly organized governmental or not-for-profit charitable, religious, civic, patriotic or community service organization; and the organization must have a Tax-exempt Identification number assigned to it.

“Permit holder” means the charitable organization who has been granted a permit pursuant to this chapter for the purpose of conducting a charitable car wash.

“Person” means any individual, firm, partnership, corporation, company, association, society, organization, church, congregation, assembly or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

“Religious” or “religion” has the meaning established by the Supreme Court of the state or the Supreme Court of the United States.

“Residential property” means a building designed for or occupied by one or more families as a residence including single-family residences, duplexes and apartments.

15-80 Permit required for charitable car wash.

A. It is unlawful for any person to engage, directly or indirectly, in a charitable car wash without first obtaining a valid charitable car wash permit pursuant to the provisions of this chapter.

B. The permit application shall include a written application to sponsor the charitable car wash by the owner or lessee of the property upon which the car wash is to be held.

C. The car wash permit issued under this chapter to a charitable organization must be prominently displayed at the location where the car wash is conducted and shall be removed at the completion of the car wash.

15-90 Applications for permits.

A. Applications for charitable car wash permits shall be made to the finance department upon forms prescribed by the city. The application shall be declared to under penalty of perjury and filed with the finance department not less than five consecutive business days prior to the time at which the applicant wishes to conduct said car wash.

B. A nonrefundable application fee an amount to be set by resolution shall be paid by the applicant. The application fee shall be based solely upon the administrative costs in processing the application and issuing the permits.

C. Such applications shall contain the following information and documentation:

1. The full name, mailing address, principal business and telephone number of the charitable organization or institution, the names and addresses of the organization's or institution's principal officers and executives, and the address of the national, state and local headquarters, if any;

2. The name and address of the sponsor, with a statement by the sponsor that he/she is the owner or lessee of the property where the car wash is to be held or is an employee or agent of the owner or lessee who has been delegated control of the premises by the owner or lessee, and that the sponsor assumes all liability regarding the car wash.

3. The full name and address of the person or persons who will be in charge of conducting the car wash. The names and addresses of each individual who will actually be engaged in the car wash shall be on file at the agency/organization conducting the car wash and shall be made available to the city police department upon request at any time;

4. The time when such car wash will be held, including preferred date and hours of the day for commencement and termination of the car wash;

5. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement of the charitable organization by the city or any department or officer thereof;

6. Proof evidencing that the permit holder is a bonafide charitable organization;

7. The number of car washes that have been held by the charitable organization in that particular calendar year, and the number of car washes that have been held at that particular location in that particular calendar year;

8. Such supplemental information requested by the finance department as the finance department may require. The finance department may require that such information be updated during the time the permit is in force if changes occur subsequent to filing of the application in the planned dates and locations for the charitable car wash.

D. If, while the application is pending or during the term of any permit granted, there is a change in fact, policy or method that would alter the information to be given on the application, the applicant shall notify the finance director in writing thereof prior to five p.m. the day before such change.

E. The application documents shall be available for public inspection.

15-100 Issuance and form of permits.

A. The finance department shall issue the permit, unless it finds that:

1. Any statement made in the application is factually incorrect, and the applicant fails to correct the application after being requested to do so;

2. The applicant has not provided the information required by this chapter and fails to provide the missing information after being requested to do so;

3. The application indicates that the proposed car wash will violate any of the requirements of this chapter and the applicant fails to amend the application to indicate compliance with said section after being requested to do so.

4. The number of charitable car washes by the charitable organization applying for said permit exceeds four in a calendar year, or the number of charitable car washes held at a particular location exceeds four per calendar year. The location requirement shall not pertain to licensed commercial car washes.

5. The applicant has violated any of the provisions of this Article within one year of the date the application is submitted, resulting in the imposition of a fine or the revocation of a prior permit.

B. Nothing set forth in this chapter shall be construed as granting to the finance department or any other person the authority to grant, deny, suspend, revoke or renew any permit by reason of disapproval or agreement with the philosophy, opinion or belief of the applicant, permit holder or person soliciting therefor, or for any other reason not specifically provided for in this section.

C. The finance department shall either issue or deny the requested permit within two consecutive business days after the date the application is made. In the event of denial, the finance department shall give the applicant a written notice which states with specificity the reasons therefor. In the event the finance department fails to act within the time prescribed, the permit shall be deemed issued.

D. The permit, if issued, shall include the following information:

1. The name and address of the permit holder;
2. The date for which the permit is valid;
3. A statement that the permit does not constitute an endorsement by the city, or any of its departments, officers or employees, of the purpose of the car wash;
4. A permit number; and
5. The signature of the finance director or his/her designee.

15-110 Term of permits.

Permits issued under this chapter shall be valid only for the date specified in the application for the car wash and as stated on the permit.

15-120 Nontransferability of permits.

No permit issued under this chapter shall be transferred or assigned, and any attempt at assignment or transfer shall be void.

15-130 Manner of car wash.

A. Car washes held pursuant to permits under this chapter:

1. Shall take place between the hours of eight a.m. and six p.m.;
2. Shall be conducted for a one-day period only;
3. Shall not be conducted by any person under the age of sixteen years, unless supervised by an adult;
4. Shall not be conducted at any house, apartment or other dwelling nor an area zoned for residential use only;
5. Shall be conducted in an area zoned for commercial uses; and such location shall have a means of collecting the wash water and shall discharge the water to the City sewer collection system.
6. Shall use biodegradable soaps or detergents, and shall not violate any of the provisions of Chapter 25, concerning wastewater discharge requirements;
7. Shall have a means in place to limit waste water or runoff such as pistol grip nozzle or similar apparatus affixed to each garden hose or water source;
8. Shall not allow any person to solicit cars or other contributions from a position in or on any public right-of-way, including but not limited to sidewalks, traffic islands, driveways or the like as to endanger that individual or others;

9. Shall not be conducted at any commercial property which has held 4 prior car washes in the calendar year (excluding licensed commercial car wash locations);

10. Shall take place at a distance of more than 25 feet from the street curb, or from the near edge of the travel lane or lanes of any uncurbed street or road.

11. Shall utilize temporary signs, if any signs are utilized, in compliance with the City's applicable regulations concerning temporary signs.

12. Shall not be conducted by a charitable organization which has held 4 prior car washes in the calendar year. Four applications per Tax-exempt Identification Number, and four permits per Tax-exempt Identification Number, will be allowed in the calendar year.

B. It is unlawful for a permit holder, as defined herein, to:

1. Refuse to provide their name and a copy of the permit issued under this chapter, if requested by City representatives;

2. Misrepresent their identity or the identity of the charitable organization conducting the charitable car wash for which he or she is an agent;

3. Misrepresent that the charitable car wash permit issued under this chapter is an endorsement by the city, or any department or employee thereof of the charitable car wash.

15-140 Fund raising as a business.

An organization in the business of fund raising (seeking a profit and paying its solicitors), even if engaged by a nonprofit organization, must comply with this code. If such an organization is soliciting on behalf of a nonprofit organization, the nonprofit organization shall obtain a permit pursuant to this Article.

15-150 Revocation of permit.

Any violation of this chapter by applicant or permit holder shall be cause for revocation of a permit issued pursuant to this chapter. Upon determination by an authorized representative of the City that a car wash is being conducted without a valid permit or in violation of the requirements of this Article, said unlawful activity shall cease immediately, and all person associated with said car wash shall be dispersed within one hour after the giving of said notice. Failure or refusal by the charitable organization and/or the owner/sponsor to cause a car wash in violation of these regulations to cease operations, after receiving such notification from the City official, shall constitute a separate violation of this article. Furthermore, any organization that violates this Article shall be ineligible for the issuance of a permit for a period of one year.

15-160 Violations.

Every person who, for himself or herself, or as the agent of another, commences, engages in or conducts car wash as provided in this chapter without procuring the permit as required under this Article or who fails to comply with the conditions of this Article shall be guilty of an infraction punishable by:


1. A fine not exceeding one hundred dollars for a first violation;
2. A fine not exceeding two hundred dollars for a second violation within one year; and
3. A fine not exceeding five hundred dollars for each additional violation within one year.

15-170 Car washing as a business.

This chapter is expressly limited to charitable car washes. Any person, corporation, business or other entity who wishes to hold impromptu or temporary car washes on a for-profit basis, must comply with all city, county and state licensing or permitting requirements and do not fall within this chapter.

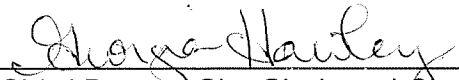
SECTION 2. This ordinance shall be in full force and effect thirty (30) days after its passage, adoption and approval.

ADOPTED, SIGNED AND APPROVED this 21st day of June, 2005.



President of the Council and
Mayor of the City of Porterville

ATTEST:



Chief Deputy City Clerk and Clerk
of the Council of the City of Porterville

STATE OF CALIFORNIA)
 CITY OF PORTERVILLE) (SS)
 COUNTY OF TULARE)

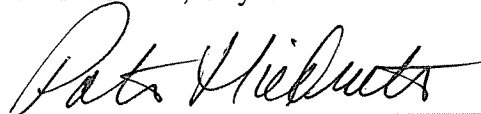
I, JOHN LONGLEY, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1669, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 21st day of June, 2005, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective on the 21st day of July, 2005, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

COUNCIL:	IRISH	MARTINEZ	HAMILTON	STADTHERR	WEST
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN LONGLEY, City Clerk



By: Patrice Hildreth, Deputy City Clerk