



Temporary Use Permit
(No Public Hearing Required)
Information and Submittal Requirements
Checklist

City of Indian Wells
Community Development Department
44-950 Eldorado Drive
Indian Wells, CA 92210
760.776.0229 (V) 760.346.0407 (F)
www.CityofIndianWells.org

TEMPORARY USE PERMIT

NO PUBLIC HEARING REQUIRED

TEMPORARY USE PERMITS. The purpose of a temporary use permit (TUP) is to regulate short term activities that are established for a specified period of time with the intent to discontinue the activity or use at the end of the designated time or regulate special events which may be approved when regulated. The applicable code section dealing with TUPs is 21.06.060 and should be consulted for complete information.

Some temporary uses are considered relatively routine and may be approved administratively by the Community Development Director, without the need for a full public hearing. Such short term uses subject to administrative review include:

- 1) Temporary Storage Bins/Construction Trailers. One (1) temporary trailer up to 8' X 16' and one (1) trash bin up to 40 cubic yards in size, shall be permitted on a construction site
- 2) Temporary tents
- 3) Fireworks shows (private)
- 4) Temporary construction parking
- 5) Bingo permits
- 6) Temporary office uses in existing buildings
- 7) Limited outdoor/indoor activities or uses that will be completely encompassed (including parking) within the premises of a gated community (i.e., golf course, golf course club house, private property or under common ownership) with a signed letter from the president of the Homeowners' Association that he/she agrees to the event; that the activity or use will be held no closer than one-hundred (100) yards from the boundaries of the gated community; that the activity or use will generate no nuisance factors such as but not limited to prevention of glare, or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, and gases; or requiring the review and approval of any other permit or application
- 8) Limited outdoor activities or uses that will be completely encompassed (including parking) within the premises of a hotel property that will generate no nuisance factors such as but not limited to prevention of glare, or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, and gases; or requiring the review and approval of any other permit or application

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- 9) Ancillary (Convenience) Facilities at the Village I Center - Ancillary (Convenience) Facilities shall be defined as tables/chairs provided outside for the convenience of patrons where no food or beverage service is provided, subject to the following requirements:
 - (i) No permit necessary for tables/chairs set-up for the convenience of patrons of the Village I Center. No waitress/waiter service shall be provided to outside tables. Tables/chairs are not limited to a specific business but for the entire Center
 - (ii) Tables/chairs shall be maintained in good condition and shall be located within the breezeway or patio area. The tables/chairs shall not block the walkway and shall provide a minimum four (4) foot wide unobstructed path through the middle of the breezeway for pedestrians
- 10) A proposed temporary use that is substantially unchanged from a previous temporary use approved after a prior public hearing which would be subject to the original conditions of approval. The Community Development Director may schedule a public hearing for the temporary use if the Community Development Director determines that there are significantly changed circumstances following the previous temporary use approval.
- 11) Sports Complex Temporary Uses. In a Sports Complex Zone, all events, activities or uses are subject to the issuance of a temporary use permit which shall be reviewed and issued administratively without a public hearing by the Community Development Director or referred to the Planning Commission for a public hearing. A temporary use permit shall not be required for events specifically exempted by a conditional use permit from obtaining a temporary use permit, or temporary use exempted by the Zoning Code.
 - (i) Temporary office use in temporary trailers
 - (ii) Temporary signs
 - (iii) Any similar activity, use or event which in the opinion of the Community Development Director may impact adjacent land uses or public facilities.

TEMPORARY USE PERMIT NO PUBLIC HEARING REQUIRED SUBMITTAL REQUIREMENTS CHECKLIST

- Documentation with owner's and applicant's signature.
- Application fee as per the current fiscal year fee schedule.
- Description of the temporary use including date, time, hours, and location.
- Location map of the temporary use and/or event as applicable.
- Environmental application is applicable.
- Insurance naming City of Indian Wells as additional insured.
- Completed admission tax information and finance clearance signature form.
- Other information as required per the request of the Community Development Director.

CITY OF INDIAN WELLS ADMISSION TAX INFORMATION AND FINANCE CLEARANCE SIGNATURE

The City of Indian Wells requires that an Admission Tax be collected on each admission charge to events in the City. The maximum levy is 10% of the admission charge to the event. Details on this Admission Tax and the process of collection are found in this document and any questions regarding the Admission Tax may be directed to the Finance Department at 760-346-2489. Thank you for your cooperation in working with the City to make events run smoothly and efficiently.

The following information relates directly to the Admission Tax and is taken from Municipal Code Section 3.14.020.

ADMISSION TAX. There is hereby imposed a tax ("Admission Tax") on each Admission Charge to any Event. The Admission Tax is a debt owed by the Patron to the City, which debt shall be extinguished only by payment to the Operator or to the City. The Admission Tax shall be in addition to all other taxes or fees imposed by law. The Admission Tax shall be a maximum of ten percent (10%) of the Admission Charge to an Event. Notwithstanding the maximum amount of the Admission Tax heretofore set forth, for calendar year 2006 the Admission Tax shall be five percent (5%) of the Admission Charge to an Event, and for calendar year 2007 and for each calendar year thereafter, the City Council is authorized to decrease by ordinance or resolution the Admission Tax, or to increase by ordinance or resolution the Admission Tax up to a maximum of ten percent (10%) of the Admission Charge to an Event. In order to decrease or increase the Admission Tax for any calendar year as permitted hereunder, the City Council shall do so on or before January 1 to take effect the following January 1.

Each Operator shall collect the tax imposed by this chapter from any Patron when he or she pays an Admission charge or purchases an Admission ticket or a multiple Event ticket. All taxes collected by Operators pursuant to this Chapter shall be held in a separate bank account in trust for the benefit of the City until payment thereof is made to the City.

EXEMPTIONS TO TAX. An application shall be filed with the Director for exemption from the tax imposed by this chapter if the charge paid for the Event is one specified by this section. The Director may require such information in the application for the certificate of exemption, or in addition hereto, as will enable the Director to determine whether the Admission Charge for which the exemption is sought is eligible therefore.

CITY OF INDIAN WELLS ADMISSION TAX INFORMATION AND FINANCE CLEARANCE SIGNATURE (Continued)

The following Admission Charges shall be exempt when approved by the Director:

Admission Charges for Events by bona fide non-profit organizations such as country clubs, social clubs, tennis clubs, governmental entities and schools;

Admission Charges paid by Event sponsors. Event sponsors shall mean persons who contribute goods, services or money towards the Event and who in return: receive a non-exclusive license to use the Event logo in conjunction with that person's own name or products; or who receive the right to name recognition as an official sponsor in the venue where the Event is held; or receive the right to identify itself as an official sponsor of the Event in advertising and promotional materials; or who are identified by the Event Operator in promotional materials as a sponsor if approved by the Director. Prior to the Event, the Operator shall submit to the Director a list of all sponsors. The list must be approved by the Director to receive an exemption.

CERTIFICATE. Prior to conducting, operating, or maintaining any Event which is subject to this chapter, each Operator shall register with the Director and obtain from him or her an "Admission tax collection certificate" to be at all times posted in a conspicuous place on the premises, or on file with the manager of the Facility.

DEPOSIT. Upon registration, a non-fixed Operator shall make an advance deposit with the Director equal to the estimated amount of the tax to be collected by the Operator as determined by the Director. In lieu of a cash deposit, an Operator may provide a letter of credit in accordance with the City's letter of credit standards as maintained by the Director.

City of Indian Wells Finance Department Review and Signature

_____ The proposed temporary use event is subject to the Admission Tax and said Tax must be collected according to the terms and conditions of Municipal Code Section 3.14.020.

_____ The proposed temporary use event is exempt from payment of the Admission Tax according to the terms and conditions of Municipal Code Section 3.14.020.

**Signature from Official Representative of
Finance Department of the City of Indian Wells**