

ORDINANCE NO. (O) 10-06

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY TOWN CODE CHAPTER 8, BUSINESS REGULATIONS, ADDING ARTICLE 8-3, SPECIAL EVENTS PERMIT; AND REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, on September 27, 1989, the Town Council adopted a certain document entitled "The Code of the Town of Oro Valley, Arizona"; and

WHEREAS, the Council desires to establish a process for permitting and regulating certain temporary special events permit activities conducted on public or private property when public safety is impacted; and

WHEREAS, the special events permit process will provide fair and reasonable regulations governing the time, place and manner in which a special event may take place in order to provide for the health, safety and welfare of the public; and

WHEREAS, the Council has determined that amending Chapter 8, Business Regulations, adding Article 8-3, Special Events Permit, is just and appropriate, and is found to be in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that the certain document, known as "The Oro Valley Town Code", Chapter 8, Business Regulations, is amended to add Article 8-3, Special Events Permit, as follows:

SECTION 1. Chapter 8, Business Regulations, of the Oro Valley Town Code is amended to add Article 8-3, Special Events Permit as follows, with additions in all CAPS and deletions in ~~strikethrough text~~:

Chapter 8 Business Regulations

ARTICLE 8-3 SPECIAL EVENTS PERMIT

SECTION 8-3-1 PURPOSE; DEFINITIONS

A. THE PURPOSE OF THIS ARTICLE IS TO ESTABLISH A PROCESS FOR PERMITTING AND REGULATING CERTAIN TEMPORARY ACTIVITIES CONDUCTED ON PUBLIC PROPERTY OR PRIVATE PROPERTY WHEN PUBLIC SAFETY IS POTENTIALLY IMPACTED. THIS CHAPTER IS ADOPTED PURSUANT TO THE AUTHORITY OF A.R.S. § 9-240, AS AMENDED, AND IS INTENDED TO PROVIDE FAIR AND REASONABLE REGULATIONS GOVERNING THE TIME, PLACE, AND MANNER

IN WHICH A SPECIAL EVENT MAY TAKE PLACE AND, IN DOING SO, PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC AND ASSIST THE TOWN AND ITS APPROPRIATE OFFICERS IN ENFORCING THE APPLICABLE PROVISIONS OF A.R.S. TITLE 9 AND TITLE 36.

B. FOR THE PURPOSE OF THIS CHAPTER, THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING.

1. "SPECIAL USE"

a. MEANS ANY COMMERCIAL FUNCTION WHICH:

- i. MAY OR MAY NOT COMPLY WITH THE UNDERLYING ZONING DISTRICT; OR
- ii. IS SEASONAL OR HOLIDAY RELATED; OR
- iii. IS THE TEMPORARY AND ATTACHED EXPANSION OF AN EXISTING COMMERCIAL USE; OR
- iv. IS PERMITTED UNDER THE ORO VALLEY ZONING CODE REVISED.

b. DOES NOT REQUIRE REVIEW AS A SPECIAL EVENT AS OUTLINED BELOW.

2. "SPECIAL EVENT"

a. MEANS ANY PUBLIC OR PRIVATE FUNCTION WHICH:

- i. REQUIRES TEMPORARY PARKING AREAS; OR
- ii. IS HELD IN A PUBLIC PARK OR ON PUBLIC RIGHT-OF-WAY; OR
- iii. HAS AMPLIFIED MUSIC OR VOICES WHICH CAN BE HEARD OUTSIDE OF THE EVENT LOCATION; OR
- iv. REQUIRES TEMPORARY TRAFFIC CONTROL TO PROVIDE FOR SAFE INGRESS OR EGRESS TO THE EVENT VENUE; OR
- v. REQUIRES A SPECIAL EVENT LIQUOR LICENSE; OR
- vi. REQUIRES TEMPORARY SANITATION FACILITIES; OR
- vii. REQUIRES THE INSTALLATION OF TEMPORARY STRUCTURES OR TENTS OF MORE THAN 120 SQUARE FEET; OR
- viii. HAS OTHER ADVERSE IMPACT ON PUBLIC HEALTH, SAFETY AND WELFARE.

b. SHALL NOT INCLUDE:

- i. SCHOOL FUNCTIONS AT SCHOOL FACILITIES, UNLESS SPILLOVER (AS DEFINED BELOW) IS ANTICIPATED; OR
- ii. ORDINARY AND CUSTOMARY EVENTS AT A VENUE DESIGNED TO ACCOMMODATE THEM.

3. "MAJOR EVENT" MEANS A SPECIAL EVENT THAT ALSO REQUIRES THE FOLLOWING:
 - a. EXTRA-DUTY LAW ENFORCEMENT OFFICERS OR OTHER SECURITY SERVICES ; AND
 - b. TEMPORARY TRAFFIC CONTROL.
4. "SPILLOVER" OCCURS WHEN PARTICIPANTS OF, OR SPECTATORS TO, A SPECIAL EVENT CONGREGATE ON, PARK, OR MOVE TO ANY PROPERTY OR RIGHT OF WAY NOT ASSOCIATED WITH THE EVENT VENUE.

SECTION 8-3-2 PERMIT REQUIRED

ANY PERSON WISHING TO OPERATE, MAINTAIN OR CONDUCT ANY ACTIVITY DEFINED IN SECTION 8-3-1 WITHIN THE TOWN MUST FIRST OBTAIN A PERMIT TO DO SO. NO PERMIT SHALL BE VALID UNLESS ALL PERMIT CONDITIONS HAVE BEEN MET AND FULFILLED. THE MAXIMUM NUMBER OF PEOPLE PERMITTED AT ANY EVENT WILL BE BASED UPON THE NATURE OF THE EVENT AND THE PHYSICAL CAPACITY OF THE SITE WHERE THE EVENT WILL TAKE PLACE.

SECTION 8-3-3 APPLICATION

AN APPLICATION ON FORMS TO BE PROVIDED BY THE TOWN IS REQUIRED FOR ANY SPECIAL EVENT IN ORO VALLEY. THE APPLICATION MUST BE SUBMITTED TO THE TOWN CLERK AT LEAST SIXTY (60) DAYS BEFORE THE FIRST DAY OF THE PROPOSED SPECIAL USE OR EVENT. APPLICATIONS FOR A MAJOR EVENT MUST BE SUBMITTED TO THE TOWN CLERK AT LEAST ONE HUNDRED AND EIGHTY (180) DAYS IN ADVANCE OF THE FIRST DAY OF THE PROPOSED MAJOR EVENT.

SECTION 8-3-4 GROUNDS FOR DENIAL

- A. AFTER REVIEWING THE APPLICATION MATERIAL, THE TOWN CLERK MAY DENY OR REVOKE THE ISSUANCE OF A PERMIT IF ANY OF THE FOLLOWING APPLY:
 1. THE APPLICANT HAS FAILED TO MEET THE PERMIT CONDITIONS IMPOSED.
 2. THE PROPOSED EVENT IS INTENDED TO BE CONDUCTED IN A MANNER OR LOCATION NOT MEETING THE HEALTH, ZONING, FIRE OR SAFETY STANDARDS ESTABLISHED BY RULES OR REGULATIONS OF THE TOWN, THE LAWS OF THE STATE OF ARIZONA OR RULES AND REGULATIONS ADOPTED BY ANY OF ITS AGENCIES.
 3. THE APPLICANT HAS MADE ANY FALSE, MISLEADING OR FRAUDULENT STATEMENT OF MATERIAL FACT IN THE APPLICATION FOR PERMIT OR IN ANY OTHER DOCUMENT REQUIRED PURSUANT TO THIS SECTION.
 4. THE APPLICANT, HIS OR HER EMPLOYEE, AGENT OR ANY PERSON ASSOCIATED WITH THE APPLICANT AS PARTNER, DIRECTOR, OFFICER, STOCKHOLDER, ASSOCIATE OR MANAGER, HAS BEEN CONVICTED IN A COURT OF COMPETENT JURISDICTION, BY FINAL JUDGMENT, OF AN OFFENSE:

- a. INVOLVING THE PRESENTATION, EXHIBITION OR PERFORMANCE OF AN OBSCENE PRODUCTION, MOTION PICTURE OR PLAY, AND/OR OF SELLING OBSCENE MATTER; OR
 - b. INVOLVING LEWD CONDUCT; OR.
 - c. INVOLVING THE USE OF FORCE AND VIOLENCE UPON THE PERSON OF ANOTHER; OR
 - d. INVOLVING MISCONDUCT WITH CHILDREN; OR.
 - e. AN OFFENSE AGAINST THE PROVISIONS OF ARIZONA LAW RESPECTING NARCOTICS AND DANGEROUS DRUGS, OR OF ANY EQUIVALENT OFFENSE UNDER THE LAW OF ANY OTHER STATE WHICH IF COMMITTED IN ARIZONA WOULD HAVE BEEN A VIOLATION OF THE ARIZONA STATUTORY PROVISIONS.
5. FOR ANY HEALTH, SAFETY AND/OR WELFARE ISSUES THAT WILL NOT BE REMEDIATED OR OTHERWISE ADDRESSED IN TIME FOR THE EVENT.
6. THE SCHEDULED DATE OF THE EVENT CONFLICTS WITH OTHER PREVIOUSLY SCHEDULED EVENTS SUCH THAT IT WILL RESULT IN AN UNDUE IMPACT ON THE TOWN'S RESOURCES AND STAFF.

B. IF THE APPLICATION IS DENIED, THE TOWN CLERK SHALL MAIL TO THE APPLICANT WRITTEN NOTICE OF DENIAL WITHIN 10 DAYS OF THE ACTION. THE NOTICE SHALL INCLUDE A STATEMENT OF THE REASON(S) THE APPLICATION WAS DENIED. THE APPLICANT MAY REQUEST A REVIEW OF THIS DENIAL BY THE TOWN MANAGER WHO WILL SCHEDULE A MEETING DURING WHICH THE APPLICANT MAY PRESENT EVIDENCE IN SUPPORT OF THE APPLICATION.

SECTION 8-3-5 VIOLATIONS, PENALTIES

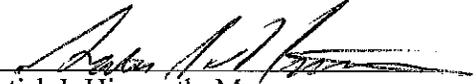
- A. FAILURE TO COMPLY WITH THE CONDITIONS OF A SPECIAL EVENT PERMIT SHALL BE A CIVIL OFFENSE.
- B. EACH VIOLATION OF ANY CONDITION OF A SPECIAL EVENT PERMIT SHALL CONSTITUTE A SEPARATE OFFENSE.
- C. A PERSON CONVICTED OF CONDUCTING A SPECIAL EVENT WITHOUT A PERMIT SHALL BE GUILTY OF A CLASS 2 MISDEMEANOR, PUNISHABLE IN ACCORDANCE WITH THE LAWS OF THE STATE OF ARIZONA.
- D. ANY VIOLATION CITED UNDER THIS SECTION SHALL ALLOW THE TOWN TO RECOUP ALL ADMINISTRATIVE COSTS ASSOCIATED WITH PROSECUTION OF THE VIOLATION IN ADDITION TO ANY IMPOSED FINES.

SECTION 2. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by Mayor and Town Council, the Town of Oro Valley, Arizona, this 7th day of July, 2010.

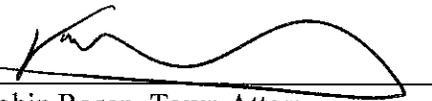
TOWN OF ORO VALLEY


Satish I. Hiremath, Mayor

ATTEST:


Kathryn E. Cuvelier, Town Clerk
Date: 7-12-10

APPROVED AS TO FORM:


Tobin Rosen, Town Attorney
Date: 7/7/10