

RESOLUTION NO. 2011-43

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED THE "TOWN OF FOUNTAIN HILLS SPECIAL EVENT REGULATIONS."

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That certain document entitled the "Town of Fountain Hills Special Event Regulations" dated November 3, 2011, of which three copies are on file in the office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills, Arizona, November 3, 2011.

FOR THE TOWN OF FOUNTAIN HILLS: **ATTESTED TO:**

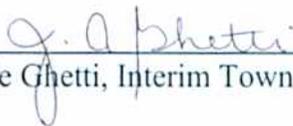


Jay T. Schlum, Mayor



Bevelyn J. Bender, Town Clerk

REVIEWED BY:



Julie Ghetti, Interim Town Manager

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney

TOWN OF FOUNTAIN HILLS SPECIAL EVENT REGULATIONS

November 3, 2011

8-3 SPECIAL EVENTS

8-3-1 Purpose and Intent

It is acknowledged by the Town Council that special events potentially enhance the lifestyle of the citizens of Fountain Hills and create unique venues for expression, entertainment and business that are not otherwise provided within the framework of the Town Code. The purpose of Article 8-3 is to establish an administrative process for permitting and regulating certain temporary activities conducted on public property or private property when public safety is impacted. This Article 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, protect the health, safety and welfare of the public.

8-3-2 Definitions

In this article, unless the context otherwise requires:

- A. "Block party" means the closure of a short cul-de-sac or a limited-portion of a two-lane local roadway for a period of less than six hours for the purpose of a neighborhood gathering.
- B. "Charitable nonprofit organization" means any person(s), partnership, association, corporation or other group or entity that is exempt from federal taxation and whose activities are conducted for unselfish, civic or humanitarian motives, or for the benefit of others, and not for political or commercial gain of any private individual or group, and may include, but shall not be limited to patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, church, athletic or medical activities.
- C. "Farmer's market", "bazaar days", "market days", "sidewalk sale", etc. means any outside retail activity on public property or on private property in a commercially zoned district that is temporarily extended beyond the permanent venue/site of day-to-day business.
- D. "Grand-fathered event" means an event that has annually occurred in the community for a period exceeding ten consecutive years and continues to provide a significant benefit to local organizations, clubs, associations, community groups and the community as a whole.
- E. "Holiday event" means an event that is related to a recognized holiday or seasonal event and includes the Thanksgiving Day Parade, the Sunrise Easter Service at Fountain Park, the July 4th celebration at Fountain Park, and the Holiday Lighting activities on the Avenue of the Fountains.
- F. "Special event" means any event that will take place on Town property, including but not limited to parks, open space, streets, sidewalks or rights-of-way, or on private property, and which by its nature could cause a significant disruption of pedestrians or vehicular traffic in the area and that requires traffic safety measures. An event is not a "special event" for the purposes of this article if all of the following are true: (1) the event that takes place on private property, (2) the event does not require the closure of any Town street, sidewalk or right-of-way, and (3) the event does not require any municipal services beyond the currently existing, permanent, in-ground infrastructure.
- G. "Special Event Committee" means the group of Town staff members designated by the Town Manager that is charged with (1) reviewing special event applications for compliance with the Town Code and (2) recommending special events for approval by the Town Manager. The Special Event Committee shall consist of, but not be limited to, at least one representative from

all of the following departments: Administration Department, Community Services Department, Development Services Department, Fire Department and Law Enforcement.

- H. "Sponsor" means the applicant, organizer, operator or principal agent who is responsible for all aspects of the special event's planning, implementation and conduct.

8-3-3 Permit Required

No person or entity shall engage in, participate in, aid, form or start any special event as defined in this article without first obtaining a special event permit issued by the Town. Failure to comply with this requirement will constitute a violation of Town Code.

8-3-4 Exemptions

The only exemptions to the special event permitting requirements of this article shall be:

- A. "Block parties" as defined in Section 8-3-2 of this article. Block party events are exempt from the special event process but do require the administrative approval of a right-of-way encroachment permit from the Town.
- B. "Farmer's market", "bazaar days", "market days", "sidewalk sale", as defined in Section 8-3-2 of this article. Said activity requires the application and issuance of a temporary use permit from the Development Services Department pursuant to the Town's Zoning Ordinance, Section 5.16.
- C. Garage sales, including carport and yard sales, so long as such sales are (1) carried on wholly within the property lines on which the dwelling unit is located, (2) held for the purpose of selling items that are primarily surplus to the residential use, (3) operated for not more than three consecutive days and held not more than four times within a calendar year at the same dwelling unit, (4) limited to the hours between 7:00 a.m. and 5:00 p.m. and (5) advertised using signage in conformance with the sign regulations as designated in Chapter 6 of the Zoning Ordinance for the Town of Fountain Hills.
- D. Construction activity within the public rights-of-way that has encroachment permits approved and issued by the Development Services Department.
- E. Holiday sales that are related to a state or nationally recognized holiday or seasonal event such as Christmas tree or pumpkin sales. Holiday sales must be set up and conducted in one location and obtain a temporary use permit through the Development Services Department.
- F. Fund-raising events held by charitable nonprofit organizations that meet the following criteria:
 - 1. The fund-raising event shall be carried on entirely within a building, or if outdoors, entirely within a clearly defined/designated piece of public or private property. If the fund-raising event involves outdoor activity, such activity shall be limited to six outdoor events per year per organization.
 - 2. All proceeds derived from the event shall go to one or more charitable nonprofit organization(s).

3. Adequate parking must be available for the fund-raising event. If outdoor events occupy more than 25% of the area normally used for parking, creating the need for off-site parking and the possibility of traffic or safety hazards, Town officials shall be notified to determine if Town services are required. If the Town Manager or authorized designee determines that Town services are required, the fundraising event shall be subject to a special event permit.
 4. Signs must comply with the sign regulations as designated in Chapter 6 of the Zoning Ordinance for the Town of Fountain Hills.
 5. If the fundraising event involves an activity that would typically require a temporary use permit under the Town's Zoning Ordinance, a temporary use permit must be obtained prior to the event.
- G. A governmental, educational or religious organization acting within the normal course and scope of its typical functions or activities.

8-3-5 Applications

- A. Applications for special event permits shall be made on forms furnished by the Town. Every application shall be accompanied by the appropriate application fee in an amount set forth in the Town's fee schedule, as adopted by the Town Council as part of the Town's annual budget or by separate resolution.
- B. If the event is designed to be held by or for any person other than applicant, the applicant for such permit shall file with the application a communication in writing from the person proposing to hold the event, authorizing the applicant to apply for the permit on his behalf.
- C. All applications for special events must be completed and submitted to the Town no less than 45 days prior to the event in order to be considered for scheduling on the special event calendar as outlined in Section 8-3-8 below.
- E. The application for a special event permit shall set forth, at a minimum, the following information:
 1. The name, street address, telephone number and email address of the person seeking to conduct the special event.
 2. If the event is to be conducted for, on behalf of, or by an organization or business, the name, physical address and telephone number of the headquarters of the organization, the names of the principal persons responsible for the organization, the federal tax ID number of the organization, and email addresses for the principal contacts of the organization.
 3. The name, physical address, work and home telephone numbers and email address of the on-site special event manager.
 4. The name, physical address, telephone number and email address of the promoter and sponsor of the event, if different than the applicant.

5. If the special event involves sponsorship or participation of a charitable non-profit organization, the organization's name, federal tax ID number or determination of tax exempt status, physical address, telephone number and email address.
6. The name of the special event and the location where the event is to take place. If the event is on private property, the property owner's name, telephone number, email address, and a written acknowledgment from the owner granting permission use of the property. If applicable, the location shall include the route to be traveled, the starting and termination points, and any closures of streets, sidewalks or rights-of-way requested. A site plan of the special event area must be included with the application.
7. A parking plan showing available parking that is adequate to accommodate the anticipated attendees of the event. If parking is to be on private property, written proof of permission of the property owner must be included with the application. Parking on the property must be adequate to serve any existing permanent uses as well as the special event use.
8. A description of the special event including activities, anticipated attendance, entertainment, and type of retail sales, if any. If there will be vendors, artists or concessionaires, supply a list including business names, owner names, booth numbers, addresses and Arizona state sales tax numbers. Any changes or additions shall be submitted to the Town prior to the end of the first day of the special event.
9. The date and hours when the special event is to be conducted.
10. The time at which persons participating in the event are expected to begin to assemble or set up for the event.
11. The approximate number of persons, vehicles and equipment, if any, that will be involved in the special event, including, without limitation, description of the vehicles or equipment. If animals are to be included in the event, the applicant must specify the types of animals to be included, the areas to be used as pens for the animals and any vehicles to be used for transporting the animals.
12. Information regarding the amount and type of advertising that will be done to promote the special event.
13. Information on specific features of the event including, but not limited to, tents, canopies, open flames and cooking, fireworks, temporary fencing, temporary structures, first aid services, port-a-johns, waste control, generators, carnival/amusement rides, lighting, signs/banners, and inflatables. Information should include the company name, physical address, contact name, telephone number and email address of each service provider. Event features may require inspection and/or special permits from building, engineering, fire, and/or health departments. The site of the event must be adequately served by utilities and sanitary facilities.
14. Description and location of Town infrastructure (i.e. electric and/or water) that will be needed for the special event.
15. A map and/or site plan clearly depicting the location of all signage, directional and/or promotional, that will be used in conjunction with the special event, as well as a plan for

ensuring that signage shall not be posted earlier than two weeks prior to the first day of the event and shall be removed within 48 hours following the event's conclusion.

16. Information on event security and emergency medical services including company names, physical addresses, contacts, telephone numbers, email addresses and scheduled hours personnel will be at the special event.
17. Information regarding the serving of alcohol, if any, at the event and copies of the appropriate state liquor licenses, where applicable.
18. An estimate of all non-permit fees anticipated in connection with the special event, as detailed in Section 8-3-6 of this Article. All applicable Town Departments shall review the application and recommend stipulations that must be met by the applicant, at his own cost, to insure the health, safety and welfare of the public. Each Town Department shall provide cost estimates for services to be provided in connection with the special event. These fees, where applicable, include but are not limited to, fees for law enforcement, traffic engineering services, field services, cleaning/damage deposits and building safety inspections.
19. A certificate of insurance naming the Town as an additional insured must be on file with the Town at least ten days prior to the start of the special event. Such insurance is to be in amounts determined necessary by the Town Manager, but in no event less than \$1 million combined single limit personal injury and property damage covering owned and non-owned auto liability, premise liability and comprehensive general, including product liability where indicated. An additional liquor legal liability policy, in an amount approved by the Town Manager, naming the Town as an additional insured, will be required for events serving liquor. Additional general liability insurance coverage, in an amount to be determined by the Town Manager, but in no event less than \$1 million per occurrence, is required from all carnival and amusement companies. All insurance shall be provided by companies licensed to do business in Arizona.
20. A certification statement including a liability release and indemnification agreement signed by an authorized agent. The statement shall include the applicant's acknowledgment that all transactions in the course of the special event are subject to any applicable Town, county and/or state sales tax and assurance that all event participants shall be notified regarding sales tax regulations.

8-3-6 Fees & Deposits

Any application for a special event, including special events held by charitable nonprofit organizations, will be subject to the applicable deposits and fees in amounts set forth on the fee schedule approved by the Town Council as part of the Town's annual budget or by separate resolution, as follows:

- A. A non-refundable application fee shall be submitted with each special event application. Applications received without the application fee will not be accepted. A commercial event sharing sponsorship with a charitable nonprofit organization shall not be exempt from the application fee set forth in this subsection.
- B. If an event application is approved by the Town Manager for inclusion on the special event calendar, the applicant shall deposit with the Town an amount of money equal to the estimate of all non-permit fees submitted with the application as specified in Subsection 8-3-5(E)(18) of this

Article. These fees may include but are not limited to law enforcement, traffic engineering, field services, cleaning/damage deposit and building safety. The purpose of said fees is to fully compensate the Town for any personnel, equipment and other Town-borne expenses relating to processing and accommodating a special event. Local charitable nonprofit organizations are exempt from depositing the non-permit fees except cleaning/damage deposits and rental fees, where applicable. The Town reserves the right to require charitable nonprofit organizations to obtain services such as law enforcement, security, emergency medical, traffic engineering, etc. to ensure that public safety standards are met. This exemption does not apply to commercial events sharing sponsorship with charitable nonprofit organizations.

1. Deposits pursuant to this subsection shall be paid to the Town not later than ten days prior to the special event. If the deposits and fees are not received within the specified time, the event will be administratively removed from the calendar and the special event will be canceled.
2. A post-event Town expenditure review shall be conducted to determine the Town's actual event-related expenses. Depending on the results of this review and subsequent reconciliation, the Town shall refund any monies received by the applicant in excess of the actual amount expended by the Town or shall invoice the applicant for any additional Town-incurred costs not covered by the estimated deposit.

8-3-7 Criteria for review and approval

A. The Special Event Committee shall make recommendations to the Town Manager regarding all special event applications. Special Event Committee recommendations must be completed and submitted to the Town Manager not less than calendar 20 days prior to the event in order to be considered for scheduling on the special event calendar. In the event that the Special Event Committee fails to act within 20 calendar days, the special event application shall be deemed denied and forwarded to the Town Manager pursuant to Subsection B, below. In order to recommend approval of an application, the Special Event Committee shall include, at a minimum, findings that each of the following criteria has been met:

1. The event provides for the participation of local non-profit organizations that significantly benefit from the special event and which, in turn, share those benefits with the community.
2. The special event is widely attended and supported by the Fountain Hills community.
3. The conduct of the special event, including street closures, detours and/or disruptions, will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location or route.
4. The nature, scope, location, and conduct of the special event are not reasonably likely to cause injury to persons or property or create a hazard to the health, safety and welfare of the public and the surrounding properties or land uses.
5. The special event is consistent and/or compatible with other uses permitted in the zoning district and with community interests.
6. The special event generates significant sales tax revenue for the Town of Fountain Hills to be used for community priorities.

7. The special event application has been thoroughly completed, all requirements therein have been satisfactorily met and application fees have been submitted to the Town.
 8. The conduct of the special event does not require the diversion of so great a number of Town staff to prevent normal service to the town or of law enforcement officers to prevent normal law enforcement protection to the Town.
- B. The Town Manager shall approve, approve with stipulations or deny the special event request within ten calendar days of receipt of an application from the Special Event Committee. In the event that the Town Manager does not approve, approve with stipulations or deny the special event within ten calendar days of receipt of a recommendation, the special event application shall be deemed denied.
- C. An applicant whose special event request is denied by the Town Manager may appeal to the Town Council for reconsideration. The Town Council shall approve, approve with stipulations or deny the special event request after consideration of same at a public meeting of the Town Council.

8-3-8 Event calendar

The following calendar is hereby established for special events:

- A. Throughout the year the Town Council shall receive and consider properly processed special event applications for inclusion on the major event calendar. The calendar will be for a one-year period commencing on January 1 and concluding on December 31.
- B. The event calendar shall include no more than 12 non-holiday events within each one-year period.
- C. Holiday events and grandfathered events shall automatically be scheduled on the major event calendar on their regularly scheduled dates. Inclusion on the calendar does not exempt the event sponsor from submitting a special event request and receiving the required approval.
- D. Two or more separate events may not occupy the same location on the same calendar day. Event organizers may coordinate and combine their events and jointly file a special event application. Each separate organizer shall comply with all requirements of the special event application.