

ORDINANCE NO. (O)16-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING ORO VALLEY TOWN CODE, CHAPTER 8, BUSINESS REGULATIONS, ARTICLE 8-3, SPECIAL EVENTS PERMIT, SECTIONS 8-3-1, PURPOSE; DEFINITIONS; 8-3-3 APPLICATION AND 8-3-4, GROUNDS FOR DENIAL; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on September 27, 1989, the Mayor and Council adopted Ordinance No. (O) 89-21, adopting that certain document entitled "Oro Valley Town Code"; and

WHEREAS, on July 7, 2010, the Mayor and Council adopted Ordinance No (O) 10-06, adopting that certain document entitled "Special Events Permit"; and

WHEREAS, the current Chapter 8, Business Regulations, Article 8-3, Special Events Permit, Sections 8-3-1, Purpose; Definitions; 8-3-3, Application and 8-3-4, Grounds for Denial, attached hereto as Exhibit "A" and incorporated by reference, is in need of updating to include special event use of parks and to allow the Economic Development Division to oversee the special event permit process; and

WHEREAS, the Town desires to amend Chapter 8, Business Regulations, Article 8-3, Special Events Permits, Sections 8-3-1, Purpose; Definitions; 8-3-3, Application and 8-3-4, Grounds for Denial.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that the certain document known as "Oro Valley Town Code, Chapter 8, Business Regulations, Article 8-3, Special Events Permits, Sections 8-3-1, Purpose; Definitions; 8-3-3, Application and 8-3-4, Grounds for Denial" is amended as follows:


SECTION 1. Chapter 8, Business Regulations, Article 8-3; Sections 8-3-1, Purpose; Definitions; 8-3-3, Application and 8-3-4, Grounds for Denial is amended to read as shown in Exhibit "A", with additions being shown in ALL CAPS and deletions being shown in ~~strikethrough text~~:

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parts of ordinances, resolutions or motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.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 the Mayor and Town Council of the Town of Oro Valley, Arizona, on this 7th day of December, 2016.

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

ATTEST:



Michael Standish, Town Clerk

Date: 12/9/16

PUBLISH: DAILY TERRITORIAL

DECEMBER 13, 14, 15, 16, 2016

APPROVED AS TO FORM:



Tobin Sidles, Legal Services Director

Date: 12/19/16

POSTED: 12/12/16 - 1/11/17

EXHIBIT "A"

Article 8-3
SPECIAL EVENTS PERMIT

Sections:

8-3-1 Purpose; Definitions

8-3-2 Permit Required

8-3-3 Application

8-3-4 Grounds For Denial

8-3-5 Violations, Penalties

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 AS DEFINED IN THE ORO VALLEY ZONING CODE REVISED 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. "PARK USE"

- A. MEANS ANY COMMERCIAL OR PRIVATE FUNCTION HELD AT AN ORO VALLEY OWNED PUBLIC PARK WHICH;
 - i DOES NOT EXCEED THE PARKING CAPACITY OF THE PARK; OR
 - ii IS NOT PUBLICALLY ADVERTIZED AS OPEN TO THE PUBLIC; OR

- iii EMPLOYS NO MORE THAN TWO PRE-AUTHORIZED FOOD VENDOR FOR FOOD SERVICES AT THE FUNCTION (SEE SECTION 8-6-2 FOR LICENSING); OR
- iv EMPLOYS OR OTHERWISE REQUESTS TO INSTALL NO MORE THAN TWO INFLATABLE CHILD PLAY DEVICE AT THE FUNCTION; OR
- v UNLESS OTHERWISE PROVIDED IN THIS SECTION, THE PARKS AND RECREATION DEPARTMENT IS REQUIRED TO EMPLOY THE EXPERTISE OF OTHER ORO VALLEY DEPARTMENTS TO APPROVE THE FUNCTION.

B. DOES NOT REQUIRE REVIEW AS A SPECIAL EVENT AS OUTLINED BELOW, MAY BE APPROVED UNDER THIS SECTION.

2 3. "Special event":

a. Means any public or private function which:

- i. Requires temporary parking areas; or
- ii. EXCEEDS THE PARKING CAPACITY OF THE FACILITY; OR
- ~~ii~~ iii. Is held in a public park or on public right-of-way; or
- iv. IS ADVERTISED AS OPEN TO THE PUBLIC; OR
- ~~iii~~ v. Has amplified ~~music or voices~~ SOUND which can be heard outside of the event location; or

~~iv~~ vi. Requires temporary traffic control to provide for safe ingress or egress to the event venue; or

~~v~~ vii. Requires a special event liquor license; or

~~vi~~ viii. Requires temporary sanitation facilities; or

~~vii~~ ix. Requires the installation of temporary structures or tents of more than one hundred ~~twenty (120)~~ (100) square feet; or

~~viii~~ x. Has other adverse impact on public health, safety and welfare.

b. Shall not include:

vi School functions at school facilities, unless spillover (as defined below) is anticipated.

~~vii Ordinary and customary events at a venue designed to accommodate them.~~

3 4. "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 5. "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.

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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~~ ECONOMIC DEVELOPMENT DIVISION at least ~~sixty (60)~~ ONE HUNDRED EIGHTY (180) days before the first day of the proposed ~~special use or~~ MAJOR SPECIAL event. Applications for a ~~major~~ SPECIAL event must be submitted to the ~~Town Clerk~~ ECONOMIC DEVELOPMENT DIVISION at least ~~one hundred eight (180)~~ SIXTY DAYS (60) days in advance of the first day of the proposed ~~major~~ SPECIAL event.

8-3-4 Grounds For Denial

- A After reviewing the application material, the ~~Town Clerk~~ ECONOMIC DEVELOPMENT DIVISION 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 remedied 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~~ ECONOMIC DEVELOPMENT DIVISION shall mail to the applicant written notice of denial within ten (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.

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