

ORDINANCE NO. 2015-04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF,
AMENDING THE FLAGSTAFF CITY CODE, TITLE 8, *PUBLIC WAYS AND
PROPERTY*, CHAPTER 12, *SPECIAL EVENTS*, PROVIDING FOR
SEVERABILITY AND AUTHORITY FOR CLERICAL CORRECTIONS, AND
ESTABLISHING AN EFFECTIVE DATE**

RECITALS:

WHEREAS, the City Council of the City of Flagstaff has determined that it is in the best interests of the City to amend the chapter of its City Code regarding special events to clarify the framework for regulating and permitting special events that occur in or on City controlled property such as parks and streets; and

WHEREAS, the City Council intends, by adopting the proposed amendments, to protect and promote the public health, safety, convenience, and general welfare of the citizens of the City of Flagstaff.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF
AS FOLLOWS:**

SECTION 1. In General.

The Flagstaff City Code, Title 8, *Public Ways and Property*, Chapter 12, *Special Events*, is hereby amended as set forth below (deletions shown as stricken red text and additions shown as underlined red text):

**CHAPTER 8-12
SPECIAL EVENTS**

SECTIONS:

- 8-12-001-0001 Definitions
- 8-12-001-0002 Special Event Permit ~~Required~~
- 8-12-001-0003 Special Event Rules and Regulations
- 8-12-001-0003 Permit Fees and Deposits
- 8-12-001-0004 Prohibitions

8-12-001-0001 Definitions

For the purposes of this Chapter, the following terms, phrases and words shall have the following meaning.

CITY ~~OWNED OR CONTROLLED PROPERTIES~~ PROPERTY means all land, facilities, parks, streets, street areas, sidewalks, and parking lots owned, leased, operated, maintained, or controlled by the City of Flagstaff.

FESTIVAL means a concert, fair, art show, community event, ceremony, carnival, observance, or other similar event.

PARADE means a march, procession, or other similar activity consisting of persons, animals, vehicles, or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street. A funeral procession is not a parade.

ORGANIZED means having a formal organization to coordinate and carry out activities.

PERSON means any person, firm, partnership, association, corporation, company or organization of any kind, public or private.

SPECIAL EVENT means: an outdoor FESTIVAL or PARADE taking place on CITY PROPERTY, or any other outdoor event taking place on CITY PROPERTY that may require for its successful execution City services over and above those routinely provided under ordinary circumstances or that requires the exclusive use of said CITY PROPERTY.

~~A.—Any organized public outdoor gathering or celebration involving the use of City owned or controlled properties that involves, but is not limited to, any of the following activities:~~

- ~~1.—Community events, celebrations, or observances;~~
- ~~2.—Dances accompanied by amplified music;~~
- ~~3.—Amplified Music or the use of a public address device;~~
- ~~4.—Dramatic productions;~~
- ~~5.—Athletic tournaments;~~
- ~~6.—Amusements, festivals or carnivals;~~
- ~~7.—Sale of merchandise, food or alcohol;~~
- ~~8.—Parades; organized walks, bicycle rides, runs or races;~~
- ~~9.—Distribution of food or alcohol to the public; or~~
- ~~10.—Exclusive use of City owned or controlled properties, or a portion thereof.~~

~~B.—Any private outdoor gathering or celebration involving the use of City owned or controlled properties that involves any of the following activities:~~

- ~~1.—Ceremonies or observances;~~
- ~~2.—Amplified music or the use of a public address device;~~
- ~~3.—Amusements, festivals or carnivals;~~
- ~~4.—Exclusive use of City owned or controlled properties, or a portion thereof.~~

~~C.—Any activity taking place on City owned or controlled properties which may require for its successful execution City services over and above that routinely provided under ordinary circumstances.~~

8-12-001-0002 Special Event Permit Required

A. Permit Required. ~~In addition to any other permits, licenses, taxes or requirements imposed by this Code, a~~ A permit shall be obtained from the City of Flagstaff Recreation Section's Office of Community Events before any person conducts a ~~special event~~ SPECIAL EVENT.

B. Permit Application. ~~Applications for a special event~~ Special Event ~~permit shall be made in writing on forms prescribed by the City of Flagstaff Recreation Section and~~ must be received within the time specified in the ~~Special Event Rules and Regulations. The required forms and Special Event Rules and Regulations are~~ on file in the Office of Community Events, ~~and can be found online at~~ <http://www.flagstaff.az.gov/index.aspx?nid=463> ~~on forms provided by the Recreation Section.~~

C. Permitting Criteria. All Special Event Permit Applications will be evaluated on the following:

1. Availability of CITY PROPERTY on requested date(s);
2. Whether the requested CITY PROPERTY is suitable for the event;
3. Whether the CITY PROPERTY requested can safely accommodate event without experiencing physical or resource damage;
4. Prior history of event and applicant;
5. For SPECIAL EVENTS that involve a street closure, requested street closures may be denied for the following reasons:

a. The nature of the event does not justify or require a street closure (street closures are intended to accommodate parades or other events that require the exclusive use of a street, as well as large-scale events that require additional space to ensure public safety);

b. Street closure would substantially or unnecessarily interfere with traffic;

c. Street closure would unreasonably impact business activities in the immediate vicinity of the closure;

d. Public safety personnel are not available at the date and time requested to facilitate the street closure;

e. Emergency services would be unreasonably inhibited in their ability to travel on and across public streets; or

f. Area requested to be closed is under construction or due to be under construction during time requested.

Nothing in this section shall authorize the City of Flagstaff to deny or revoke a permit based on the content of the expressive activities at the proposed event.

The City Recreation Section may attach reasonable conditions to any permit approval.

D. Grounds for denial: An application may be denied or revoked for any of the following reasons:

1. The application was not submitted timely (see Special Event Rules and Regulations for submittal deadlines);

2. The application does not include the required information, application fee, or security deposit;

3. The application contains material misrepresentations;

4. The applicant has previously violated the terms of a Special Event Permit issued to or on behalf of the applicant;

5. The applicant has on prior occasions damaged City property and/or has not paid in full for such damage;

6. A complete and fully executed application has already been submitted for the same time and place, and a permit has been or will be granted for the requested use or activities;

7. The proposed event would conflict with previously planned programs organized, conducted, or sponsored by the City and previously scheduled at or near the same time and place;
8. The proposed event would present an unreasonable danger to the public health or safety;
9. The proposed event would substantially or unnecessarily interfere with traffic and/or parking in the vicinity surrounding the event;
10. The event would likely interfere with the movement of emergency equipment and/or police protection in areas contiguous or in the vicinity of the event;
11. There would not, at the time of the event, be sufficient law enforcement and traffic control officers to adequately protect participants and non-participants from traffic related hazards in light of the other demands for police protection at the time of the proposed event;
12. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations concerning the sale or offering for sale of any goods or services;
13. The use or activity intended by the applicant is prohibited by law;
14. The requested date and location of the event conflicts with another event that has historical precedence.

~~C. Permits shall be issued to persons 18 years old or older by the Recreation Superintendent or his or her designee within a reasonable period of time following receipt of application, in accordance with this Chapter and the City Recreation Section's administrative policies.~~

E. Other terms and conditions.

1. Permits will only be issued to persons 18 years or older, and Ppermits for ~~special events~~ SPECIAL EVENTS at which alcohol is to be served ~~shall~~ will only be issued to persons 21 years old or older.
- ~~D~~2. Permits issued pursuant to this ~~S~~section must remain on-site during the permitted activity and ~~shown~~ made available upon request by City personnel.
- ~~E~~3. Functions ~~Events~~ shall ~~must~~ be confined to those parts of the ~~City-owned or controlled property~~ CITY PROPERTY assigned to the permit holder.

~~F4.~~ The City Recreation ~~Section-Superintendent, or his or her designee, shall will~~ send copies of applications and other pertinent material to other City departments/~~divisions~~ which might be affected by the proposed ~~special event~~ SPECIAL EVENT. Such departments/~~divisions~~ may recommend to the Recreation Section that a permit be issued only after the applicant has met, at his or her own ~~cost~~ expense, certain stipulations including, but not limited to, the following:

~~1a.~~ Hiring a stated number of security personnel;

~~2b.~~ Hiring a stated number of parking attendants;

~~3c.~~ Erecting security fencing or security barriers;

~~4d.~~ Providing sanitary facilities;

~~5e.~~ Hiring and providing for any and all traffic control devices and/or traffic personnel as recommended by the City of Flagstaff Traffic Engineer;

~~6f.~~ Applying for and receiving ~~all-~~ any other necessary permits and approvals;

~~7g.~~ Taking other measures to provide for fire protection or the health, safety, and welfare of the public;

~~8h.~~ Obtaining a certificate of insurance naming the City of Flagstaff as additional insured for a monetary amount to be determined by City of Flagstaff Risk Management;

~~9i.~~ Sign and submit a liability agreement prepared by the City;

~~10j.~~ Agreeing to pay for any unanticipated or unforeseen costs associated with the special event, including posting a performance bond if requested by the Recreation Section.

~~G5.~~ Continuous use of facilities by clubs, organizations and associations shall be permitted through a signed agreement which may be reissued as necessary at the discretion of the Recreation Superintendent or his or her designee. A permit issued pursuant to this paragraph shall not exceed one (1) year.

~~H6.~~ Activities sponsored or co-sponsored by the City shall have first priority in the use of any ~~City-owned or controlled properties~~ CITY PROPERTY.

47. Any request for a use not contemplated by this Chapter or by administrative policies, or denied by the Recreation ~~Superintendent Section~~, may be forwarded to the ~~Community Enrichment Services~~ Public Works Director who shall take the request before the City Manager for consideration.

48. Protest rallies, picketing activities, ~~or~~ and other such gatherings for the common purpose of exhibiting a public display of sentiment for or against a person or cause to exercise free speech rights under the First Amendment of the United States Constitution or Article II, Section 6 of the Arizona Constitution, shall be exempt from these permit requirements. Where a street closure is requested to conduct protesting and/or picketing activities, the organizer should contact the City of Flagstaff Police Department to request the street closure.

F. Time and notice of decision. The Recreation Section will provide a response to submitted applications within a reasonable period of time and in accordance with the timelines specified in the Special Event Rules and Regulations. A notice of denial or revocation will clearly set forth the grounds upon which the permit was denied or revoked and, where feasible, shall contain a proposal for measures by which the applicant may cure any defects in the application or otherwise procure a permit. Where an application is denied because the proposed event would conflict with another event that has or will be approved, the Recreation Section will propose an alternative location, if available for the same time, or an alternative time, if available for the same location.

G. Appeals. An applicant may appeal the denial or revocation of an application by submitting a written appeal to the Recreation Section's Office of Community Events within ten (10) days after issuance of the denial. Within five (5) days after receipt of the written appeal, or such longer period of time agreed to by the applicant, the appeal will be reviewed and a response will be provided by the City Manager or his or her designee, who shall be a Deputy City Manager. The decision to issue a permit or uphold the denial or revocation shall be based solely on the criteria set forth in this section.

8-12-001-0003 Special Event Rules and Regulations

A. Establishment of Rules and Regulations. The Public Works Director, or designee, shall have the authority to establish reasonable and necessary rules and regulations pertaining to the implementation of special events, in accordance with this Chapter.

B. Posting Rules and Regulations. The Special Event Rules and Regulations will be maintained on file in the Recreation Section's Office of Community Events and will be posted on the City of Flagstaff web page.

8-12-001-00034 Permit Fees and Deposits

- A. Permit fees shall be established by the Recreation ~~Superintendent~~ Section with approval from the Parks and Recreation Commission and City Council. All fees will be reviewed annually.
- B. All fees and deposits must be made prior to the date of the special event, unless other arrangements are made in writing with the Recreation ~~Superintendent or his or her designee~~ Section.

8-12-001-00045 Prohibitions

~~The following prohibitions shall apply to those activities requiring a special event permit:~~

- A. It is unlawful for any person to stage, present, or conduct ~~any SPECIAL EVENT special event~~ without first obtaining a permit pursuant to this chapter;
- B. It is unlawful for any person to participate in a SPECIAL EVENT special event for which the person knows a SPECIAL EVENT special event permit has not been issued;
- C. It is unlawful for any person in charge of, or responsible for the conduct of, a duly permitted SPECIAL EVENT special event to knowingly fail to comply with any term or condition of the special event permit.
- D. It is unlawful to intentionally hamper, obstruct, impede, or interfere with a permitted SPECIAL EVENT.

SECTION 2. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference 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.

SECTION 3. Clerical Corrections.

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 4. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY